

**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; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: UA  
SAU 14/2014:

8 December 2014

Excellency,

We have the honour to address you in our capacity 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; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 25/2, 24/5, 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 **sentencing of Mr. Miklif bin Daham al-Shammari, Mr. Waleed Abu al-Khair and Mr. Fadhel Maki al-Manasif by the Specialised Criminal Court.**

Mr. **Miklif bin Daham al-Shammari** (aka Muklif Shammari) is a prominent journalist, blogger and writer, and an active member of the National Family Safety Programme, where he assists victims of domestic violence. He was the subject of a communication from various Special Procedures mandate holders, dated 1 March 2012, see A/HRC/20/30, case no. SAU 6/2012; 3 May 2012, see A/HRC/21/49, case no. SAU 7/2012; 12 July 2012, see A/HRC/22/67, case no. SAU 9/2012; 12 September 2013, see A/HRC/25/74, case no. SAU 8/2013. We regret that no response has been received from your Excellency's Government to these communications, in particular the allegations of torture referred to in the most recent communication.

Mr. **Waleed Abu al-Khair** is a human rights lawyer and the head of Monitor of Human Rights in Saudi Arabia. He has provided legal representation to many victims of human rights violations and was awarded the human rights Olof Palme Prize in 2012. He was the subject of two previous communications from various Special Procedures

mandate holders, dated 3 May 2012, see A/HRC/21/49, case no. SAU 7/2012; 12 July 2012, see A/HRC/22/67, case no. SAU 9/2012; 24 April 2014, see A/HRC/27/72, case no. SAU 5/2014. We regret that no response has been received from your Excellency's Government to either communication, in particular the allegations of ill-treatment in detention referred to in the most recent communication.

Mr. **Fadhel Maki al-Manasif** is a founding member of al-Adala Centre for Human Rights. He has worked to fight discrimination against Shi'a Muslims and documented their arrests during protests in the east of the country in early 2011. He was the subject of two previous communications sent by various Special Procedures mandate holders, dated 12 May 2011, see A/HRC/18/51, case no. SAU 5/2011; and 5 May 2014, see A/HRC/27/72, case no. SAU 6/2014. We regret that no response has been received from your Excellency's Government to either communication.

*Case of Mr. Miklif bin Daham al-Shammari*

According to the information received:

On 5 March 2014, the sentence of 2013 of five years' imprisonment, a ten-year travel ban and a ban from appearing in the media against Mr. Mikhlif Al-Shammari was upheld upon review by the Specialised Criminal Court. Mr. Al-Shammari was convicted of "attempting to discredit the Kingdom of Saudi Arabia in the eyes of internal and external public opinion", "insulting public officials" and "prejudicing public order via internet", allegedly as a result of his work advocating for reform and democratic change, including publishing articles and information, namely on the Internet. It is reported that Mr. Al-Shammari was not officially informed of the decision until 3 July 2014. According to the sources, the sentence has not yet been executed.

On 22 September 2014, the General Intelligence Directorate in Al-Khobar city allegedly summoned Mr. Al-Shammari and informed him of an order by the Ministry of the Interior to shut down his account on Twitter. It is further alleged that he was forced to sign a pledge ordering the closure of his account within 48 hours. Mr. Al-Shammari's account has now been deactivated.

On 3 November 2014, in a separate case, the Specialised Criminal Court reportedly sentenced Mr. Al-Shammari to two years' imprisonment and to 200 lashes. Allegedly, he was convicted of, inter alia, organising an unauthorised private gathering with reformers, visiting a fellow activist in the Al-Qatif region, sympathising with a family whose son was killed in demonstrations in Al-Qatif, and stirring up public opinion about "co-existence between" Sunni and Shi'a Muslims.

*Case of Mr. Waleed Abu al-Khair*

According to the information received:

On 6 July 2014, the Specialised Criminal Court sentenced Mr. Waleed Abu al-Khair to 15 years' imprisonment, a 15-year travel ban and a fine of 200,000 Saudi Arabian Riyals, approximately 53,300 USD. He was convicted of "striving to overthrow the state and the authority of the King"; "criticising and insulting the judiciary," "assembling international organisations against the Kingdom," "creating and supervising an unlicensed organisation, and contributing to the establishment of another," and, "preparing and storing information that will affect public security", allegedly as a result of his activities as human rights lawyer and expressing opinions through a petition and other activities in the promotion of human rights. Reportedly, the court ordered five years of the sentence to be suspended upon condition that Mr. Al-Khair ceases his human rights activities upon his release.

According to reports, on 11 August 2014, Mr. al-Khair was moved from Jeddah to Malaz prison in Riyadh. Allegedly, he was beaten and pulled on the ground during the transfer. Furthermore, Mr. al-Khair has reportedly been denied access to medical care and a special diet required due to his diabetic condition.

*Case of Mr. Fadhel Maki al-Manasif*

According to the information received:

On 9 September 2014, upon appeal, the Specialised Criminal Court reduced the sentence issued against Mr. al-Manasif on 17 April 2014 to 14 years' imprisonment and a 14-year travel ban, but maintained the fine of 100,000 Saudi Arabian Riyals, approximately 26,600 USD. He was convicted of charges including "breaking allegiance to the ruler", "stirring sedition and sectarian division between citizens by inciting protests and marches", "communicating with foreign media to harm the Kingdom's government, its people and national unity" and "founding a banned association", allegedly as a result of his activism and the reporting of discrimination against the Shi'a Muslim population in Saudi Arabia.

Mr. al-Manasif is detained at the General Directorate of Investigation (GDI) prison in Dammam.

Grave concern is expressed at the sentencing of Mr. Miklif bin Daham al-Shammari, Mr. Waleed Abu al-Khair and Mr. Fadhel Maki al-Manasif, which appears to reflect a pattern of criminalising the legitimate activities of human rights defenders and of curtailing the legitimate exercise of their rights to freedom of opinion and expression and

of association in Saudi Arabia. Grave concern is expressed in relation to the safety and security of the above-mentioned human rights defenders in detention, especially following the allegations of solitary confinement, use of torture and ill-treatment in detention of Mr. Waleed Abu al-Khair and Mr. Fadhel Maki al-Manasif, as described in previous communication by Special Procedures mandate holders.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would also like to refer to articles 5, 10, 19 and 20 of the Universal Declaration of Human Rights, as well as 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, 5, 6 and 12.

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 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 the alleged victims?
3. Please provide the full details of the legal grounds for the charges laid against Mr. Miklif bin Daham al-Shammari, Mr. Waleed Abu al-Khair and Mr. Fadhel Maki al-Manasif and the sentences imposed on them by the Specialised Criminal Court, and how they are compatible with international norms and standards.
4. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to these cases, especially in relation to the allegations of arbitrary detention, as well as use of torture and ill-treatment in detention in relation to the above-mentioned persons. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please state the measures taken to ensure that the health of Mr. Waleed Abu al-Khair is given adequate and non-discriminatory medical attention and care. Please also indicate the reasons why the appeal for his temporary release in order to receive independent medical treatment has not been approved.

6. Please indicate what measures have been taken to ensure that the legitimate right to meet and assemble peacefully, to freedom of expression or opinion, as well as to participate in NGOs, are respected and that the physical and psychological integrity of those exercising these rights is guaranteed.

7. Please kindly indicate what measures have been taken to ensure that human rights defender in Saudi Arabia are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt 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 responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

David Kaye  
Special Rapporteur on the promotion and protection of the right to  
freedom of ion and expression

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

Michel Forst  
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