



The Law Society of
Upper Canada | Barreau
du Haut-Canada

March 5, 2015

King Salman bin Abdul Aziz Al-Saud
The Custodian of the Two Holy Mosques
Office of His Majesty the King
Royal Court, Riyadh
Kingdom of Saudi Arabia

Office of the Treasurer

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Your Majesty:

Re: The arrest, continued detention and severe punishment of human rights lawyer Waleed Abu Al-Khair

I write on behalf of The Law Society of Upper Canada* further to our letter of 6 October 2014, to voice our continued concern over the arrest, detention and severe punishment of Waleed Abu Al-Khair. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Waleed Abu al-Khair is a prominent human rights lawyer, activist, and the founder and director of Monitor for Human Rights in Saudi Arabia. He was awarded the Olof Palme Memorial Fund Prize in 2012 for his work.

In our letter of 6 October 2014, the Law Society expressed concern about reports that Waleed Abu al-Khair had been arrested, detained and subsequently sentenced to imprisonment as a result of engaging in legitimate human rights work.

The Law Society presently writes to voice its continued deep concern as a result of reports that on 12 January 2015, Waleed Abu al-Khair's sentence was upheld upon appeal by the Specialized Criminal Court in Riyadh. The judge ordered that Waleed Abu al-Khair must serve the full 15 year prison sentence because he has refused to apologize for his offences.

It is reported that Waleed Abu al-Khair is being detained in the Briman prison in Jeddah. He has stated that he has been physically and psychologically tortured during his detention. Reports also indicate that Waleed Abu al-Khair has been denied access to medical care and to dietary accommodations required to manage his diabetes.

The Law Society notes that the *Universal Declaration of Human Rights* under Article 3 gives everyone the right to life, liberty, and security of person. Waleed Abu al-Khair has the right to access medical care and to be provided with dietary accommodations for his medical condition.

The Law Society is deeply concerned about situations where lawyers are targeted in the legitimate exercise of their duties. As a current member of the UN Human Rights Council, Saudi Arabia

should be aware of international human rights instruments, including the *Universal Declaration of Human Rights*, which state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations' Basic Principles on the Role of Lawyers* states "governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics". Article 18 states "lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Saudi Arabia to:

- a. release Waleed Abu al-Khair immediately, as he is a prisoner of conscience;
- b. guarantee in all circumstances the physical and psychological integrity of Waleed Abu al-Khair;
- c. provide Waleed Abu al-Khair with regular access to his lawyer, family, his physician and adequate medical care;
- d. guarantee all the procedural rights that should be accorded to Waleed Abu al-Khair, and other human rights defenders in Saudi Arabia;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct or ill-treatment in the arrest, detention, and sentencing of Waleed Abu al-Khair, in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- f. guarantee that adequate reparation would be provided to Waleed Abu a-Khair if found to be a victim of abuses;
- g. put an end to all acts of harassment against Waleed Abu al-Khair, as well as other human rights defenders in Saudi Arabia;
- h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor

Treasurer

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 7,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

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Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales