

Woman wins right to cover up in court: Muslim wears fullface veil in the dock for first time

- **22-year-old, from East London, faced charge of witness intimidation**
- **Judge Peter Murphy previously said she couldn't enter a plea until she removed her full-face veil to confirm her identity**
- **Yesterday at Blackfriars Crown Court he agreed to let female police officers who took custody pictures of her confirm her identity**

By Rebecca Camber, Crime Reporter



A Muslim woman was allowed to take to the dock while wearing a face covering veil yesterday

A judge yesterday allowed a Muslim woman to wear a full face veil in the dock for the first time. Peter Murphy stopped proceedings last month when she refused to lift her niqab to confirm her identity at a plea hearing. The 22-year-old woman, who is accused of witness intimidation, said she would not lower her full-face covering with men in the room.

She claimed it was against her beliefs to allow any man other than her husband to see her face. But district judge Murphy said that being unable to identify the defendant was contrary to the principle of open justice, which overrides religious belief.

He refused to let her submit a plea on the grounds that he had no way of knowing whether she was the person she claimed to be.

But, after the case was adjourned for legal argument this week the judge backed down, allowing her to enter a not guilty plea after she agreed to lift her veil in front of a female police officer in a room next to the court. This confirmed her identity.

Judge Murphy agreed to the proposal but he indicated that she may have to remove the full-face covering in front of the jury when the case comes to trial at Blackfriars Crown Court in November. The judge said he feared jurors would not be able to see the defendant's facial expressions, adding: 'I will not have the defendant dictating to the court how she wishes to appear.' Susan Meek, defending, argued that the right to wear a niqab was protected under Article 9 of the European Convention on Human Rights, which provides the right to freedom of religion.



Hearing: The woman, who appeared before Blackfriars Crown Court, pictured, was charged with witness intimidation.

In 2007, guidelines issued by the Judicial Studies Board urged judges to remain sensitive when asking defendants to remove veils, suggesting there should be 'no sense of obligation'. Yesterday's decision was welcomed by human rights charity Liberty.

James Welch, its legal director, said: 'Credit to the judge for taking time to produce a common-sense ruling that delivers both necessary identification and respect for the convictions of the defendant. 'These matters require balance and ongoing discretion, but the UK has a long history of tolerance and is capable of setting an important example to others in Europe and beyond.' The defendant, from Hackney, East London, cannot be named for legal reasons. She is facing an allegation of intimidating a witness in Finsbury Park in June.

In March last year a Muslim woman was barred from serving on a jury in an attempted murder trial because she refused to remove her veil.

The woman was about to take the oath when the judge intervened and summoned a replacement.

PREVIOUS CONTROVERSIES OVER MUSLIM VEIL

On Tuesday, Muslim students were banned from wearing religious veils into a college because of fears regarding security.

Teenagers at Birmingham Metropolitan College were told to remove any items of clothing covering their faces so they are 'easily identifiable at all times'.

The French caused controversy back in 2011 around the world when they moved to ban women from wearing the burkha in public.

Politicians moved to ban the veil because they argued it was a security risk and said it was a social hindrance.

The law - which sparked protests in Pakistan - was brought into effect in 2011 under the leadership of former French president Nicolas Sarkozy.

British politicians are also no stranger to controversy surrounding the burkha. In 2006, former Labour Foreign Secretary Jack Straw sparked outrage when he said he had ask Muslim women to remove their veils when talking to them in his constituency surgery. Three years ago Conservative MP Philip Hollobone tabled a private members' bill which would have made it illegal for anyone to cover their face in public.

However, the bill fell by the parliamentary wayside following claims that bringing in such a law could be in breach of the Equality Act.