

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

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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

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

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)
SAU 7/2014

9 May 2014

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; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **the incommunicado detention of Mr. Abdulrahman al-Hamed**.

Mr. Abdulrahman al-Hamed is a founding member of the Saudi Civil and Political Rights Association (ACPRA), which is an independent non-governmental organisation that reports on human rights violations in the Kingdom of Saudi Arabia. Set up in October 2009, it helps the families of detainees held without charge to bring cases against the Ministry of Interior before the Board of Grievances, an administrative court with jurisdiction to consider complaints against the state and its public services. Mr. al-Hamed served as ACPRA's first president.

ACPRA members have been the subject of a number of communications sent to the Kingdom of Saudi Arabia; on 3 February 2014 (SAU 1/2014), on 27 March 2013 (SAU 5/2013) and on 21 December 2012 (SAU 13/2012). We regret that no response has been received to any of these communications.

According to the information received:

On 12 April 2014, Mr. Abdulrahman al-Hamed reportedly signed a statement, along with other activists, calling for the Saudi Minister of Interior to be put on trial “for his policy in suppressing public freedoms”.

On 17 April 2014, Mr. al-Hamed was allegedly requested to report to the Criminal Investigation Department (CID) in Burayda in the central province of al-Qassim. At around 4:00 p.m., Mr. al-Hamed went to the CID in Burayda where he was reportedly arrested upon arrival and was informed that the Bureau of Investigation and Prosecution (BIP) had issued a warrant for his arrest.

Mr. al-Hamed suffers from diabetes. Furthermore, he recently underwent a surgical operation on his foot, and had been receiving daily medical care in order to prevent infection. It is reportedly unknown whether he has received medical treatment while in detention. Reportedly, neither Mr. al-Hamed’s family, nor his lawyer, have been granted requests to visit him in detention.

Concern is expressed at the allegations of incommunicado detention of Mr. Abdulrahman al-Hamed and the ongoing targeting of members of the Saudi Civil and Political Rights Association. Grave concern is expressed regarding the medical condition of Dr. al-Hamed whilst in detention, given his recent surgery and ongoing treatment for issues related to diabetes.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether or not the detention of Mr. al-Hamed is arbitrary, the above allegations appear to be in contravention of his right not to be subject to arbitrary arrest, detention or exile, as set forth in article 9 of the Universal Declaration of Human Rights (UDHR).

Moreover, these allegations further indicate a prima facie violation of Mr. al-Hamed’s fundamental right to freedom of opinion and expression and of association, as recognized in the UDHR.

Furthermore, these allegations appear to contravene the prime responsibility and duty of the State to protect, promote and implement all human rights and fundamental freedoms 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, in particular articles 1, 2 and 12. Finally, we would also like to refer to Human Rights Council Resolution 22/6, which explicitly indicates that domestic law and administrative provisions, and their application, should facilitate the work of human rights defenders, including by avoiding their criminalization or stigmatization, or by imposing any impediments, obstructions or restrictions to their work.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org /can be provided upon request.

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-Hamed in compliance with international instruments.

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:

1. Please provide any additional information and any comments you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of Mr. Abdulrahman al-Hamed and how these measures are compatible with international norms and standards as stated in the UDHR.
3. In connection with the above, please kindly provide information about the state of health of Mr. al-Hamed, as well as details of his access to independent medical professionals, independent legal representation and family members.
4. Please explain what measures have been taken to ensure that all human rights defenders and associations' members, in the Kingdom of Saudi Arabia can carry out their peaceful and legitimate activities without fear of judicial harassment or other restrictions.

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

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.

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

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

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders