

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on extrajudicial, summary or arbitrary executions.**

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (56-23) G/SO 214 (33-27)  
SAU 11/2012

20 September 2012

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; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 16/4, 15/21, 14/11, and 17/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **excessive use of force used by law enforcement officers during assemblies, which resulted in the death of two participants**.

According to the information received:

On 9 July 2012, in Awamiah village in the Qatif Province, Shiite protesters gathered in response to the arrest of Shiite activist Sheikh Nimr Baqr al-Nimr, who had been charged with instigating sedition. It is reported that the police fired at demonstrators killing two men Mr. Akbar al-Shakuri and Mr. Mohammed al-Filfil. Several people were reportedly arrested during the demonstration.

On 25 July 2012, hundreds of people gathered in front of the Ministry of Interior in Jeddah to protest against the detention of their relatives. The police reportedly used tear gas, bombs, rubber and live bullets to disperse the protesters, which resulted in several people injured. Around 14 protesters were reportedly arrested, including seven children. Amongst those arrested was Mr. Mohamed Al Shakoury, whose brother was killed during the 9 July demonstrations. Mr. Al Shakoury was seriously injured during the demonstrations as he was reportedly shot in the neck and back. He has been detained at the military hospital in Dhahran since then.

According to the information received, he is facing charges of obstruction of traffic, destruction of public and private property, possession of illegal firearms and participation in illegal gatherings.

It is reported that the province of Qatif is composed of a significant Shiite population, who has been calling for social and political reforms as well as an end to discrimination. It is further reported that the Shiite minority groups has been targeted by sectarian incitement since the founding of the Kingdom in 1932.

Serious concerns are expressed that the aforementioned allegations of excessive use of force by law enforcement officials against protesters, which resulted in the death of two of them, could be related to their dissenting views and their legitimate exercise of fundamental freedoms.

While we do not wish to prejudge the accuracy of these allegations, we wish to recall articles 18 and 19 of the Universal Declaration of Human Rights. Article 18 of the UDHR provides that “[E]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief [...]” and article 19 emphasizes that “[E]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

Article 2 (1) of the 1981 Declaration of the General Assembly maintained that “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief and urged all states in article 4 (2) to make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.”

We would like to draw your attention to resolution 64/164 of the General Assembly regarding religious intolerance which urged “States to take all necessary and appropriate action, in conformity with international human rights standards, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world.”

With regard to the information on the fact that the police fired at demonstrators, which resulted inter alia in two deaths and injuries of other individuals, we would like to remind your Excellency’s Government of article 20 of the UDHR, which provides that “[E]veryone has the right to freedom of peaceful assembly and association”; and of article 3 of the UDHR, which stipulates that everyone has the right to life, liberty and security of person. Furthermore, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, notably principle 12 provides that “everyone is allowed to participate in

lawful and peaceful assemblies, in accordance with the principles embodied in the UDHR and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.” The provisions in principles 13 and 14 restrict the use of firearms to situations of violent assemblies and provide that force and firearms may only be used as a last resort when unavoidable and require exercising the utmost restraint.

In addition, principle 4 states that “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms.” Principle 5 further provides that “Whenever the use of force and firearms is unavoidable law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment and (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.” Finally, principle 7 requires that Governments ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

As 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 be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the cases accurate?
2. Has a complaint been lodged by or on behalf of Messrs. Akbar al-Shakuri, Mohammed al-Filfil and Mohamed Al Shakoury?
3. Please provide the full details of the legal basis for the use of force against peaceful protesters during the assemblies held on 9 July and 25 July 2012. Please further provide information, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the killing of Mr. Akbar al-Shakuri and Mr. Mohammed al-Filfil. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please indicate what measures have been taken to ensure that the legitimate right to assemble peacefully is respected and that the physical and psychological integrity of those exercising this right is guaranteed.
5. Please provide details of any legislation and policy that exists to protect and promote the rights of persons belonging to religious minorities.
6. Please provide details of any measure taken to protect religious minorities against discrimination and sectarian violence or incitement.

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

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and that thorough, prompt and impartial investigations are conducted into the reported killings and injuries of the protesters mentioned. In the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
of association

Heiner Bielefeldt  
Special Rapporteur on freedom of religion or belief

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to  
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