

# Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations  
Promoting human rights by protecting those who defend them

[www.lrwc.org](http://www.lrwc.org) – [lrwc@portal.ca](mailto:lrwc@portal.ca) – Tel: +1 604 736 1175 – Fax: +1 604 736 1170  
3220 West 13<sup>th</sup> Avenue, Vancouver, B.C. CANADA V6K 2V5

Nomination for the Lawyers for Lawyers Human Rights Award 2019

Nominee: Waleed Abu al-Khair of Saudi Arabia

Nominator: Lawyers' Rights Watch Canada

References: Daniel N. Arshak and Tony Fisher

## Summary of Work of Nominee

Waleed Abu al-Khair, until silenced, was the most prominent advocate for democratic and human rights reform in Saudi Arabia. Founder of the Monitor of Human Rights in Saudi Arabia, he used the written and spoken word coupled with legal knowledge to fearlessly advocate for reforms to improve the lives of all by calling on Saudi Arabia to allow its citizens to enjoy internationally protected rights to freedom of expression, association, assembly and the right to participate directly and indirectly in public affairs. He did this work through writing and public speaking, by providing a safe space for peaceful discussion of issues of public concern and by providing an example of responsible advocacy for justice for all. He represented activists and reformists and advocated for prisoners of conscience. He used his training and skills as a lawyer to advocate for an elected parliament, an independent judiciary, a constitutional monarchy and recognition of internationally protected human rights. He wrote many articles identifying human rights abuses and the need for legal reform, always recommending reliance on the rule of law and proper legal procedures to promote reform and settle disputes and differences of opinion. He never used or advocated violence as a means of opposition or a tool of reform. Waleed Abu al-Khair's self-less and peaceful advocacy has been recognized by these awards: the Olof Palme Prize (2012), the XXth Ludovic-Trarieux Human Rights International Prize (2015), the Law Society of Ontario Human Rights Award (2017), and the Right Livelihood Award (2018).

## Risks experienced by the Nominee

In reprisal for lawful advocacy Saudi Arabia banned Waleed Abu al-Khair from travel (1.04.12) and (2013) prosecuted him. When these charges resulted in a 3-month sentence, Saudi Arabia re-charged him with similar offenses this time under the *Penal Law for Crimes of Terrorism and its Financing* to be determined by the Specialized Criminal Court (SCCt). He was arrested (15/04/14) without cause or warrant while before the SCCt.

The SCCt announced conviction (6/07/14) and imposed 15 years in prison; a 15-year travel ban; a 200,000 SAR fine, and suspended 5 years of the prison term. The appeal court (14/02/15) reversed the suspension. The charges:

- seeking to discredit state legitimacy;
- abuse of public order in the state and its officials;
- inciting public opinion and insulting the judiciary;
- publicly defaming the judiciary and discrediting Saudi Arabia through alienating international organizations against the Kingdom and making statements and documents to harm the reputation of the Kingdom;
- running an unauthorized association and being its chairman speaking on its behalf and issuing statements and communicating through it;
- making international organizations hostile to the kingdom; and
- preparing, storing and sending what would prejudice public order.

The UN Working Group on Arbitrary Detention (WGAD) determined (A/HRC/WGAD/2015, 26/10/2015) that his arrest and detention was arbitrary and recommended release. The WGAD, reviewing the conviction and sentencing concluded (A/HRC/WGAD/2018/10, 4/07/18) that the prosecution, conviction and sentencing violated the *autrefois convict* rule, that Waleed was the victim of discriminatory prosecution and the SCCt lacked the independence to conduct the trial, and again recommended release. He remains in prison in harsh conditions that include: restricted contact with family; no contacts with others; denial of necessary medical care; assaults; refusal to allow or provide special diet needed for type 3 diabetes and chronic colon condition; repeated interrogation directed at forcing Waleed to apologize, recant and promise to remain silent. He has been denied his right and duty to parent his daughter, born shortly after his arrest. He bears the tragedy of knowing she is now deprived of her mother, Samar Badawi, unlawfully imprisoned since January 2018.

### **How would the Nominee Benefit**

Support for Waleed Abu al-Khair in the form of the Lawyers 4 Lawyers Human Rights Award would make a significant difference to Waleed and other human rights defenders at risk.

The award would:

1. demonstrate that although Saudi authorities have succeeded in brutally silencing Waleed, they have not yet destroyed the ideals of human and democratic rights, that he promoted;
2. give Waleed hope for his own release and for reform that would allow all people in Saudi Arabia to freely exercise internationally protected rights without fear of punishment;
3. focus international attention on the gravity of Waleed's imprisonment and treatment and the urgent need for remediation;
4. promote compliance with the WGAD Opinions that international law forbids his imprisonment and mandates immediate and unconditional release and compensation.
5. acknowledge the critical and continuing importance of Waleed's work vigorously representing clients and human rights causes at risk to his own safety and liberty.

Saudis who promote reform of the totalitarian absolute monarchy in Saudi Arabia risk brutal reprisals in the form of arbitrary detention, torture, execution and murder. The

considerable economic clout of Saudi Arabia has muted the response of many to widespread and systematic atrocities, as illustrated by Waleed's treatment. States are loathe to vigorously promote compliance with standard international human rights norms at the risk of losing lucrative business deals, including arms sales. The award will signal L4L's resolve to reject silence and continue to loudly advocate for the immediate and unconditional release of Waleed Abu al-Khair.

### **Anything else the Nominator wants to say**

Waleed Abu al-Khair is a brilliant lawyer, scholar, thinker, writer, communicator and a passionate advocate for universal human rights. He loved his work and is in prison because he an effective and charismatic human rights lawyer. He is also a father. Two months after his April 2014 arrest, his wife and human rights partner Samar Badawi, gave birth to their daughter. For the past 4 years and 10 months, Saudi authorities have exposed Waleed to torture and other ill-treatment, endangered his health, robbed him of parenting and knowing his daughter, exposed his daughter to separation and attachments traumas; curtailed his career as a lawyer, and restricted and prevented contact with friends and family and other communities. LRWC contact with Waleed has been cut off since November 2017, when his conditions remained very harsh. Visiting with his sick father was denied. He has lost 15 kg because of continuing denial of access to the foods required by his conditions. Because Waleed is such a respected human rights advocate and it is well-known that his imprisonment is unlawful, Saudi authorities need more than his enforced silence. Ministry of the Interior officials have repeated attempts to force Waleed' to sign an agreement to apologize, recant and remain silent on human rights in return for release—to in effect support, by his silence, continuing human rights abuses. Waleed's steadfast refusal likely inspired the January 2014 arrest of Samar and their infant daughter and the arrest of Samar in January 2018 and her continuing detention.

28 February 2019