



The Law Society of
Upper Canada

Barreau
du Haut-Canada

October 6, 2014

King Abdullah 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

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

tel 416-947-3415
fax 416-947-7609

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* to voice our grave concern over the case 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. Mr. al-Khair was awarded the Olof Palme Memorial Fund Prize in 2012 for his work.

On 4 October 2013, Saudi authorities arrested Mr. al-Khair for hosting a weekly discussion group for reformists. Reports indicate that he was brought before the Specialised Criminal Court in Riyadh on 6 October 2013, facing a number of charges, including "breaking allegiance to and disobeying the ruler", "disrespecting the authorities", "offending the judiciary", "inciting international organisations against the Kingdom" and "founding an unlicensed organisation."

Reports indicated that, on 29 October 2013, a different criminal court in Jeddah sentenced him to three months in prison on similar charges. On 6 February 2014, the Court of Appeal upheld that sentence and conviction.

Mr. al-Khair was then reportedly detained on 15 April 2014 for "criticising and insulting the judiciary", "assembling international organisations against the Kingdom", "creating and supervising an unlicensed organisation, and contributing to the establishment of another", and, "preparing and storing information that will affect public security." On 6 July 2014, the first instance Specialised Criminal Court in Jeddah sentenced Mr. al-Khair to 15 years in prison, a 15 year ban on travel, and a fine of 200,000 Saudi riyal.

The Law Society is aware that the U.S. Department of State has expressed its concern over the duration of the sentence, travel ban, and steep fine. There are also several well-known

international organizations that maintain that the charges are 'trumped up', and are punishing peaceful activism. There are additional concerns, that Mr. al-Khair is the only human rights defender in Buraiman prison. There are reports that the nature of his detention amounts to ill-treatment and is in violation of the UN *Convention of Civil and Political Rights* as well as the UN *Standard Minimum Rules for the Treatment of Prisoners* in section 8 (c) which states that 'Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence.'

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 and family;
- 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 6,000 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:

Dr. Mohammed bin Abdulkareem Al-Issa
Minister of Justice of the Kingdom of Saudi Arabia
University Street, Riyadh 11137
Saudi Arabia

HRH Prince Saud Al-Faisal bin Abdulaziz Al-Saud
Minister of Foreign Affairs of the Kingdom of Saudi Arabia
Nasseriya Street, Riyadh 11124
Saudi Arabia

His Excellency Ambassador Naif Bin Bandir al-Sudairi
The Royal Embassy of Saudi Arabia
201 Sussex Drive
Ottawa, ON, Canada

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

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

Nicholas Fluck, President, The Law Society of England and Wales