

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

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Tuesday, January 17, 2017

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Working Group on Arbitrary Detention
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Dear Sirs:

**Re: Urgent Request for Release of Waleed Abu al-Khair by Saudi Arabia to
Receive Law Society of Upper Canada 2016 Human Rights Award**

Lawyer's Rights Watch Canada (LRWC) writes to ask you to take action to support our request that the Government of Saudi Arabia immediately take all steps necessary to release Waleed Abu al-Khair from prison and enable him to travel to Canada to receive the Law Society of Upper Canada 2016 Human Rights Award at the award ceremony on 22 February 2017 in Toronto Canada.

Waleed Abu al-Khair

Waleed Abu al-Khair is a world renowned human rights lawyer, democracy advocate and founder of Monitor for Human Rights in Saudi Arabia (MHRSA), currently imprisoned in Dhahban Central Prison in Jeddah, Saudi Arabia. He was arrested 14 April 2014 and sentenced on 6 July 2014 to 15 years in prison, a consecutive 15 year travel ban and a 200,000SAR fine.

Calls for the immediate release of Waleed Abu al-Khair

The UN Working Group on Arbitrary Detention (WGAD) in October 2015 recommended that Saudi Arabia immediately release Waleed Abu al-Khair after designating his trial as unfair and his detention as arbitrary and in contravention of Articles 9, 10, 19 and 20 of the *Universal Declaration of Human Rights*.¹ An [additional Complaint](#) to the WGAD, filed jointly by LRWC and other international human rights organizations on 15 April 2015,² has not, to our knowledge, yet been considered.

In May 2016 the UN Committee Against Torture noted that 2014 reports of in-custody torture of Mr. al-Khair have not been investigated and remedied.³ In July 2014, (then) UN High Commissioner for Human Rights Navi Pillay stated, “Abu Al-Khair’s case is a clear illustration of the continuing trend of harassment of Saudi human rights defenders, several of whom have been convicted for peacefully promoting human rights”.⁴

Both the charges against Waleed Abu al-Khair and the proceedings before the Specialized Criminal Court, lack legitimacy. The charges were based solely on the peaceful exercise of rights and freedoms guaranteed by the *Universal Declaration of Human Rights*. Being too vague to allow avoidance or defense, created after the alleged acts and applied retroactively, the charges also failed to meet the internationally accepted requirement that there can be no crime or punishment except in accordance with law that is certain, unambiguous and not retroactive.

International human rights organizations that have joined in calling on Saudi Arabia to immediately release Waleed Abu al-Khair include: Amnesty International, Cairo Institute for Human Rights Studies, CIVICUS World Alliance for Citizen Participation, Front Line Defenders, Gulf Centre for Human Rights, Human Rights Watch, International Association of Democratic Lawyers, International Federation for Human Rights (FIDH) under the Observatory for the Protection of Human Rights Defenders, Law Society of England and Wales Human Rights Committee, Lawyers for Lawyers (L4L), Reporters without Borders, Union Internationale des Avocats, World Organization Against Torture (OMCT) under the Observatory for the Protection of Human Rights and Lawyers’ Rights Watch Canada.

Human Rights Awards

¹ Opinions of the Working Group on Arbitrary Detention at its seventy-third Session, 31 August – 4 September 2015, No. 38/2015 (Saudi Arabia), Advance Unedited Version, A/HRC/WGAD/2015, 26 October 2015 at paras 82 to 84.

² *In the matter of Waleed Abulkhair v The Kingdom of Saudi Arabia*, 15 April 2015, submitted by Lawyers’ Rights Watch Canada, Lawyers for Lawyers, The Law Society of England and Wales, The Law Society of Upper Canada, The International Federation for Human Rights (FIDH) and the World Organization Against Torture (OMCT) within the framework of their joint programme the Observatory for the Protection of Human Rights Defenders, The International Association of Democratic Lawyers and in August 2015 joined by Human Rights Watch and the Union Internationale des Avocats. <http://www.lrwc.org/petition-for-relief-in-the-matter-of-waleed-abulkhair-v-the-kingdom-of-saudi-arabia/>

³ Committee Against Torture, Concluding Observations on the second periodic review of Saudi Arabia, Advance Unedited Version, Adopted by the Committee at its fifty-seventh Session 18 April – 13 May 2016 at paras 6 and 7.

⁴ Saudi Arabia: Pillay concerned by harsh sentences against human rights defenders - 10 July 2014 - See more at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14846#sthash.aZ3AHlYt.hrO1fukF.dpuf>

In 2012 Waleed Abu al-Khair was awarded the Olof Palme Prize for

“... his strong, self-sacrificing and sustained struggle to promote respect for human and civil rights for both men and women in Saudi Arabia. Together with like-minded citizens and colleagues, Waleed Sami Abu al-Khair does so with the noble goal of contributing to a just and modern society in his country and region”.⁵

In 2015, Waleed Abu al-Khair was awarded the XXth Ludovic-Trarieux Human Rights International Prize.⁶ The award is Europe’s most prestigious tribute to human rights activism and was initially bestowed on Nelson Mandela.

On 15 November 2016, the Law Society of Upper Canada⁷ chose Waleed Abu al-Khair as one of the two recipients of its biennial 2016 Human Rights Award in recognition of his,

“extraordinary contributions to the advancement of human rights and promotion of democracy and the rule of law in Saudi Arabia over the course of his career as an advocate, made at high personal cost, [which] demonstrate the highest ideals of the legal profession.”

Request for Support from UN Special Mandate Holders

LRWC requests each of the Special Mandate holders addressed to use your influence and relations with the Government of Saudi Arabia to secure the release of Waleed Abu al-Khair, the removal of the travel ban and other measures necessary to enable him to attend in person, to accept the Law Society of Upper Canada 2016 Human Rights Award on 22 February 2017 in Toronto, Canada.

LRWC has sent communications to the Government of Saudi Arabia asking for the release and pardon Waleed Abu al-Khair in accordance with law, on several occasions ([22 January 2015](#), [15 April 2015](#), [26 May 2016](#), [27 June 2016](#), [20 December 2016](#)) and has yet to receive any response. In a [joint oral statement](#) to the UN Human Rights Council,⁸ LRWC, OMCT, FIDH and L4L, citing the case of Waleed Abu al-Khair and others stated,

We call on members and observers of the Council to act to preserve its integrity by condemning, in their individual statements and collectively, the gross, widespread and systematic violations of human rights committed in Saudi Arabia and by reminding the authorities of the country, including in plenary meetings, of their human rights obligations as a member of the international community and of the Council. Failing to do so, they will embolden enemies of strong, credible

⁵ Olof Palmes Minnesfond, 2012, online: <<http://www.palmefonden.se/2012-radhia-nasraoui-och-waleed-sami-abu-alkhair-2/>>.

⁶ The XXth “Ludovic-Trarieux” Human Rights International Prize 2015, online: <<http://www.ludovictrarieux.org/uk-page3.callplt2015.htm>>.

⁷ The Law Society of Upper Canada was created by an act of the Legislative Assembly of Canada in 1797, and is the regulatory body representative of more than 49,000 lawyers and over 7,900 licensed paralegals in Ontario, Canada.

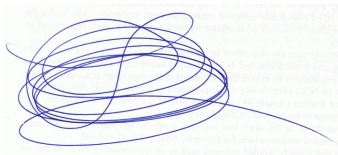
⁸ Saudi Arabia: NGOs Call on the UN Human Rights Council to Condemn Human Rights Abuses in Saudi Arabia | Joint Oral Statement, 21 September, 2015. Accessible at <http://www.lrwc.org/saudi-arabia-ngos-call-on-the-un-human-rights-council-to-condemn-human-rights-abuses-in-saudi-arabia-joint-oral-statement/>

international bodies and mechanisms to promote and protect human rights. Time has come for individual and collective responses to Saudi Arabia's appalling human rights record and behaviour, which make a mockery of its obligations as a Council member. (emphasis added)

The arbitrary detention of Waleed Abu al-Khair represents a grave and continuing human rights violation by the Government of Saudi Arabia. LRWC urges each of the Special Mandate holder addressed, to take effective actions to remedy this injustice and to ensure the immediate and unconditional release of Waleed Abu al-Khair by the Government of Saudi Arabia, in compliance with its international human rights obligations as a member of the UN and of the Human Rights Council.

Thank you. We look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Gail Davidson', written over a light blue grid background.

Gail Davidson, Executive Director, LRWC

Lawyers' Rights Watch Canada is a committee of lawyers and other human rights defenders who promote human rights and the rule of law through advocacy, education and research. LRWC is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations.