

## Public Statement

### **The Law Society of Upper Canada expresses grave concern about the arrest, ongoing detention, and severe sentence of Waleed Abu al-Khair in Saudi Arabia**

Toronto — The Law Society of Upper Canada is gravely concerned about the arrest, ongoing detention, and severe sentence of lawyer Waleed Abu al-Khair in Saudi Arabia.

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.

*\*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.*

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