

Marsha Lazareva appeals to the Paris Court of Appeal against the State of Kuwait

Paris, November 14th, 2022. Marsha Lazareva – the first woman to lead a major private equity company in Kuwait – has lodged an appeal at the Paris Court of Appeal to set aside an arbitration award in the dispute she brought against the State of Kuwait. For the first time, a French court will consider a dispute that has now been ongoing between the parties for more than 5 years.

In 2018, Ms. Lazareva filed an application with an international arbitration tribunal claiming that the State of Kuwait had violated her rights, including by subjecting her to a coordinated State campaign to undermine her freedom and reputation. The campaign involved, among other things, a series of false accusations made against Ms. Lazareva by the Kuwaiti authorities, which resulted in her prolonged arbitrary detention in degrading conditions and her conviction on the basis of sham trials.

The arbitral tribunal failed to rule on the merits of Ms. Lazareva’s case, instead declaring themselves to lack jurisdiction on the grounds that Ms. Lazareva had not exercised control over the investments she made. However, Kuwait had argued the exact opposite before the local courts, where Ms. Lazareva was sentenced to a total of 29 years of hard labour for alleged wrongdoing, an outcome which she has always strongly contested.

Her French lawyers, Zimeray & Finelle and Medici, will set out the serious reasons why the arbitral award refusing to consider their client's claims should be set aside. They will work closely with Cherie Blair CBE KC and her London-based firm, Omnia Strategy LLP, who successfully represented Ms. Lazareva before the United Nations’ human rights mechanisms. Indeed, in a scathing assessment against Kuwait (25 November 2020), the UN’s panel of arbitrary detention specialists, having considered Kuwait’s flimsy representations, determined that Ms. Lazareva's detention was **“unlawful and arbitrary”** and that **she had not received a fair trial**. The UN also expressed **“serious concerns about allegations of intimidation against Ms. Lazareva's lawyers”**, which were considered to be credible, and urged Kuwait to remedy her situation and provide Ms. Lazareva with compensation. Kuwait continues to ignore such calls, preferring to remain in ongoing breach of its obligations under international law.

François Zimeray said: **“Ms. Lazareva trusts French justice and her case is solid. This courageous woman has always protested her innocence. In Kuwait, where justice is in the hands of the government, she has never had a fair trial and has fought with her bare hands, alone against a patriarchy that has made her elimination a matter of pride”**. Marie-Laure Bizeau recalls the conditions under which the arbitration was conducted, which included Ms. Lazareva’s imprisonment and then having to take refuge with her child in the Russian embassy, while her lawyers were under threat.

Cherie Blair said: **“When first accused of wrongdoing in 2017, Marsha voluntarily returned to Kuwait from abroad to answer the spurious allegations. Ever since, Marsha has endured unimaginable abuse while fighting to clear her name and protect her young child. Our campaign continues as Marsha looks to the French courts to take an important step towards a just outcome”**.

Marsha Lazareva is currently still stranded in Kuwait with her 8-year-old son. According to Zimeray, **“this case is also the tragic fate of a businesswoman in a world of men, hostage to an absolute patriarchy. Marsha is the victim of years of judicial persecution at the hands of bad actors within the Government, where the facts did not matter, where everything was done to tarnish her image by absurd accusations, where she had to endure threats and was repeatedly denied her right properly to defend herself in court”**. Kuwait wants to attract investors and presents itself as a state that respects fundamental rights. Unfortunately, as Mr. Zimeray reminds us, **“the other face of Kuwait is lawyers being followed, witnesses being threatened, a country where travellers are warned that they can go to prison for a glance. In the kingdom of fear, convicts' necks are still broken and women are sent to hard labour”**.

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