

*For immediate release*

## **International human rights experts concerned about growing trend of arbitrary detention of foreign nationals abroad**

*Geneva, 26 June, 2019* – Yesterday, Cherie Blair CBE, QC hosted a high-profile discussion in Geneva to coincide with the 41st session of the UN Human Rights Council. The expert panel highlighted the increasing trend of business executives being arbitrarily detained and criminalisation of legitimate business activities.

Attendees from the diplomatic community, private sector, civil society and media heard about the high-profile case of Marsha Lazareva, CEO and Vice Chairman of KGL Investments. Ms Lazareva continues to face charges in Kuwait after being imprisoned and separated from her 4 year old son for 472 days. Her conviction, based on evidence that has since been proved to be forged, has been overturned and her sentence of 10 years imprisonment with hard labour has been quashed, yet her first witnesses were permitted to testify only three days ago.

The panel also examined case studies from around the world, including due process violations suffered by Carlos Ghosn in Japan.

Entitled “*Arbitrary Detention and the Risks of Conducting Business Abroad*”, the open-forum discussion saw contributions from prominent experts who discussed the increasing number of cases in which national judicial systems have been misused to target executives for the benefit of their rivals and opponents.

Panelists examined what businesses can do to stop their executives becoming collateral damage when states misuse their powers to back one side in a commercial dispute. They suggested how states can be encouraged to uphold fundamental human rights and overcome the temptation to arbitrarily detain those who threaten vested interests domestically, including the remedies and sanctions available when rights are violated.

Marsha Lazareva’s case has drawn international condemnation concerning the business environment for inward foreign investment in Kuwait generally, and the country’s treatment of foreign business executives in particular.

Panelists included:

- **Cherie Blair CBE, QC**, Founder and Chair of Omnia Strategy LLP, international human rights counsel for Marsha Lazareva;
- **François Zimeray**, former French Human Rights Ambassador-at-Large and counsel for Carlos Ghosn;
- **Mads Andenæs QC**, Professor, Barrister and former President Rapporteur of the UN Working Group on Arbitrary Detention;
- **Randa Fahmy**, internationally recognised expert in global government affairs and the Global Magnitsky Act.

The panel was moderated by BBC News World Affairs Editor John Simpson CBE.

John Simpson commented that *“the case of Marsha Lazareva is quite an appalling one”* and that *“the trial was absolutely outrageous in many ways”*.

Cherie Blair asked, *“how can we have Kuwait, as President of the Security Council, not upholding the very laws and values the UN is meant to be protecting?”* and remarked *“it shows that if you fall out with politically connected businesses, you may learn just how politically connected they are.”*

François Zimeray made the point that *“it is important that judges know they are being watched”* and that *“the hostage justice system is to humiliate the person in order to get a confession.”* He stressed it is important *“that the presumption of innocence does not get replaced by ‘no smoke without fire’.”*

Mads Andenæs commented that *“arbitrary detention has become a weapon for business... this is the new area where the worst transgressions are taking place – arbitrary detention has become a new way of ‘winning’.”*

Randa Fahmy said that *“Marsha and Saeed were collateral damage in a commercial business dispute”*, and discussed the possibility of the US using the Global Magnitsky Act to sanction *“bad actors”* in Marsha and Saeed’s case. Fahmy said that President Trump and Secretary of State Pompeo have been briefed on their case.

The event, held in Geneva on Tuesday, followed complaints to the UN Working Group on Arbitrary Detention and to the UN Special Rapporteur on the Independence of Judges and Lawyers requesting an investigation into the detention and treatment of Marsha Lazareva, filed by Omnia Strategy LLP on 23 May 2019 and 12 June 2019 respectively.

The international campaign in support of Marsha Lazareva and her co-defendant, Saeed Dashti, aims to build pressure on the State of Kuwait to respect the rule of law and ensure that justice is done.

#### **Notes to Editors:**

1. After serving a year of a 10-year sentence in prison on false allegations of embezzlement, Ms Lazareva’s conviction was nullified by the Kuwait Court of Appeal on 5 May 2019 which also ordered her release on bail. However, she remained in Sulaibiya jail until 12 June 2019 even though monies amounting to the bail had been paid into court.
2. On 27 May 2019, the Kuwait Court of Appeal convicted Hamad Al Alayan, a manager in the State Audit Bureau of Kuwait, and sentenced him to 6 months in jail for forging the documents used to charge Ms Lazareva. Mr Al Alayan fled Kuwait to avoid jail, and yet has now been released on bail having served no time in prison.
3. In advance of the June 23<sup>rd</sup> hearing, the legal team representing Marsha Lazareva filed a Request for Urgent Appeal with the United Nations Special Rapporteur on the Independence of Judges and Lawyers. The Appeal raised concerns about the independence and impartiality of certain judges, prosecutors and lawyers in her case.

4. On Sunday, 16<sup>th</sup> June, the Commercial Court of Appeal issued its verdict confirming the initial ruling of the Plenary Court, which ordered Kuwait Ports Authority (KPA) to pay to KGL Investment Company an amount of KWD 725,000 (US \$2.38 million), plus interest. The Court of Appeal confirmed that KPA had agreed without dispute at the time to pay the amount set in KGLI's initial proposal and invoice. The Commercial Court of Appeal ruled that KPA must pay the amounts due to KGL Investment Company.
5. Ms Lazareva has filed an investment arbitration complaint against Kuwait in connection with her imprisonment and arbitrary treatment by Kuwait as well as filing complaints with the United Nations Working Group on Arbitrary Detention (WGAD) and the UN Special Rapporteur on the Independence of Judges and Lawyers.
6. Marsha Lazareva and Saeed Dashti are represented by an international legal team assembled by Crowell & Moring in Washington DC and including Cherie Blair CBE, QC and her team at Omnia Strategy LLP, Jennifer Robinson of Doughty Street Chambers in London and Jonathan Worboys of 4 New Square Chambers.
7. The Kuwait Court of Appeal gave no formal verdict in Court after deciding to postpone the most hearing of Marsha Lazareva and Saeed Dashti on Sunday 23<sup>rd</sup> June. The next hearing is scheduled for 15<sup>th</sup> September 2019 where judgement on their case is expected.

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