

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

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) G/SO 214 (107-9)
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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 6/4, 7/36, and 7/8.

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. Mubarak Aal-Zuair**, a 45 year old university professor at Imam Muhammad ibn Saud University, a researcher specialized in new media studies and an activist involved in promoting human rights in Saudi Arabia.

According to the information received:

On 19 March 2011, Mr. Mubarak Aal-Zuair had a meeting with Deputy Minister of the Interior Prince Mohamed bin Nayef, claiming the release of a group of detainees in Saudi Arabia pursuant to Article 114 of the Saudi Code of Criminal Procedure. Mr. Aal-Zuair was allegedly assured by the Deputy Minister that detainees would be released shortly. He was allowed to deliver this message to the families of detainees and was asked to disperse the protests outside the premises of the Ministry of Interior.

On 20 March 2011 at 10:30 a.m., Mr. Mubarak Aal-Zuair while heading to the Ministry of Interior was arrested by police officers. Reportedly, Mr. Aal-Zuair was not presented with an arrest warrant nor was he informed of the reasons for his arrest and detention. He was subsequently interrogated by the police and denied visits.

On 22 March 2011, Mr. Aal-Zuair was transferred to Al-Malaz police station and placed under solitary confinement inside a toilet cubicle. It is reported that his health condition is deteriorating.

Concern is expressed at the allegation that Mr. Aal-Zuair may be detained solely on the basis of his peaceful exercise of the right to freedom of expression and for his attempt to obtain release of detainees in conformity with the Saudi domestic law.

While we do not wish to prejudice the accuracy of these allegations, we wish to share our serious concerns at the situation of Mr. Aal-Zuair and to draw the attention of

your Excellency's Government to the relevant international norms and principles applicable to this case.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Aal-Zuair 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).

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 this connection, 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, point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; 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. Aal-Zuair 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. Aal-Zuair 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 these cases 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. Aal-Zuair?
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 explain the legal bases and the applicable domestic law for Mr. Aal-Zuair's detention. Moreover, please explain how his arrest and detention is compatible with international human rights norms and standards on the right to freedom of opinion and expression, as contained, inter alia, in the UDHR.
5. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
6. Please provide information on the measures taken to ensure the safety of Mr. Aal-Zuair.

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.

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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
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