

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

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

**Mandates of the 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**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

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

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) G/SO 214 (107-9)  
SAU 9/2010

16 December 2010

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 concerning the arrest and detention of **Mr. Mohamed bin Abdullah bin Ali Al-Abdulkareem**. Mr. Al-Abdulkareem, a professor of law in Mohamed ibn Saud University in Riyadh, is a member of the Association for Civil and Political Rights and the Arab Organisation for Liberties and Good Governance, as well as editor in chief of the Journal of the National Congress.

According to the information received:

Mr. Al-Abdulkareem was arrested at his home on 5 December 2010 by agents of the general intelligence directorate. It is reported that the agents did not possess a judicial warrant, nor did they inform Mr. Al-Abdulkareem of the reasons for his arrest. Mr. Al-Abdulkareem is currently detained in Al Hayr prison, near Riyadh.

It is reported that, on the same day, one of Mr. Al-Abdulkareem's close friends attempted to obtain information regarding the location of Mr. Al-Abdulkareem's detention and the reasons for the same, but was unable to obtain such information

from neither the Al-Alicha nor Al-Hayr prison, where Mr. Al-Abdulkareem is reportedly detained. The prison authorities have yet to officially confirm Mr. Al-Abdulkareem's arrest.

However, it is reported that Mr. Al-Abdulkareem has been able to contact his wife on two occasions via telephone since his arrest, and thus could inform her of his whereabouts.

Concerns have been expressed by Mr. Al-Abdulkareem's family, as well as the organisations of which he is a member, that his arrest is related to the publication of an academic article which analysed issues related to succession and the mechanisms for transfer of power in Saudi Arabia on his Facebook page. It is reported that the same article is available on many Internet sites and has generated debate in Saudi civil society concerning the organisation of power in the Kingdom.

On 8 December 2010, a group of lawyers defending Mr. Al-Abdulkareem presented a request in his name calling for his fundamental rights guaranteed by national law to be respected including, inter alia, that he be provisionally released with immediate effect as he is not the object of a crime serious enough to merit his continuing detention. It is reported that the lawyers in question have yet to receive a response from the authorities.

Concern is expressed that the arrest and detention of Mr. Mohamed bin Abdullah bin Ali Al-Abdulkareem may be related to his legitimate and peaceful activities in defence of human rights.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Mohamed bin Abdullah bin Ali Al-Abdulkareem 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.

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”.

In addition, as the arrest and detention of Mr. Mohamed bin Abdullah bin Ali Al-Abdulkareem may be related to the publication of an academic article which analysed issues related to succession and the mechanisms for transfer of power in Saudi Arabia on his Facebook page, 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 Universal Declaration of Human Rights, 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”.

Moreover, we wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States, while noting that the right to freedom of opinion and expression carries with it special duties and responsibilities, to refrain from imposing restrictions, including on (i) discussion of Government policies and political debate; reporting on human rights, Government activities and corruption in Government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

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. Mohamed bin Abdullah bin Ali Al-Abdulkareem 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. Mohamed bin Abdullah bin Ali Al-Abdulkareem 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. Please provide the details of the legal basis for the arrest and detention of Mr. Mohamed bin Abdullah bin Ali Al-Abdulkareem and how these measures are compatible with the international human rights norms and standards contained in, inter alia, the Universal Declaration of Human Rights and the Declaration on Human Rights Defenders.

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