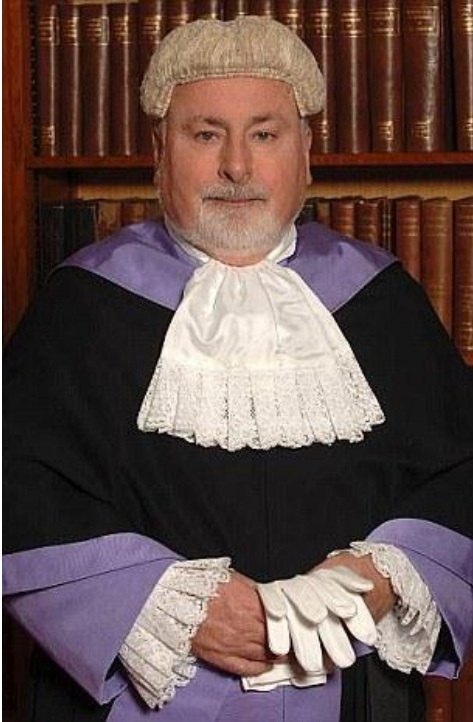


Judge orders Muslim woman to remove burkha during court appearance then bans her from entering plea after she refuses

- **Judge Peter Murphy said open justice overrides religious belief in court**
- **Woman, 21, said she cannot remove her veil in front of men at all**
- **Judge said there is a risk someone could pretend to be her in the dock**
- **Case adjourned so lawyers can argue whether the defendant must remove her veil**
- **Defendant, who cannot be named, is charged with intimidating a witness**

By Rob Cooper



Demand: Judge Peter Murphy said the Muslim defendant must remove her burkha in the courtroom because the principle of open justice overrode the 21-year-old woman's religious beliefs

A judge told a Muslim woman she must remove her burkha in court before she can enter a plea after she refused to reveal her face.

Judge Peter Murphy said the principle of open justice overrode the 21-year-old woman's religious beliefs, and warned there was a risk a different person could go into the dock pretending to be her. The woman, from Hackney, east London, who cannot be identified for legal reasons, appeared before Blackfriars Crown Court today charged with intimidating a witness. She said she cannot remove the veil in front of men because of her religious beliefs.

Judge Murphy told her: 'It is necessary for this court to be satisfied that they can recognise the defendant. 'While I obviously respect the right to dress in any way she wishes, certainly while outside the court, the interests of justice are paramount.

'I can't, as a circuit judge, accept a plea from a person whose identity I am unable to ascertain.' He added: 'It would be easy for someone on a later occasion to appear and claim to be the defendant. 'The court would have no way to check on that.'

Her barrister, Claire Burtwistle, told the court the woman was not prepared to lower her veil at all while men were in the room.

'In front of women, it is not an issue', she said. 'It is simply men that she will not allow to see her face.'



Hearing: The woman, who appeared before Blackfriars Crown Court, is charged with witness intimidation. The case has been adjourned for legal argument about whether she has to remove her burkha

Ms Burtwistle suggested herself, a female police officer or a female prison guard could identify the defendant and confirm to the court that it is the same person as in the police arrest photos.



Under the veil: The judge said there is a risk that if a Muslim woman was allowed to cover her face with a veil in court a different person could pretend to be her (file photo)

Prosecutor Sarah Counsell added that the police officer in charge of the case was content that he recognised the defendant while she was in the burkha.

But Judge Murphy rejected the suggestions, saying: 'It seems to me to be quite fundamental that the court is sure who it is the court is dealing with.'

'Furthermore, this court, as long as I am sitting, has the highest respect for any religious tradition a person has. In my courtroom also, this sometimes conflicts with the interests of a paramount need for the administration of justice. In my courtroom, that's going to come first.'

The judge added: 'There is the principle of open justice and it can't be subject to the religion of the defendant whether the principle is observed or not.'

'I am not saying this because of the particular form of dress by this defendant, I apply that to any form of dress that had the same issues.'

Judge Murphy adjourned the case for legal argument over whether the defendant should have to remove her veil. It will be heard again on September 12, when the defendant is expected to enter a not guilty plea and go to trial.

The defendant is alleged to have intimidated a witness, in Finsbury Park, north London, in June.

BATTLE OF THE BURKHA: PREVIOUS CONTROVERSIES OVER MUSLIM VEIL

The French caused controversy 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.