سلمان بن عبد العزيز آل سعود

سيدي خادم الحرمين

الديوان الملكي

12911 الرياض

المملكة العربية السعودية - Saudi Arabia

<<PLACE>>, 10 December 2020

Your Majesty,

Lawyers for Lawyers (L4L) has expressed its grave concerns about the continuing imprisonment of our colleague Mr. Waleed Abu al-Khair. As a Dutch lawyer, I fully share these concerns. As today marks Human Rights Day, I write to you with this request.

Mr. al-Khair is a human rights lawyer, Founder and Director of the Monitor of Human Rights in Saudi Arabia (MHRSA). Mr. al-Khair is one of the best-known voices for democratic and human rights reforms in Saudi Arabia. He has received multiple human rights awards, including the 2019 International Human Rights Award of the American Bar Association.

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 SR 200,000,-. The charges against him include among others, “seeking to discredit State legitimacy” and “making statements and documents to harm the reputation of the country”. During his detention Mr. al-Khair resorted to several hunger strikes to protest against ill-treatment and punishments he received, such as solitary confinement, which led to his hospitalization.

Various organizations, amongst them Lawyers for Lawyers, fear that the sentence imposed on Mr. al-Khair is connected to, and serves to frustrate, his invaluable human rights activities.

I would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers[[1]](#footnote-1), and more in particular Article 16, which reads:

*16. Governments shall ensure that lawyers ( a ) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; ( ... ) and ( c ) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

Moreover, the United Nations Working Group on Arbitrary Detention (WGAD) has reviewed the legitimacy of Saudi Arabia’s detention of Mr. al-Khair in 2015[[2]](#footnote-2) and 2018[[3]](#footnote-3). In the 2015 Opinion, the WGAD stated that, in short, Mr. al-Khair’s detention is arbitrary. The WGAD requested the government of Saudi Arabia to release him and provide him with appropriate reparation. In the 2018 Opinion, the WGAD determined that the arrest, prosecution, conviction and sentencing of Mr. al-Khair lacked any legal basis and were directed at restricting his freedoms of opinion and expression. The WGAD again recommended immediate release and compensation.

Human Rights Day, 10 December, is the day that the UN General Assembly proclaimed in 1950 to bring to the attention ‘of the peoples of the world’ the Universal Declaration of Human Rights as the common standard of achievement for all peoples and all nations. In view of this, I urge the authorities of Saudi Arabia to comply with the decision of the United Nations Working Group and to release Mr. Waleed Abu al-Khair immediately and unconditionally.

I thank you for your attention to this important matter.

Yours sincerely,

<<NAME>>

1. The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly “welcomed” the Basic Principles in their ‘Human rights in the administration of justice’ resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly. [↑](#footnote-ref-1)
2. UN Human Rights Coucil, Opinions adopted by the Working Group on Arbitrary Detention at its seventy-third session, 31 August - 4 September 2015, No. 38/2015 (Saudi Arabia), A/HRC/WGAD/2015, 26 October 2015. [↑](#footnote-ref-2)
3. UN Human Rights Council, Opinions adopted by the Working Group on Arbitrary Detention at its eighty-first session, 17-26 April 2018, No. 10/2018 concerning Waleed Abulkhair, A/HRC/WGAD/2018/10, 4 July 2018. [↑](#footnote-ref-3)