

**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 rights to freedom of peaceful assembly and of association;  
the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on  
the independence of judges and lawyers.**

REFERENCE: AL Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (3-3-16)  
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1 July 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the independence of judges and lawyers pursuant to Human Rights Council resolution 15/21, 16/5, and 17/2.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **allegedly arbitrary investigation of individuals aiming to work on the defence and promotion of human rights in the context of the exercise of their right to freedom of association.**

According to the information we received:

On 3 April 2013, a group of four persons, composed of Mr. Abdullah Moudhi Saad Al Atwai, Mr. Mohammad Ayed Thawab Al Otaibi, Mr. Abdullah Faisal Al Harbi and Mr. Mohammad Abdullah Al Otaibi, formed a new association called "Union for Human Rights". They published their founding statement on online social networks. The founding statement sets the objectives of the organization, which aims to defend human rights in the Kingdom of Saudi Arabia, in the Arab world and abroad. The first objective reads "to spread and defend the culture of human rights, enforce its principles and values, and promote the Universal Declaration of Human Rights and other relevant international covenants and charters."

On 28 April 2013, Mr. Mohammad Ayed Al Otaibi was called by the General Prosecution's office for an investigation concerning the "co-founding of an illegal association". On 29 April 2013, Mr. Mohammad Abdullah Al Otaibi was summoned for the same investigation. On 30 April 2013, Mr. Abdullah Al Atwai and Mr. Abdullah Al Harbi were also summoned for the same investigation. Further interrogation took place on 4 May 2013.

During the four interrogation sessions, the four individuals were denied access to a legal counsel, and therefore decided not to answer any questions at the General Prosecution's office.

On 4 May 2013, the authorities informed the four individuals they would not bring charges against them if they applied for an official license for the organization. The founding members of the "Union for Human Rights" then decided that the association would halt its activities until permission to be established was obtained. Nevertheless, on 6 May 2013, Mr. Mohammad Abdullah Al Otaibi was again summoned for more questioning.

It is further reported that a formal request aimed to register the association was sent to the Ministry of Social Affairs in late May 2013. In the first days of June 2013, the authorization was reportedly denied on the ground that the objectives of the association, namely the protection of human rights, cannot be considered as "charity".

It is alleged that these investigations against the four human rights defenders and the refusal to register a human rights organization form part of an ongoing campaign of obstruction and harassment aimed at silencing individuals and associations working on human rights issues.

The situation faced by civil society actors active in the field of human rights was notably referred to in a previous communication sent to your Excellency's Government on 27 March 2013 by the Chair-Rapporteur of the Working Group on Arbitrary Detention, 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 and the Special Rapporteur on the situation of human rights defenders. We regret that to date no response to this communication has been received from your Excellency's Government.

Should this information be corroborated, serious concerns are expressed that the investigation against human rights defenders may be linked to the exercise of their fundamental rights to freedom of association and to their role to promote and strive for the protection and realization of human rights and fundamental freedoms. Further concern is expressed that these investigations and the denial to register the organization may lack adequate legal basis and may be directly related to their legitimate and peaceful work in defence of human rights.

While we do not wish to prejudge the accuracy of these allegations, we wish to call on your Excellency's Government to take all necessary steps to secure the rights to freedom of peaceful assembly and of association in accordance with fundamental principles as set forth in article 20 of the Universal Declaration of Human Rights

(UDHR) which provides that “[e]veryone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.”

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

Regarding our concerns that the situation of the mentioned individuals may be directly related to their attempt to engage in work related to the defence and promotion of human rights, we would also like to refer your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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 rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence

perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Regarding the alleged lack of access to legal counsel during the interrogation sessions summoned by the Prosecutor General's office, we would like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, 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, in particular in principle 1, which states: "All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings".

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the full details of the legal basis for the investigations brought against Mr. Abdullah Moudhi Saad Al Atwai, Mr. Mohammad Ayed Thawab Al Otaibi, Mr. Abdullah Faisal Al Harbi and Mr. Mohammad Abdullah Al Otaibi and explain how these investigations are compatible with international norms and standards as stated in the UDHR.
4. Please specify the legal grounds for rejecting the application of the "Union for Human Rights" and how these restrictions are in compliance with international human rights standards related to freedom of association.
5. Please indicate what measures have been taken to ensure that the legitimate rights to freedom of association and expression are respected and that the physical and psychological integrity of those exercising this right is guaranteed.
6. Please indicate what measures have been taken to ensure that those working for the defence and promotion of human rights are able to carry out their work without fear of acts of intimidation or harassment of any sort.

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 Mr. Abdullah Moudhi Saad Al Atwai, Mr. Mohammad Ayed Thawab Al Otaibi, Mr. Abdullah Faisal Al Harbi

and Mr. Mohammad Abdullah Al Otaibi are respected and, 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

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers