



UPR Pre-Session on Kuwait

Presentation delivered by Lauren Lederle, Senior Associate, Omnia Strategy LLP

I. INTRODUCTION

(Slide 1)

1. Good morning. Thank you for the opportunity to speak today.

(Slide 2)

2. Omnia acts as **international human rights counsel for Marsha Lazareva**, a pioneering businesswoman who has been arbitrarily detained in Kuwait following unfair trials.
3. This is not merely our own analysis. The UN Working Group on Arbitrary Detention and the UN Special Rapporteur have issued clear findings on her case.
4. Likewise, INTERPOL deleted a Kuwaiti procured Red Notice against her due to human rights violations. Yet Kuwait refuses to acknowledge these decisions, and Marsha's ordeal continues.
5. This ongoing mistreatment has had – and continues to have – **profoundly harmful consequences for Marsha and her young son** as they remain confined in the Russian Embassy in Kuwait. They are unable to leave, their lives in limbo.
6. Marsha's case needs **urgent resolution**. I am here with Omnia's Chair, Cherie Blair CBE, KC, and our colleague, Emily Hampshire. We welcome this opportunity to **brief Missions on Marsha's case** and what it says about the steps Kuwait needs to take to match its human rights commitments to reality.

(Slide 3)

7. **In its previous UPR cycle, Kuwait made important commitments** to foster a culture of human rights.
8. However, 5 years on, the facts show that **these commitments remain unfulfilled**, with little sign of progress.

II. FAIR TRIAL RIGHTS AND JUDICIAL INDEPENDENCE

(Slide 4)

9. Despite constitutional guarantees, independent reports show that the Kuwaiti criminal justice system remains **vulnerable to manipulation by powerful individuals within the system.**
10. The Government's role in appointing, promoting, and disciplining judges undermines judicial independence and entrenches conflicts of interests.

(Slide 5)

11. As you can see on screen, the findings of UN special procedures support this conclusion.

(Slide 6)

12. The concerns are compounded by the criminal justice system's disproportionate targeting of marginalised groups – often in the name of defending political interests under the guise of national security or national honour.
13. To name three examples:
 - a. First, the Kuwaiti judicial system consistently disenfranchises foreign nationals, resulting in **severe disparities in legal treatment.**
 - b. Second, since 2022, Kuwait has increasingly targeted **LGBTI individuals. Many of those targeted are denied legal recourse, facing immediate deportation without a fair trial.**
 - c. Third, Bidoon communities, denied their citizenship despite being indigenous peoples, are also denied access to Kuwaiti courts.

(Slide 7)

14. Further, the **censorship laws and crackdowns on activists and critics** prevent meaningful scrutiny of the justice system, making it impossible to assess the full extent of legal violations.

15. It is telling that, while international NGOs have criticised these crackdowns, there were no Kuwaiti NGOs involved in Kuwait's last UPR cycle, and there are no Kuwaiti NGOs here today.

(Slide 8)

16. In the context of a criminal justice system that does not guarantee due process, securing a moratorium on **executions, which resumed in 2022, is critical.**
17. There are serious concerns that capital punishment may be imposed following **unfair trials, arbitrary detention, or politically motivated prosecutions.**
18. The UPR presents an important opportunity for us all to reflect and call on Kuwait to take the necessary steps to fulfil the promises it made in response to its last UPR.
19. We encourage Kuwait to take effective action to comply with its human rights obligations and demonstrate its commitment to respecting the dignity of *all* individuals within its jurisdiction.

III. REPRISALS

(Slide 9)

20. A confident State – and a State adhering to its human rights obligations – not only tolerates criticism but proactively protects those expressing dissent.
21. This is a key part of creating a “*culture of human rights*”, to which Kuwait committed in its last UPR cycle.
22. Regrettably, as I have outlined today, Kuwait continues to refuse to accept accountability or criticism but rather silences and punishes critical voices.
23. This repressive tendency extends beyond defendants in criminal proceedings, political activists and human rights defenders – it threatens any and every individual who might act or speak in defence of the rule of law or perceived ‘opponents’ of the State.

(Slide 10)

24. For instance, lawyers, both local and international, who raise concerns about judicial misconduct and human rights violations have faced direct **reprisals.**

(Slide 11)

25. This happened to us. For or our work speaking out for Marsha Lazareva, a Kuwaiti State entity attempted to intimidate us in the most brazen terms.
26. The UN Special Procedures intervened, and NGOs have recognised these acts as part of a troubling pattern of intimidation and judicial suppression.
27. The chilling effect this has is the polar opposite of a culture of human rights.

IV. COOPERATION WITH UN HUMAN RIGHTS MECHANISMS

(Slide 12)

28. We urge the States present here to press Kuwait, at the very least, to fulfil its commitments from the previous cycle, implement the recommendations of the UN human rights mechanisms, and build on those recommendations to substantiate its commitment to upholding its human rights obligations
29. This must include:
 - a. ***Acknowledging and accepting the findings of UN human rights mechanisms:*** Kuwait must engage constructively with international bodies rather than dismissing their conclusions. For example, the UN WGAD has called on Kuwait to remedy Ms Lazareva's situation without delay, including by protecting her rights, providing compensation, ensuring a full and independent investigation, and taking appropriate measures against those responsible for the violation of her rights. We repeat that call today.
 - b. ***Commission independent inquiries into cases of arbitrary detention:*** Every documented case of arbitrary detention should be thoroughly investigated, and those affected must receive remedies, including compensation and legal redress.
 - c. ***Ensure that fair trial rights are upheld in practice, not just in theory:*** The Kuwaiti Government must take concrete measures to protect due process and judicial independence, ensuring that courts serve justice rather than ulterior interests.

V. RECOMMENDATIONS

(Slide 13)

30. To this end we propose four recommendations for Kuwait's UPR, on screen now **and set out in our factsheet.**
31. Thank you.