

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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17 February 2017

VIA FAX & EMAIL TO:

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Your Majesties and Excellencies:

Re: HANDS OFF SAMAR BADAWI

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and others who promote human rights and the rule of law through advocacy, education and research. LRWC is a non-governmental organization in Special Consultative Status with the Economic and Social Council of the United Nations (UN).

LRWC has received concerning reports of another instance of the use of police and government authorities to harass, intimidate and threaten Ms. Samar Badawi, a Saudi citizen and advocate for imprisoned human rights activists and women's rights in Saudi Arabia, in particular the rights of women to vote, drive and achieve social justice. The recent forced interrogation of Ms Badawi is obviously another attempt to force her former husband Waleed Abu al-Khair to comply with Saudi Arabia's demands that he apologize, recant and refrain from all and any human rights advocacy in the future. We recall that in January 2016 Ms Badawi and her infant daughter were forcibly taken into custody for no reason other than to exert pressure on her then husband and to send a warning to other human rights advocates.

LRWC urgently calls on Saudi Arabia to honour its obligations as a member of the United Nations Human Rights Council to “uphold the highest standards in the promotion and protection of human rights, [and to] fully cooperate with the Council...during their term of membership.”¹ As part of those duties, Saudi Arabian must cease all harassment and intimidation of Samar Badawi including ceasing all interrogations, summons to appear for interrogation, threat or initiation of criminal proceedings and any other actions that threaten her liberty or the safety and liberty of her daughter.

LRWC joins with the Observatory for Human Rights in calling on Saudi Arabia to also:

1. Guarantee in all circumstances the physical and psychological integrity of Ms. Samar Badawi, as well as all human rights defenders in Saudi Arabia, including Waleed Abu al-Khair;
2. Put an end to all acts of harassment and intimidation, including by police and at the judicial level, against Ms. Samar Badawi and all human rights defenders in Saudi Arabia, and ensure in all circumstances that they are able to carry out their work without unjustified hindrance and fear of reprisal;
3. Comply in all circumstances with all the provisions of the *United Nations Declaration on Human Rights Defenders*, in particular its Articles 1, 6(c) and 12.2;
4. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with international human rights standards and instruments.

Samar Badawi

Samar Badawi has faced wholly unjustified harassment by the Saudi authorities. In December 2014, she was informed of a travel ban issued by the Ministry of the Interior against her and was prevented from boarding a plane to attend the European Union NGO Forum on Human Rights in Brussels, Belgium.

Ms. Badawi was previously married to Waleed Abu al-Khair, an internationally known and respected human rights defender currently imprisoned without legal justification having been wrongfully convicted of illegitimate charges after an unfair trial. Ms. Badawi is also the sister of arbitrarily imprisoned blogger and political activist Raif Badawi.

On 6 January 2016 Ms. Badawi was summoned for interrogation without reason by the Criminal Investigation Authority in Jeddah and waited for hours before being recalled on 12 January 2016. She was then interrogated for four hours concerning activity on the *Twitter* account of her Waleed Abu Al-Khair.

Ms. Badawi was then placed in a police car and transferred along with her two-year old daughter to Hayy al-Salam police station. Upon arrival, she was formally placed under arrest and transferred alone to Dhahban Central Prison where both her now ex-husband and her brother Mr. Raif Badawi are detained. On 13 January 2016, she was released on bail in the early morning. Later on the same day she appeared before the public prosecution, who released her without charges.

The harassment of Samar Badawi on account of her relationships with Waleed Abu al-Khair and Raif Badawi is without justification. This most recent summons for interrogation can only be seen as a means of causing alarm to her brother and former husband who are unable to assist her. According to the recent reports, on 13 February 2017, Ms. Samar Badawi received a phone call from the Bureau of Investigation and Prosecution in Jeddah, summoning her to appear at 10 am on 15 February 2017 for an interrogation.

Ms. Samar Badawi presented herself on that day and was interrogated for several hours. Later, on her *Twitter* account, Ms. Samar Badawi explained that the interrogation was “related to previous issues about [her] human rights and civil activities including women’s campaign against male guardians”.

¹UN General Assembly, *Human Rights Council*, 3 April 2006, A/res/60/251, para 9, available at: http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf [accessed 18 March 2016]

International Human Rights Obligations of Saudi Arabia

Saudi Arabia's international law obligations arise from a variety of sources. As a member of the UN (24/10/45), Saudi Arabia is legally obligated to respect the provisions of the UN *Universal Declaration of Human Rights* (UDHR),² the *United Nations Declaration on Human Rights Defenders*,³ and other uncontroversial instruments identifying state duties to protect and ensure the fulfilment of fundamental rights and freedoms and the advocacy rights of individuals.

Ms. Badawi's treatment is a contravention of the UDHR Articles 9 (freedom from arbitrary arrest and detention), 19 (freedom of expression) and 20 (freedoms of assembly and association). As a member of the UN Human Rights Council, Saudi Arabia has agreed, and is mandatorily obliged to "uphold the highest standards in the promotion and protection of human rights."⁴ The UN General Assembly may suspend a member of the Human Rights Council that commits gross and systematic violations of human rights. The continued judicial harassment of Samar Badawi is such a violation.

The provisions of the *United Nations Declaration on Human Rights Defenders*, in particular its Articles 1 (right to promote and to strive for the protection and realization of human rights and fundamental freedoms), 6(c) (right to discuss, form and hold opinions on the observance of human rights and fundamental freedoms and to draw public attention to those matters) and 12.2 (right to protection by the State against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the aforementioned rights).

As a member of the League of Arab States (22/03/45) and a party to the *Arab Charter on Human Rights* (the Charter),⁵ Saudi Arabia is bound to ensure enjoyment of the rights and freedoms guaranteed by the Charter. Under the Charter, Saudi Arabia has committed to placing "human rights at the centre" of national concern and entrenching all human rights as "universal, indivisible, interdependent and interrelated" (Article 1). Saudi Arabia has an obligation to grant the right to a fair trial (Article 13) and to protect against arbitrary arrest and detention (Article 14). Furthermore, the Charter guarantees the right to freedom of "thought, conscience and religion" (Article 30) as well as the freedom of opinion and expression "through any medium, regardless of geographical boundaries" (Article 32). The only limitations permitted are for the protection of "national security, public order and public health or morals".

Conclusion

LRWC calls on Saudi Arabia to immediately and unconditionally guarantee in all circumstances the physical and psychological integrity of Ms. Samar Badawi, and to put an end to all acts of harassment and intimidation, including at judicial level, against her and all human rights defenders in Saudi Arabia.

Sincerely,



Gail Davidson, Executive Director, LRWC



Maya Duvage, LRWC member

² UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <<http://www.refworld.org/docid/3ae6b3712c.html>> accessed 18 February 2017.

³ UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: resolution adopted by the General Assembly*, 8 March 1999, A/RES/53/144.

⁴ Resolution adopted by the General Assembly, 60/251. Human Rights Council, 3 April 2006, A/RES/60/251, at para. 9.

⁵ League of Arab States, *Arab Charter on Human Rights*, 15 September 1994, online: <<http://www.refworld.org/docid/3ae6b38540.html>> accessed 21 November 2016.

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