

# 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, March 12, 2019

Chrystia Freeland, Minister of Foreign Affairs  
Email: [chrystia.freeland@parl.gc.ca](mailto:chrystia.freeland@parl.gc.ca)  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Maryam Monsef, Minister of International Development and Minister of Women and Gender Equality  
Email: [Maryam.Monsef@parl.gc.ca](mailto:Maryam.Monsef@parl.gc.ca)  
House of Commons  
Ottawa, Ontario  
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The Honourable Chrystia Freeland and Maryam Monsef;

**Re: Joint Statement to the 40<sup>th</sup> Session of the UN Human Rights Council on Saudi Arabia**

We write on behalf of Lawyers Rights Watch Canada (LRWC)<sup>1</sup> to thank Canada for endorsing the Joint Statement delivered on 7 March 2019 to the 40<sup>th</sup> Session of the UN Human Rights Council identifying widespread and grave human rights abuses by Saudi Arabia and the urgent need for effective measures to remedy past and prevent future abuses.

LRWC applauds the call on Saudi Arabia by Canada and 35 other states<sup>2</sup> to release all individuals including “Loujain al-Hathloul, Eman al-Nafjan, Aziza al-Yousef, Nassima al-Sadah, Samar Badawi, Nouf Abdelaziz, Hatoon al-Fassi, Mohammed Al-Bajadi, Amal Al-Harbi and Shadan al-Anezi, detained for exercising their fundamental freedoms”

As part of Canada’s follow-up to this precedent-setting Joint Statement, LRWC asks Canada to demand the immediate unconditional release and compensation of Waleed Abu al-Khair, Raif Badawi<sup>3</sup> and all others lawyers and other human rights defenders whose release has been recommended by the United Nations Working Group on Arbitrary Detention (WGAD). LRWC can provide a list of all people

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<sup>1</sup> LRWC is a volunteer-run non-government organization of lawyers and other human rights defenders who promote international human rights, the rule of law and the integrity of legal systems around the world, through advocacy, research and education. LRWC has Special Consultative status with the Economic and Social Council of the UN.

<sup>2</sup> Endorsing States: Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

<sup>3</sup> Regarding WGAD Opinion recommending the release of Waleed Abu al-Khair, Raif Badawi and others, see Opinions adopted by the WGAD 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. For a second Opinion rendered post trial recommending the immediate release of Waleed Abu al-Khair see Opinions adopted by the WGAD at its eighty-first Session 17-26 April 2018, No. 2018/10 Concerning Waleed Abulkhair (Saudi Arabia) A/HRC/WGAD/2018/10. 4 July 2018.

designated as arbitrarily and unlawfully detained by the WGAD who remain in prison in Saudi Arabia deprived of liberty and other rights.

The Joint Statement by Canada and 35 other states identifies continuing:

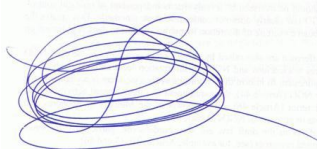
- “arrests and arbitrary detentions of human rights defenders in the Kingdom of Saudi Arabia, including women’s rights activists;<sup>4</sup> and,
- use of “counter-terrorism law and other national security provisions against individuals peacefully exercising their rights and freedoms.”

Saudi Arabia continues to target lawyers, human rights defenders, journalists of others whose work could potentially inspire criticism of the Saudi monarchy, with overly broad charges and denial of access to fair trials by an independent, competent and impartial court. This practice results in automatic and arbitrary convictions and brutal sentences. The “insufficient independence of the Specialized Criminal Court to determine such charges has been noted by the WGAD and the UN Committee Against Torture.<sup>5</sup> Many human rights specialists have observed Saudi Arabia’s continued use of ‘counter-terrorism’ laws to criminalize and sanction, “a wide range of peaceful acts that bear no relation to terrorism.<sup>6</sup>

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, recently concluded, “Far from a gradual modernisation and improvement of the human rights situation that [Saudi Arabia] is keen to portray internationally, the true picture seems to be that Saudi Arabia is backsliding into ever more severe political repression.”<sup>7</sup>

LRWC asks Canada to continue to stand against these grave widespread human rights abuses and to also call for the immediate release of Waleed Abu al-Khair, Raif Badawi and others designated by the WGAD as arbitrarily and unlawfully detained


Sincerely,



Gail Davidson, Executive Director, LRWC

- and-

Tamara Friedman, LRWC Monitor for Saudi Arabia



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<sup>4</sup> STATEMENT UNDER AGENDA ITEM 2: INTERACTIVE DIALOGUE WITH THE HIGH COMMISSIONER 40TH SESSION OF THE UN HUMAN RIGHTS COUNCIL (March 7 2019)

<sup>5</sup> Opinions adopted by the WGAD at its eighty-first Session 17-26 April 2018, No. 2018/10 Concerning Waleed Abulkhair (Saudi Arabia) A/HRC/WGAD/2018/10. 4 July 2018, at para. 73.

<sup>6</sup> Submission to the Universal Periodic Review of Saudi Arabia 31st session of the Universal Periodic Review; 3rd cycle, 29 March 2018.

<https://www.hrw.org/news/2018/03/29/submission-universal-periodic-review-saudi-arabia>

<sup>7</sup> Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his mission to Saudi Arabia, A/HRC//40/XX/Add.2, 6 June 2018.