

Draft:Kuwaiti videos affair

The **Kuwaiti videos affair** was a legal and political scandal that ran from 2013 to 2021 in which contested videos showing alleged wrongdoing on the part of a senior member of the House of Al-Sabah, the Kuwaiti Royal family, and an associate of his were circulated widely both in Kuwait and across the world on the internet.^[1] As well as being the subject of wide discussion in the world news,^[2] in academic publishing^[3] and involved litigation in the legal system of Kuwait, the courts of England and Wales, the courts of New York^[4] and the courts of Geneva.^[5] However the matter was not discussed in the Kuwaiti media after 2013.^[6] The veracity of the videos, which were highly defamatory of the individuals in them, was vigorously disputed but never ultimately resolved by an independent tribunal. The dispute was regarded as part of a power struggle between two rival members of the House of Al-Sabah, Sheikh Nasser Al-Mohammed Al-Sabah and Sheikh Ahmed Al-Fahad Al-Ahmed Al-Sabah, and aspects of the litigation remain underway to the present day, particularly in the High Court in London.^[7]

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History

After the death of Kuwaiti Emir Mubarak Al-Sabah in 1915, an informal convention arose that the Emiracy would rotate between the two branches of the Kuwaiti Royal Family that represented each of the the two sons of Mubarak Al-Sabah, Salem and Jaber. However this convention was not reflected in the Kuwaiti Constitution of 1962, reinstated in 1992 after the First Gulf War of 1990-1991 resulted in the expulsion of Iraqi troops from Kuwait.^[8] After the death of Kuwaiti Emir Jaber Al-Ahmad Al-Sabah in January 2006 and the prompt resignation of his successor the prior Crown Prince Emir Saad Al-Salim Al-Sabah just nine days later, Sheikh Nasser Al-Mohammed Al-Sabah was appointed Prime Minister under the new Emir Sabah Al-Ahmad Al-Jaber Al-Sabah, both members of the Al-Jaber branch of the House of Al-Sabah (as had been prior Emir Jaber Al-Ahmad Al-Sabah), thereby breaching the constitutional convention of rotation of senior political office between the two branches of the family.^[9] Political instability in Kuwait increased until the resignation of Sheikh Nasser Al-Mohammed Al-Sabah as Prime Minister due to corruption allegations in late 2011.^[10]

Sheikh Nasser Al-Mohammed Al-Sabah represented the Al-Jaber branch of the House of Al-Sabah while his political opponent Sheikh Ahmed Al-Fahad Al-Ahmed Al-Sabah represented the Al-Salim branch of the family. Sheikh Nasser Al-Mohammed Al-Sabah was replaced as

Prime Minister by Sheikh Jaber Al-Mubarak Al-Hamad Al-Sabah, another member of the Al-Jaber branch. This led to renewed political attacks by Sheikh Ahmed Al-Fahad Al-Ahmed Al-Sabah upon his opponent the former Prime Minister, including his circulating and commenting upon a series of videos allegedly showing Sheikh Nasser Al-Mohammed Al-Sabah, and his right hand Jassem Al-Karafi engaged in the following wrongful actions:^[11] plotting a coup d'état against the sitting Emir; banking with Iran; banking with Israel; and acts of sexual misconduct with minors.^{[12][13][14]} None of these allegations were ever corroborated by ancillary evidence.

Events Since 2015

After months of political turmoil and street protests, Sheikh Ahmed Al-Fahad Al-Ahmed Al-Sabah appeared on Kuwaiti national television in March 2015, reversing his prior position and apologising for his role in the videos affair and subsequently stepped aside from his position on the International Olympic Committee ^[15] Later in 2015, the Kuwaiti newspaper that had been supporting him in the videos affair was closed by the Kuwaiti government.^[16] Sheikh Nasser Al-Mohammed Al-Sabah then started legal proceedings in Geneva, asserting that the videos were forged.^[17] The entire court legal file has been placed on the internet for public viewing.^[18] The proceedings continued for seven years.^[19] Several Geneva lawyers, including Stoyan Baumeyer^[20], Thibault Fresquet^[21], Matthew Parish^[22] and Vitaliy Kozachenko^[23] were implicated.^{[24][25][26][27]} In 2020, it emerged that there had been two sets of videos; those the lawyers had seen and those that Sheikh Ahmed Al-Fahad Al-Ahmed Al-Sabah and his reportedly corrupt right-hand assistant Hamad Al-Haroun who had multiple INTERPOL warrants against him for fraud and forgery^[28] had seen but not revealed to the lawyers involved.^{[29][30][31][32][33][34]} In late 2020, Hamad Al-Haroun, the assistant to Sheikh Ahmed Al-Fahad Al-Ahmed Al-Sabah, started legal proceedings in London against some of the lawyers and English experts involved who had studied the videos they had been given by Mr Al-Haroun and Sheikh Ahmed, accusing those lawyers and experts of fraud and forgery^[35]. Those allegations were dismissed by the High Court in London in June 2021.^[36] In September 2021, the Geneva court found Sheikh Ahmed Al-Fahad Al-Ahmed Al-Sabah, Hamad Al-Haroun and three of the lawyers guilty of forgery.^[37] However they were not found guilty of forging the videos, but instead of forging underlying legal documents.^[38] Several grave procedural flaws by the Geneva court, including the defendants being unable to call witnesses and defendants being convicted of crimes they had not been charged with, have been raised.^[39]

Subsequent events

The matter became still more confused, when one of the lawyers sued Sheikh Ahmed Al-Fahad Al-Ahmed Al-Sabah and Hamad Al-Haroun for fraud in the English courts.^{[40][41]} In the meantime the same court in Geneva under the same composition and with the same prosecutor had bizarrely convicted one of the English lawyers involved for charges tantamount to espionage for his country against Russian interests; these proceedings remain underway.^[42] In the meantime an associated person in the United Arab Emirates has been sued before the English courts in relation to sexual offences.^[43] Nobody has been imprisoned subsequent to these various convictions; Hamad Al-Haroun has been granted asylum in the United Kingdom^[44] and Sheikh Ahmed Al-Fahad Al-Ahmed Al-Sabah apparently remains at liberty in Kuwait.^[45] It remains unclear what effect these various pieces of litigation and the associated political scandal has had upon the competition for succession to the Emiracy; but the integrity

of the Geneva courts was brought into disrepute by a report in Swiss publicly owned media that Sheikh Nasser Al-Mohammed Al-Sabah had paid a US\$1 million facilitation payment (i.e. bribe) to the Geneva public institutions in exchange for the Geneva courts and prosecutor to proceed with the legal action.^[46]

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