

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: AL  
SAU 1/2016:

18 March 2016

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 25/2 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged interrogation and arbitrary arrest of a woman human rights defender in retaliation for her human rights work and as a continued act of reprisal for her cooperation with the United Nations, its mechanisms and representatives in the field of human rights.**

Ms. [REDACTED] is a human rights defender advocating for the rights of women to vote and to drive in Saudi Arabia. Ms. [REDACTED] was the subject of a previous communication sent by various Special Procedures mandate-holder, dated [REDACTED] on allegations of a travel ban imposed on her in reprisal for her cooperation with the United Nations, its mechanisms and representatives in the field of human rights, namely the Human Rights Council. We acknowledge the response from your Excellency's Government received on [REDACTED]. She also advocates for imprisoned human rights activists, including her ex-husband, human rights lawyer Mr. [REDACTED].

According to the information received:

On 6 January 2016, Ms. [REDACTED] was summoned by the Criminal Investigation Authority in Jeddah for interrogation, in relation to her activity on the *Twitter* account of her detained ex-husband. She was interrogated for several hours before being asked to come back on 12 January 2016. On that date, officers started interrogating her at 11 a.m. concerning her work as a human rights defender and

her communication with international human rights organizations, including the United Nations human rights mechanisms. After being interrogated for four hours, she was placed in a police car and transferred along with her [REDACTED] [REDACTED] to Hayy al-Salam police station. Upon arrival, she was formally placed under arrest and subsequently contacted her lawyer to seek legal assistance at the police station. Ms. [REDACTED] was accused of managing her ex-husband's *Twitter* account and using her own *Twitter* account to disseminate her human rights work. She was then transferred alone to Dhahban Central Prison.

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.

Grave concern is expressed at the allegations that Ms. [REDACTED] continues to face retaliation in relation to her legitimate human rights work, including acts that seem to constitute a legitimate exercise of the right to freedom of expression. Further grave concern is expressed that these acts might be in reprisal for her cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Has a complaint been lodged by or on behalf of [REDACTED]?
3. Please provide information concerning the legal grounds for the arrest and interrogation of Ms. [REDACTED], and how these are compatible with Saudi Arabia's international human rights obligations, in particular with the conditions set by international human rights standards on the right to freedom of expression, as provided in articles 19 and 29 of the UDHR?
4. Please indicate what measures have been taken to ensure that human rights defenders in Saudi Arabia, in particular women human rights defenders, are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and reprisals of any kind, including for cooperating with the United Nations, its representatives and mechanisms in the field of human rights.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that all necessary interim measures be taken to address the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye

Spécial Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Michel Forst

Special Rapporteur on the situation of human rights defenders

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards.

We would like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 6 and 8.

We would like to draw the attention of your Excellency's Government to article 19 of the Universal Declaration of Human Rights (UDHR), which provides for the right to freedom of expression, as well as to the Human Rights Council resolution 12/16, calling on States to recognise the exercise of the right to freedom of opinion and expression as one of the essential foundations of a democratic society. This right applies online as well as offline. Any limitation to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 29 of the UDHR. Under these standards, limitations must be determined by law and must conform to the strict test of necessity and proportionality, must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

Furthermore, we wish to refer to Human Rights Council resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its representatives and mechanisms in the field of human rights; and Human Rights Council resolution 22/6, which provides for the right to "unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms".

We would also like to refer to Human Rights Council resolution 12/2 which inter alia, "condemns all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights" (OP 2), and "calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights" (OP 3).

Moreover, the 2015 report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights pursuant to Human Rights Council resolution 12/2 (A/HRC/30/29) reiterates the Secretary-

General's firm position that "any act of intimidation or reprisal against individuals or groups for their engagement with the United Nations, its mechanisms and representatives in the field of human rights is completely unacceptable and must be halted, immediately and unconditionally" (para. 47).

