

American Bar Association (ABA) Inaugural Human Rights Award 2015
Via e-mail: introl@americanbar.org
Friday, December 11, 2015

Re: Nomination of Waleed Abu al-Khair for the Inaugural ABA Human Rights Award

Nominee: Waleed Abu al-Khair
Date of birth: 17 June 1979
Nationality: Saudi Arabian
Address of usual residence: Saudi Arabia, Jeddah

JOINT REFERENCE LETTER

Dear Sir/Madam,

In accordance with the request of the American Bar Association (ABA) for nominees for the Inaugural American Bar Association International Human Rights Award, the following international human rights organizations—Fédération internationale des ligues des droits de l'Homme (FIDH), Lawyers' Rights Watch Canada (LRWC), Lawyers for Lawyers (L4L), the Law Society of England and Wales (LSEW) and the Union Internationale des Avocats (UIA)—recommend and nominate human rights lawyer **Waleed Abu al-Khair** of Saudi Arabia for the ABA Human Rights Award.

Waleed Abu al-Khair is one of the best-known advocates for democratic and human rights reform in Saudi Arabia. He has used the written and spoken word coupled with his legal knowledge to fearlessly advocate for reforms to improve the lives of all in Saudi Arabia by calling on the Government of 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 has done this work through writing and public speaking, by representing causes and clients unpopular with the Government of Saudi Arabia, by providing a safe space for peaceful discussion of issues of public concern and by providing people with an example of responsible advocacy for justice for all. At the risk of his own personal and professional safety and security, Waleed Abu al-Khair persisted in using his training and skills as a lawyer to be an outspoken advocate for an elected parliament, an independent judiciary, a constitutional monarchy and recognition of internationally protected human rights. He has also advocated on behalf of prisoners of conscience and written many articles identifying human rights abuses and the need for legal reform. He recommended reliance on the rule of law and proper legal procedures to effect reform and settle disputes and differences of opinion and never advocated or used violence as a means of opposition. In 2012 he 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 region¹”.

¹ Olof Palmes Minnesfond, 2012, online: <<http://www.palmefonden.se/2012-radhia-nasraoui-och-waleed-sami-abu-alkhair-2/>>.

Waleed Abu al-Khair received the XXth Ludovic-Trarieux Human Rights International Prize in 2015.²

Details of Waleed Abu al-Khair's outstanding contributions to the promotion, protection and advancement of the human rights of all people in Saudi Arabia and their right to live in a fair and just society under the rule of law are provided in the curriculum vitae enclosed.

The Government of Saudi Arabia responded to this peaceful human rights advocacy on 1 April 2012 by banning him from traveling outside Saudi Arabia. In 2013 he was charged with a variety of vague and over-broad offenses aiming at sanctioning his advocacy for recognition of human and democratic rights. When these fabricated offenses resulted in a sentence of "only" three months, the Government of Saudi Arabia re-charged him with further offenses of similar nature, which resulted in a prison sentence of 15 years.

On 15 April 2014, the Nominee was arrested while appearing at the fifth session of his trial before the Specialized Criminal Court in Riyadh. On 28 May 2014, at the seventh session, Judge Yousef Al-Ghamdi stated that the Petitioner was charged under the *Penal Law for Crimes of Terrorism and its Financing*, Royal Decree No. 44 (12/2013). On 26 June 2014, during the eighth session of the trial before the same court, the Nominee stated that he would not attempt to further defend or respond to the charges and accusations, citing persistent refusal by the prosecution and court to properly consider the defenses raised.

On 6 July 2014 the Nominee was convicted of:

- "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";
- "preparing, storing and sending what would prejudice public order".

The trumped-up charges all arose from the Nominee's engagement in peaceful activities associated with his work as a lawyer and a human rights defender. His activities are protected by the *Universal Declaration of Human Rights* and many other instruments, including the *1998 United Nations Declaration on Human Rights Defenders*, the *Basic Principles on the Role of Lawyers* and the *International Covenant on Civil and Political Rights*.

The arrest, prosecution and imprisonment of the Nominee by the Government of Saudi Arabia contravene the *Universal Declaration of Human Rights* guarantees of liberty, freedom from arbitrary detention, freedoms of expression and association and rights to be presumed innocent until proven guilty according to law, pre-trial release, a fair trial before an independent tribunal and the right to an effective remedy for violations. Waleed Abu al-Khair has vigorously advocated for the recognition of human rights and democratic reform in Saudi Arabia. Through this personal endeavor, he has made an outstanding contribution to protecting the rights of individual clients, to advocating for legal reforms to ensure the implementation and enforcement of internationally protected rights within Saudi Arabia, to advocating for the advancement of democratic reform. He has also encouraged and provided space for peaceful public discussion and has provided education through writing and speaking about the need for and potential of democratic reform. He has done so in an environment where such advocacy is dangerous due to undemocratic state rule, uncodified laws and the absence of access to a "competent, independent and impartial tribunal" to determine rights and provide remedies for violations. His contribution to the recognition of human rights, democratic reform and an independent judiciary has led to his own prosecution and imprisonment. Accordingly, he experienced firsthand the full

² The XXth "Ludovic-Trarieux" Human Rights International Prize 2015, online: <<http://www.ludovictrarieux.org/uk-page3.callplt2015.htm>>.

destructive power of a failed legal system that offers no protection against the arbitrary use of power by the state, no protections for basic human rights and no remedies for violations. The latest news with regard to the Nominee is that he has been beaten in detention.

The Nominee is an example for other advocates of human rights all over the world and is a source of inspiration to endure everything that comes their way and still persevere in the pursuit of equal rights for all, especially with regard to the right to live in a fair and just society under the rule of law.

The nominators are therefore most proud to recommend Waleed Abu al-Khair as the recipient of the Inaugural ABA International Human Rights Award in recognition of his extraordinary and selfless advocacy to promote, protect and advance human and democracy rights for all in Saudi Arabia. We refer the ABA to his curriculum vitae for a list of his work and contribution to the human rights situation for all people in Saudi Arabia.

Submitted by Gail Davidson, Executive Director, LRWC, M.J. Paffen, President, L4L;
Karim Lahidji, President FIDH; Julie Goffin, Human Rights Coordinator, UIA, Sarah J. Smith, Human Rights and Rule of Law Policy Advisor, Law Society of England and Wales

On behalf of the Nominating Organizations

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers who promote human rights and the rule of law internationally by: protecting advocacy rights; campaigning for jurists in danger because of their human rights advocacy; engaging in research and education; and working in cooperation with other human rights organizations. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.

Lawyers for Lawyers (L4L) is an independent and non-political Dutch foundation and is funded by lawyers' donations. The foundation was established in 1986 and has special consultative status with ECOSOC since 2013.

The Law Society of England and Wales is the professional body representing more than 166,000 solicitors in England and Wales. Its concerns include the independence of the legal profession, the rule of law and human rights throughout the world. The Law Society has Special Consultative Status with the Economic and Social Council of the United Nations since 2014.

The International Federation of Human Rights (Fédération internationale des ligues des droits de l'Homme) (FIDH) is a non-governmental federation for human rights organizations. FIDH's core mandate is to promote respect for all the rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Its priority areas include protecting human rights defenders and fighting impunity.

Union Internationale des Avocats (UIA - International Association of Lawyers)

The UIA brings together several thousand members and hundreds of bars, federations and associations from over 110 countries. Open to all legal professionals, the UIA:

Promotes the fundamental principles of the legal profession and the development of legal knowledge in all fields at the international level.

Contributes to the professional growth of its members through the exchange of information in forums established by its Commissions and Working Groups.

Intervenes frequently all over the world on behalf of lawyers who are imprisoned or persecuted for practising their profession.

Contacts

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WALEED ABU AL-KHAIR

Al-Ha'ir prison in Riyadh, Saudi Arabia, Jeddah

BIOGRAPHY

Abstract

Mr. Waleed Sami Mohamed Abu al-Khair is a Saudi Arabian lawyer and human rights activist, Founder and Director of the Monitor of Human Rights in Saudi Arabia (MHRSA). He was listed by Forbes magazine as one of Top 100 Most Influential Arabs on Twitter. He is the first activist to be tried under the anti-terrorism law in Saudi Arabia. He was arrested on April 15, 2014 and sent to al-Ha'ir "political prison" while awaiting trial.

On July 6, 2014, the Specialised Criminal Court in the western coastal city of Jeddah, which was set up in 2008 to try terrorism cases, found Mr. Abu al-Khair guilty of "undermining the regime and officials", "inciting public opinion" and "insulting the judiciary". Subsequently, he was sentenced to 15 years in prison (ten years executed, and five years suspended). He was also barred from travelling for 15 years afterwards, on charges related to his activism, and ordered to pay a fine of 200,000 riyals.

On January 12, 2015, the case was presented again before the Court of Appeal, following the request of a judge to increase the previous sentence, on the grounds that Mr. Abu al-Khair refused to apologize. Accordingly, the judgment was tightened to 15 years of prison executed.

Early life and Education

Mr. Abu al-Khair was born in Jeddah, west of Saudi Arabia. He comes from a Hejazi family of judges and Imams of the Holy Mosque.

Mr. Abu al-Khair graduated in 2013 from the University of King Abdulaziz in Jeddah, with a bachelor in Arabic language. In 2009, he completed a master degree in Islamic law from the Alyarmook University in Jordan. His thesis, supervised by Dr. Abdul Jaleel Zuhair Thamrah, was entitled, "*Affinities and Differences in the Evidences and Reasons and Judgements: A Consolidating Applicable and Comparative Study*". Mr. Abu al-Khair is also known to have obtained a licence from Sheikh Obaid Allah Al-Afqani for having memorised the Holy Quran by heart. This was also approved by the Teaching Board of the Holy Mosque in Medina.

Career

In 2007, Mr. Abu al-Khair started his career as a lawyer by joining and working with lawyer Essam Basrawi.

In 2007, Mr. Abu al-Khair and other activists released a reform petition titled "*Parameters of the Constitutional Monarchy*". It requested that the Saudi Royal Family change the current ruling regime from absolute monarchy into a democratic system, and sought to ensure the participation of people through free elections.

One year later, in 2008, Mr. Abu al-Khair organized a hunger strike for prisoners of conscience in Saudi Arabia for 48 hours, the first strike of its kind for a human rights case in the country.

In 2008, he founded the group MHRSA, the Facebook page and website belonging to which were later blocked.

In 2011, he released two petitions titled “*Towards a State of Rights and Institutions*” and the “*National Declaration for Reform*”, both advocating for radical reforms in the political system of Saudi Arabia, coinciding with the waves of protests taking place at that period in the Arab world.

Mr. Abu al-Khair and others applied to register MHRSA in Canada and Letters Patent were issued by the Province of Ontario on 29 May 2009, making MHRSA the first Saudi human rights organization to be licensed abroad. Later on, Mr. Abu al-Khair sent a letter appealing to the King to allow recognition of the organization in Saudi Arabia. The Royal Court replied by transmitting the request to the Interior Ministry, which opened an investigation into the organization.

In March 2012, Mr. Abu al-Khair was scheduled to take part in a six-week course entitled “Democratic Leaders” at Syracuse University in New York, sponsored by the U.S. State Department. Unfortunately he was not able to attend the course, as the Bureau of Investigation and Prosecution in Jeddah banned him from travelling.

Important cases Waleed Abu al-Khair has worked on

- Mr. Abu al-Khair has represented several human rights defenders known as the Jeddah reformers, including Dr. Mossa bin Mohammed Al-Qarni, Dr. Saud al-Hashimi and Dr. Abdul Rahman al-Shumaimri, who were arrested in February 2007.
- In 2010, he was appointed by the British Embassy as the dedicated lawyer for a British national detained by Saudi authorities.
- Samar Badwi Case:

Ms. Samar Badawi is a Saudi Arabian human rights activist who was imprisoned under a warrant relating to the charge of disobedience on April 4, 2010 and released on October 25, 2010. Mr. Abu al-Khair took up her case and defended her before Saudi courts. He also launched a campaign to demand her release by using various social media tools such as Twitter and Facebook. In addition, he created a special blog to publish all updates and documents related to the case. After three weeks, the campaign had achieved its goals and Ms. Samar Badawi was released from prison. Ms. Samar Badawi is today the wife of Mr. Abu al-Khair. On March 8, 2012, Ms. Samar Badawi was granted an award by the United States Department of State for her contributions to women’s rights.

- Raif Badawi Case:

Before his detention, Mr. Abu al-Khair represented Mr. Raif Badawi, well-known blogger and creator of the website Free Saudi Liberals, after he was arrested in 2012 for establishing the website and charged with “committing violations of legitimacy” and “insulting the Divine self”. Raif Badawi and Samar Badawi are siblings.

Media Presence

Mr. Abu al-Khair has conducted interviews with several international media sources, including interviews conducted by Kevin Sliven for the *Washington Post*, Jacob Timblin for *Time* magazine, Pierre Pray for *Le Figaro* newspaper, and Frank Gardner for the *BBC*. Mr. Abu al-Khair has written several articles for world newspapers, including two essays for *The Washington Post* entitled “*Steadfast in Pursuing a Freer Saudi Arabia*” and “*Jail for Peaceful Activity in Saudi Arabia*”. He also wrote an article entitled “*Obstacle in Front of Saudis is Fear*” published by the *Institute for War and Peace Reports*, as well as an article published on the *MSNBC* website entitled “*Saudi Arabia is stifling dissent in the name of counter-terrorism*”. In total, Mr. Abu al-Khair has written over 300 articles in local newspapers in Arabic, in which he has addressed various legal and human rights issues.

Amnesty International published the last article written by Mr. Abu al-Khair before his imprisonment, entitled “*Even from Prison, You Can Still Light a Candle*”.

On August 26, 2014, *The Washington Post* published an article entitled, “*Saudi Arabia Continues its Outrageous Repression on Human Rights Activists*”, in which the author wrote about the judgment against Mr. Abu al-Khair, describing it as “the latest in a long and sorrowful series of persecutions of those who stand for human rights and dignity in the kingdom”.

Internationally

Mr. Abu al-Khair has built a global reputation as a reliable source for the international community, reporting on human rights issues in Saudi Arabia. In 2010, he attended two meetings organized by the NGO Bridging in the Gulf: the first was held in the European Parliament to discuss the human rights situation in the Gulf states, and the second in Kuwait on the status of human rights activists in the Gulf. He also took part in a conference held by Human Rights Watch in Bahrain and numerous meetings with European diplomats sponsored by the organization Front Line Defenders to discuss human rights issues in the same area. In the same year, Mr. Abu al-Khair attended a course entitled, “*To Monitor and Document Human Rights Violations*”, organized by the Bahrain Human Rights Society in cooperation with the Scandinavian Organization for Human Rights. He also participated in the summit of the Alliance of Youth Movements, which was held in Mexico. In addition, he obtained a licence by the Human Rights Information Center in Yemen.

Waleed Abu al-Khair became well known for hosting gatherings, which he called “Steadfastness” or “Smood” at his home in Jeddah. He started the meetings following the closure of the Bridges Cafe in Jeddah by authorities, which had attracted activists and young people who often gathered to discuss political, religious and human rights issues. The gatherings have been criticized on social media by conservatives who called on the religious police to shut them down.

Detention and Trial

On February 4, 2014, the Court of Appeals in Mekkah approved a three-month sentence for charges of “contempt of the judiciary” against Mr. Abu al-Khair. However, the latter remained free. On February 15, 2015, the Specialized Criminal Court of Appeal in Riyadh confirmed a sentence of 15 years in prison, a travel ban of equal duration following imprisonment, and a fine of 200,000 Saudi riyals (approximately EUR 46,957). He was charged with “striving to overthrow the state and the authority of the King”, “criticising and insulting the judiciary”,

“assembling international organisations against the Kingdom”, “creating and supervising an unlicensed organisation”, “contributing to the establishment of another organisation” and “preparing and storing information that will affect public security”. He was arrested on April 15, 2014 while appearing at the fifth session of his trial before the Specialized Criminal Court, which deals with terrorism cases, in Riyadh. On April 18, 2015, Mr. Abu al-Khair, who was facing continued harassment in prison, lodged a complaint to the prison administration regarding beatings he underwent on the same day. The complaint has never been considered. On April 21, 2015, as retaliation for lodging the complaint, Mr. Abu al-Khair, was further beaten, threatened and insulted by another prisoner in Al-Ha’ir rehabilitation prison in Riyadh, where he has been detained since his transfer from Malaz prison on February 4, 2015.¹ Later on, policemen came to the cell of Mr. Abu al-Khair and threw all his belongings on the ground, searching for prohibited items.

In October 2013, Mr. Abu al-Khair was convicted for the first time and given a three-month suspended sentence for “insulting the judiciary” after he signed a petition calling for political reform.

Honours

- Nobel Peace Prize Nomination – In 2015 Waleed Abu al-Khair was nominated for the Nobel Peace Prize;
- Olof Palma Prize - January 2013, the Olof Palma Prize was awarded to Waleed Abu al-Khair in recognition of his “strong and continuous struggle characterized by selfless in order to promote respect for human rights and civil rights for both men and women”. Samar Badawi received the award on behalf of her husband, as Mr. Abu al-Khair was banned from travelling at that time. Mr. Abu al-Khair bestowed the award upon the detained activist Dr. Abdullah al-Hamed;
- Ludovic-Trarieux International Human Rights Prize - November 2015, Waleed Abu al-Khair was awarded the Ludovic-Trarieux International Human Rights Prize, the largest prize in the field of human rights in Europe, which has already been awarded to Nelson Mandela, former President of South Africa.

¹ This was Mr. Abu al-Khair’s sixth transfer since the beginning of his detention. He was transferred to a prison located approximately 1,000 km away from his home city came without any warning and after his refusal to recognize the legitimacy of the trial court and to apologize.

WALEED ABU AL-KHAIR

Al-Ha'ir prison in Riyadh, Saudi Arabia, Jeddah

CURRICULUM VITAE

Family name: Abu al-Khair
First name: Waleed
Sex: Male
Birth date: 17 June 1979
Nationality: Saudi Arabia

EDUCATION

Degrees

2009 Master of Jurisprudence at Yarmouk University in Jordan.
2003 Bachelor of Arabic Language at King Abdulaziz University in Jeddah, Saudi Arabia.

License

Memorized the Holy Quran and granted a license by Sheikh Obaid Allah Al-Afqani and approved by the Teaching Board of the Holy Mosque in Medina.

OTHER EDUCATION

2010 Candidate for a PhD program in comparative law and writing a thesis entitled: "*The problem of the rule of law at the national level between Islamic law and general international law and its applications in Saudi Arabia*" for eight months in Britain when he was summoned back to Saudi Arabia for investigations of his activities.

PRACTICE OF LAW

2007 Practice of law with the firm of Essam Basrawi.

LEGAL REPRESENTATION

Legally represented persons facing criminal charges for exercising internationally protected rights including:

- Samar Badawi, a Saudi woman sentenced for not obeying her father;
- Raif Badawi, founder the Saudi Liberal Network Internet discussion group; also a defendant in the case of Jeddah reformers;
- Other human rights defenders in the case of Jeddah reformers, including Dr. Mossa bin Mohammed Al-Qarni and Dr. Saud al-Hashimi as well as Dr. Abdul Rahman al-Shumaimri, all three arrested in February 2007.

LEGAL AND HUMAN RIGHTS ADVOCACY

- o In 2007 he signed and released a reform petition entitled: *Parameters of the Constitutional Monarchy*, calling for a constitutional monarchy rather than an absolute monarchy.
- o In 2008 he founded the Monitor for Human Rights in Saudi Arabia (MHRSA) and the Saudi Civil and Political Rights Association (ACPRA).
- o After attempting to register the MHRSA in Saudi Arabia, which was refused, he registered and licensed MHRSA, obtained registration in Canada with the Province of Ontario and asked the King to allow recognition of the organization in Saudi Arabia. The Royal Court replied by transmitting the request to the Interior Ministry, which opened an investigation into the organization. In 2008 he initiated a 48-hour hunger strike for prisoners of conscience, which led to sit-ins and demonstrations.
- o In 2011 he signed *Towards a State of Rights and Institutions*, a nine-point petition calling for elections, an independent judiciary and the establishment of civil society institutions as well as labour unions. The petition was posted on a dedicated website and on Facebook and was signed by over 9,000 people, before it was removed from the internet.

Nomination of Waleed Abu al-Khair for the ABA Human Rights Award

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CURRICULUM VITAE

- In 2009, he contributed to the creation of a social media presence for the “Save Jeddah Campaign” to enable communications between people assisting with rescues during the flood.
- In 2011 he was listed by Forbes Magazine as one of the top 100 Arab activists on Twitter, having more than 40,000 followers.
- In 2011, he registered in a six-week course on “Democratic leaders” at Syracuse University in New York but was unable to attend as the Saudi Arabia Bureau of Investigation and Prosecution in Jeddah summoned him and told him that he was banned from traveling.
- In 2012 he started hosting weekly gatherings in his home, which he called “samood” (meaning “resistance” or “steadfastness”) to discuss political, religious and human rights issues. He was arrested temporarily in October 2013 as a result. These meetings began in reaction to the clamp down by the Government of Saudi Arabia on gatherings in public places following the February 8, 2012 arrest of journalist Hamza Kashgari.
- In 2012, he publicly criticized the “war” on freedom of expression and the “criminalization” of thought in Saudi Arabia.
- In 2013 he publicly criticized the lack of codified laws and interference by the Minister of the Interior as factors contributing to “religious extremism and intolerance among the judiciary” and the conviction of human rights and civil society advocates.¹
- He represented Raif Badawi, organizer of the Saudi Liberal Network internet discussion group, after he was arrested and charged with “committing violations of legitimacy” and “insulting the Divine self”. Raif Badawi was sentenced to 10 years in prison, a fine, and 1,000 lashes to be administered 50 lashes at a time.
- He has attended meetings regarding human rights concerns with the Gulf Cooperation Council.

PUBLICATIONS

Written many articles on legal and social reform including:

- *Saudis stymied by fear*, Institute for War & Peace Reporting, July 2011;
- *Steadfast in pursuing a freer Saudi Arabia*, Washington Post, April 2012;
- *Jailed in Saudi Arabia for peaceful activism*, Washington Post, November 2013;
- *Saudi Arabia is stifling dissent in the name of counter-terrorism*, MSNBC, June 2014.

Additionally, Waleed Abu al-Khair has published over 300 articles in Saudi newspapers on the topic of legal reforms and human rights issues.

AWARDS

- Olof Palma Prize - January 2013, the Olof Palma Prize was awarded to Waleed Abu al-Khair in recognition of his “strong and continuous struggle characterized by selfless in order to promote respect for human rights and civil rights for both men and women”. Samar Badawi received the award on behalf of her husband, as Mr. Abu al-Khair was banned from travelling at that time. Mr. Abu al-Khair bestowed the award upon the detained activist Dr. Abdullah al-Hamed;
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¹ “The legal system is based on uncodified principles of Islamic law, which leaves judges largely free to decide what actions, in their view, are crimes, as well as the appropriate punishments. I believe that the Interior Ministry actively encourages religious extremism and intolerance among the judiciary, recognizing that judges with these views are far more willing to convict human rights and civil society advocates of vague religious and social offenses.” Waleed Abu Alkhair, *Sentenced in Saudi Arabia for Peaceful Activism*, Washington Post, 26 November 2013. http://www.washingtonpost.com/opinions/sentenced-in-saudi-arabia-for-peaceful-activism/2013/11/26/95fbcc6e-507b-11e3-9fe0-fd2ca728e67c_story.html

Nomination of Waleed Abu al-Khair for the ABA Human Rights Award

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CURRICULUM VITAE