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**HAUT COMMISSARIAT DES NATIONS UNIES**  
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**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

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

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

**Mandates 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; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) Terrorism (2005-4)  
SAU 13/2012

21 December 2012

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; 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 promotion and protection of human rights and fundamental freedoms while countering terrorism pursuant to Human Rights Council resolutions 15/18, 16/4, 15/21, 16/5, and 15/15.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **alleged arbitrary arrest of human rights defender Mr. Al Rashoudi, aged 77, on 12 December 2012 in Riyadh.**

Mr. Suleiman Ibrahim Saleh Al Rashoudi is a Saudi citizen born in 1935 and a civil and political rights defender in the country. Lawyer and former judge, he is now the head of the Saudi Association of Civil and Political Rights (ACPRA) aimed at raising awareness of human rights and calling for laws to protect minority rights.

Mr. Al Rashoudi was the subject of a joint urgent appeal sent to your Excellency's Government on 1 March 2012 concerning the prison sentences handed down to several human rights defenders, among whom was Mr. Al Rashoudi. We also brought to the attention of your Excellency's Government the alleged ill-treatment inflicted to him. We deeply regret not having received a response from your Excellency's Government so far.

According to the information received:

On 11 December 2012, Mr. Al Rashoudi held a meeting in Riyadh where he reportedly publicly asserted that the rights to freedom of peaceful assembly and of association are legitimate and internationally recognized.

On 12 December 2012, in the early morning, Mr. Al Rashoudi allegedly received a phone call from the General Investigation Directorate asking him to go to their central office in Riyadh, which he did. As he was on his way to the Qassim region, he was reportedly arrested. According to sources, he was taken to the detention centre at Naif Academy for Security Sciences located in the east of Riyadh city. The Saudi Interior Ministry purportedly used a verdict from 2011 to arrest and detain Mr Al Rashoudi. Mr. Al Rashudi is also a defendant in a case which reached the appeal stage. In this case, he was convicted of involvement in forming a secret organization, attempting to seize power, incitement against the King, financing terrorism, and money laundering.

Concern is expressed that the alleged detention may be directly related to Mr. Al Rashoudi legitimate human rights work, especially to the public defence of the rights to freedom of peaceful assembly and of association as defined by international standards. Concern is further expressed about the violation of the defendant's procedural safeguards in relation to the criminal proceedings against him, notably that the charge of "terrorism" is used in order to punish the defendant for the political beliefs and convictions he holds and to prevent him from pursuing political activities. Considering the age of Mr. Al Rashoudi, grave concern is expressed regarding his physical and psychological integrity.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned person 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 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 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.
- 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.
- 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 would also like to recall the right to freedom of opinion and expression as set forth in article 19 of the UDHR which provides that “[e]veryone 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.”

We would further like to recall the rights to freedom of peaceful assembly and of association as set forth in article 20 of the 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 that “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.”

While being conscious of the fact that States’ obligation to protect and promote human rights requires them to take effective measures to combat terrorism, we would like to underline that General Assembly resolution 59/191, in its paragraph 1, stresses that: “States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law”, as does Security Council resolution 1456 (2003) in its paragraph 6.

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 the above-mentioned person in compliance with the above international instruments.

Moreover, 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 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. Please confirm the legal grounds for the arrest and detention of Mr. Al Rashoudi and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR.
3. Has a complaint been lodged by or on behalf of Mr. Al Rashoudi? Please provide the details, and where available the results, of any investigation, 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 specify whether urgent measures have been taken to protect the physical and psychological integrity of Mr. Al Rashoudi.
5. Please describe the concrete steps taken or expected to be taken to ensure the right of freedom of peaceful assembly and association complies with international norms and standards.

We undertake to ensure that your Excellency’s Government’s response is reflected in the report we will submit 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. Al Rashoudi 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.

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

Maina Kiai  
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