



December 9, 2014

The Law Society of
Upper Canada

Barreau
du Haut-Canada

King Abdullah Bin Abdulaziz 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
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Toronto, Ontario
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Your Majesty,

tel 416-947-3415
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**Re: sentencing of lawyers Abdulrahman Al Rumaih, Abdulrahman Al Subaihi
and Bander Alnogaithan**

I write on behalf of The Law Society of Upper Canada* to voice our concern over the case of lawyers Abdulrahman Al Rumaih, Abdulrahman Al Subaihi and Bander Alnogaithan. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

The Saudi Press Agency reported that, on 27 October 2014, three unnamed Saudi lawyers, were sentenced by a court in Riyadh to prison terms between five to eight years for criticizing the Ministry of Justice on Twitter. Other sources indicate that the names of these lawyers are Abdulrahman Al Rumaih, Abdulrahman Al Subaihi and Bander Alnogaithan.

Reports stated that the initial verdict in the case, which was subsequently appealed, imposed fines of more than 1 million Saudi riyals (\$266,666) in total, and a complete media ban against the three lawyers. It is reported that the lawyers submitted several requests but never received a copy of this decision, and were unable to appeal it.

The Ministry of Justice alleged that the lawyers' online activities damaged the reputation of the justice apparatus. Reports indicate that the lawyers were ultimately convicted of prejudicing public order through tweets that contained opinions against the ruler.

The Law Society of Upper Canada expresses concern that the sentence imposed upon these three lawyers is unjustified and in violation of international law. While the Law Society recognizes that lawyers should take care not to weaken or destroy public confidence in legal institutions or authorities by irresponsible allegations, it also maintains that lawyers should not hesitate to speak out against an injustice.

Saudi Arabia is a member of the UN Human Rights Council and, as a result, has international legal obligations. In particular, the Law Society would like to highlight Principles 16 and 23 of the UN Basic Principles on the Role of Lawyers. Principle 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or

other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Principle 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right 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 believes that the sentences imposed upon Abdulrahman Al Rumaih, Abdulrahman Al Subaihi and Bander Alnogaithan are in violation of international law and do not reflect the principles embodied by the UN Human Rights Council.

The Law Society urges the government of Saudi Arabia to:

- a. quash the sentence and release these lawyers from custody;
- b. put an end to any and all acts of harassment against these lawyers;
- c. guarantee in all circumstances the physical and psychological integrity of these lawyers;
- d. conduct any appeal of the ruling in public, in a fair, impartial and independent manner, guaranteeing all of the procedural rights of these lawyers;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and sentencing of these lawyers, 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 these lawyers if they are found to be victims of abuses;
- g. 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:

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H.R.H. Prince Saud Al-Faisal bin Abdulaziz Al-Saud
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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

Gabriela 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

Sarah Smith, International Development and Human Rights, The Law Society of England and Wales