



BSB MAKES UNPRECEDENTED APOLOGY TO KHAWAR QURESHI QC

The Bar Standards Board has issued an unprecedented apology to Khawar Qureshi QC for “significant errors and avoidable delay” in handling the dismissal of unfounded allegations made against him in respect of his role as lead Counsel in the *Djibouti v. Boreh* case in 2015.

The BSB Press Release in Full

This morning the BSB issued a press release which stated as follows:

“Three allegations were made against Mr Khawar Qureshi QC by another barrister in late April 2015, asserting that he had misled the court in the context of a case between the Republic of Djibouti v Mr Boreh, on either 11/12 September 2013 or 13th November 2014.

Khawar Qureshi QC, inter alia, referred to the observations of Flaux J at a 5 day hearing in March 2015 (which he had attended voluntarily to answer any questions) and the subsequent 83 page judgment (handed down on 23 March 2015), where the Judge had found that it was a partner in a law firm who had deliberately misled the Court.

Mr Qureshi observed, inter alia, that the allegations were not based on any evidence in addition to that which Flaux J had considered and referred to in his Judgment. He maintained that the Code of Conduct was not engaged and took the view that there was no duty on him to report but that, as a matter of honour, he made the self-report of the allegations for consideration on 13th May 2015.

On 6th June 2015, the first and second allegations were subject to an early recommendation by the BSB to dismiss them without a need for a formal investigation. The investigation of the third allegation was adjourned by the BSB until April 2016 because of factors external to Mr Qureshi. This allegation was also dismissed at the end of the investigation on 25 July 2016.

There are no outstanding proceedings against Mr Qureshi QC of any type and the BSB has no concerns about Mr Qureshi QC's conduct; he retains an entirely unblemished professional record.

The BSB has apologised to Khawar Qureshi QC for any distress or prejudice resulting from errors and delay on the part of the BSB prior to its dismissal of the allegations”.

A spokesperson stated:

“Khawar is pleased that the BSB finally acknowledged very serious errors and delay in its conduct. He hopes that no more Barristers are subjected to such treatment, and that, in future, the BSB will be more robust in protecting the reputation of Barristers. This is vital in the context of ever more aggressive litigation and the use of media for smear tactics.

He conveyed his concern to the BSB that the mere fact of a “self-report” – made out of a sense of honour, in circumstances where there is no basis whatsoever for an allegation – may be used to besmirch a barrister's reputation.

It is understood that this is the first time ever that the fact of a “self-report” was deliberately leaked to the press. The BSB has denied that it was responsible for the leak, and neither Khawar Qureshi QC nor anyone connected to him was responsible either.”

Senior commercial litigators have expressed concern at the potential for abuse of the BSB process to unfairly attack Barristers, unless the BSB adopts a stronger approach to ensure that there are “genuine and reasonable” grounds for complaints and to deal with improper or malicious leaking of information.

The BSB's Dismissal of the Allegations

As the BSB acknowledged, the allegations were advanced without any evidence additional to that which was considered and commented on by Flaux J.

The first and second allegation had been dismissed within 3 weeks on the basis that they could not “conceivably demonstrate” a breach of the Code of Conduct, and there was “no evidence of a potential breach” respectively.

The third allegation dismissed was made in the face of Flaux J having stated in March 2015 that he had “no doubt” Khawar Qureshi QC had behaved “entirely honourably” at a hearing before the same Judge on 13th November 2014.

Khawar Qureshi QC is a leading Commercial and International Law Silk who has been a Deputy High Court Judge since 2013. He was also Chairman of TheCityUK Legal Services Group from 2011 until 2015.