

King Abdullah Bin Abdul Aziz Al Saud
The Custodian of the Two Holy Mosques
Office of His Majesty the King
Royal Court, Riyadh
Kingdom of Saudi Arabia

Brussels, 6 November 2014

Re: Concerns regarding prison sentences and travel bans against Mr Abdulrahman Al-Subaihi, Mr Bander Alnogaithan and Mr Abdulrahman Al-Rumaih, lawyers and human rights defenders

Your Majesty,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE wishes to express its serious concern about the decision taken on 27 October 2014 by the Specialized Criminal Court in Riyadh against Mr Abdulrahman Al-Subaihi, Mr Bander Alnogaithan and Mr Abdulrahman Al-Rumaih. Mr Al-Subaihi is a lawyer and former professor at the Saudi Arabia High Judicial Institute, where he is also a board member of the Institute's Judicial Assembly. Mr Alnogaithan is a lawyer and a former lecturer at Dar Al Uloom University, while Mr Al-Rumaih is a former judge at the General Court in Riyadh. Each of these professionals has advocated for the independence of the judiciary, through the use of social media platforms.

According to the information that we received, these lawyers were prosecuted after sharing a hashtag created by social media activists to criticise the Ministry of Justice for its monitoring and scrutinisation of lawyers. The Ministry of Justice initiated a lawsuit against the three lawyers, arguing that the re-posting of tweets or caricatures which mock the Ministry's performance was unacceptable and that the hashtag constituted a smear-tactic campaign against the prestige of the judiciary. Mr Al-Subaihi was sentenced to 8 years' imprisonment and a 10-year travel ban on charges relating to "interfering with the ruler's competencies", "sabotaging Saudi Arabia's foreign policy", "insulting the judiciary" and "inciting against judges" via Twitter. Mr Alnogaithan and Mr Al-Rumaih were each sentenced to 5 years' imprisonment and a 7-year travel ban for charges that included "insulting the judiciary" and "interfering with its competencies". All three lawyers were banned from making media appearances or using social media platforms.

In this context, the CCBE wishes to draw to your attention the following Principles of the United Nations Basic Principles on the Role of Lawyers (1990):

Principle 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising

these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

In view of the above, the CCBE respectfully urges you to review and overturn the conviction against Mr Abdulrahman Al-Subaihi, Mr Bander Alnogaithan and Mr Abdulrahman Al-Rumaih, and to guarantee their security and physical and psychological integrity. In addition, the CCBE requests you to take all necessary measures to guarantee that all lawyers in Saudi Arabia are entitled to freedom of expression without fear of reprisal, hindrance, intimidation or harassment.

I look forward to hearing from your Majesty urgently.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo BULGARELLI
President