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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; 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 General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/4 and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the arrest and detention of **Mr. Yusef Abdullah Al-Ahmad**, who is the dean of the law and religious faculty at the University Mohamed Ibn Saoud in Riyadh. Ms. Al-Ahmad is a member of Alkarama, an organization that focuses on human rights in the Arab region, and he has also been an activist against the use of arbitrary detention in the Kingdom of Saudi Arabia.

According to the information received:

On 8 July 2011 at 5:00 p.m., Mr. Al-Ahmad was arrested by members of the general intelligence department while he was at his family house in Dammam. It is alleged that the agents did not inform the reasons of his arrest and that they took Mr. Al-Ahmad's computer, telephone and the keys of his vehicle.

Hours later, the domicile of Mr. Al-Ahmad was searched by agents of the intelligence department, and personal documents were confiscated. It is further reported that the search was carried out without a legal permission.

On 9 July 2011, Mr. Al-Ahmad was taken to Riyadh on an airplane of the security service. On the same day, Mr. Al-Ahmad was authorized to contact his family and informed that he was being accused of 'sedition' and 'public disobedience'.

It was reported that , on 17 May 2011, Mr. Al-Ahmad addressed publicly high authorities in the Kingdom of Saudi Arabia, representing 1'225 families of people that have been detained for several years without being judged. On his communication, Mr. Al-Ahmad expressed his concerns about the human rights of the victims. Mr. Al-Ahmad's communication generated a public debate about the importance of the due process and fair trial guarantees.

It was further reported that Mr. Al-Ahmad criticized the actions by the Government against a pacific manifestation carried out by the families of the victims in front of the Ministry of Interior. In fact, several mothers and wives of political prisoners were arrested.

On 6 July 2011, through a public site on the Internet, Mr. Al-Ahmad reiterated his petition to the Ministry of Interior, regarding the due process application on the detainees' cases.

Concern is expressed at the allegations that the arrest and detention of Mr. Al-Ahmad may be solely based on his peaceful exercise of the right to freedom of opinion and expression. Further concern is expressed about the physical and mental integrity of Mr. Al-Ahmad in view of the allegations that he has been subjected to an arbitrary detention. Concern is also expressed that the situation of Mr. Al-Ahmad may be linked to his human rights activities, particularly his continuous work with the families of people that have been arbitrarily detained.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Al-Ahmad is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR).

Given our concern that the alleged arrest and detention of Mr. Al-Ahmad may be solely based on his peaceful exercise of the right to freedom of opinion and expression, we would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the UDHR, which provides that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

In addition, we would 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 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; 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.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Al-Ahmad 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.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Al-Ahmad in compliance with the above international instruments.

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 this case to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of Mr. Al-Ahmad?

3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide information concerning the legal grounds for the arrest and detention of Mr. Al-Ahmad and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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

El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

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

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders