

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 Working Group on the issue of discrimination against women in law and in practice; 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; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (53-24)
SAU 8/2013

12 September 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; 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; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 15/18, 23/7, 16/4, 15/21, 16/5, 17/2, and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding a recent pattern of the sentencing and detention of human rights defenders Mr. **Miklif bin Daham al-Shammari** (aka **Muklif Shammari**), Mr. **Abdullah bin Hamid bin Ali al-Hamid**, Mr. **Mohamed bin Fahad bin Muflih al-Qatani**, Mr. **Omar al-Saeed**, Mr. **Fowzan al-Harbi**, Mr. **Abdulkareem Yousef al-Khoder**, Mr. **Saleh al-Aswan**, Ms. **Wajeha al-Huwaider** and Ms. **Fawzia al-Oyouni**.

Ms. Wajeha al-Huwaider was the subject of a communication sent to your Excellency's Government by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the then Special Representative of the Secretary-General on the situation of human rights defenders on 11 August 2006. She was again the subject of a communication dated 10 November 2006 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on violence against women, its causes and consequences and the then Special Representative of the Secretary-General on the

situation of human rights defenders. We regret that no replies have been received to either communication.

Mr. Miklif al-Shammari was the subject of a communication dated 3 May 2012 sent by 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; 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 independence of judges and lawyers. We thank your Excellency's Government for the reply received on 1 February 2013. Unfortunately, the issue of the travel ban imposed on Mr. al-Shammari was not addressed in the response.

Mr. Saleh al-Aswan and Dr. Abdulkareem Yousef al-Khoder were mentioned in a communication to your Excellency's Government on 12 July 2012 sent by 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; 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. No reply has been received to this communication to date.

The Saudi Civil and Political Rights Association (ACPRA) was the subject of a communication sent by 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; 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 on 27 March 2013. We regret to inform you that no reply has yet been received.

According to the information received:

Ms. Wajeha al-Huwaider and Ms. Fawzia al-Oyouni

On 6 June 2011, Ms. Wajeha al-Huwaider and Ms. Fawzia al-Oyouni reportedly received a text message from a Canadian woman saying that she and her three children had been imprisoned against their will, deprived of food and subjected to violence by her husband. They immediately went, bringing some food, to the house of the woman in the city of Damman but upon arrival discovered that the husband had sent the message in order to trap them. Sources indicate that the police arrived and arrested Ms. al-Huwaider and Ms. al-Oyouni on charges of attempting to smuggle the Canadian woman and her children to the Canadian embassy in Riyadh. They were then allegedly briefly held on charges of sabotaging a marriage but were released on 7 June 2011, in the belief that the charges had been dropped. In July 2012, it is reported that the women were summoned for questioning about the Women2Drive campaign and that they were then informed that the charges from the year before would be brought before court. The trial reportedly began in December 2012 and on 15 June 2013 Ms. al-

Huwaider and Ms. al-Oyouni were allegedly sentenced to ten months imprisonment followed by a two-year travel ban handed down by the District Court in Al-Khobar. They had allegedly been acquitted of smuggling charges, but were convicted of *takhib*, or the incitement of a wife to defy the authority of her husband. The women reportedly decided to appeal this decision and filed this appeal on 14 July 2013.

Saudi Civil and Political Rights Association (ACPRA):

On 20 March 2011, Mr. Mohammed Saleh al-Bajady, co-founder of ACPRA, took part in a demonstration at the Ministry of the Interior in support of families of prisoners who were allegedly arbitrarily detained. It is alleged that this participation in the protest was used as a pretext to arrest Mr. al-Bajady in retaliation for his work in publicizing the alleged death by torture of a Yemeni citizen in the Altareef Prison. It is reported that his trial took place secretly during August 2011 and that on 10 April 2012 he was sentenced to four years imprisonment with a five-year travel ban on charges of founding an organization and harming the image of the State through the media. Sources allege that Mr. Al-Bajady went on hunger strike in September 2012 and had not been heard from until 3 July 2013, despite attempts by his family to contact him. On 7 July 2013, his family was allowed to see him. It is reported he was released without warning or his personal belongings on 6 August 2013, but re-arrested again some days later.

On 7 July 2012, Mr. Saleh al-Ashwan was reportedly arrested and put into preventative detention. His lawyer was denied access to him and he was not brought to trial. It is alleged that he was subjected to torture or other forms of cruel, inhuman or degrading punishment whilst in detention. It is further alleged that he was targeted for his legitimate work in defence of human rights, and because he is a member of ACPRA. At the beginning of July 2013, he was presented to the Specialized Criminal Court in Jeddah, where the judge pronounced that the competency of the case lay in Riyadh, not Jeddah. Mr. al-Ashwan remains in detention at Hai'r Prison in Riyadh, despite this being in direct contravention of Saudi law which allows for a maximum of six months of preventative detention.

On 11 March 2013, sources report that the trial of Mr. Miklif bin Daham al-Shammari began at the Specialized Criminal Court in Jeddah. He allegedly faced charges which included sowing discord, harming public order and the image of the State and questioning the integrity of State officials. This was sixteen days after his release from 20 months detention during which it is alleged that he was beaten, poisoned and tortured, at one point having to be hospitalized. These allegations have not been investigated. On 17 June 2013, it is reported that Mr. al-Shammari was sentenced to five years imprisonment, to be followed by a ten year travel ban.

On 16 April 2013, Mr. Omar al-Saeed was reportedly summoned for investigation by the General Investigation Service, but did not attend on the grounds that this authority is not competent in law to investigate him. He was summoned on 21 April 2013 by the Investigation Authority but refused to co-operate when his legal team were not allowed to attend the 28 April 2013 hearing. He was arrested on this date and it is alleged that he was held in solitary confinement for 30 days. Mr. al-Saeed was reportedly forced to attend secret trials, as well as to undergo physical harassment before a trial on 18 July 2013. He remains in detention, reportedly on charges of calling the governing system repressive, oppressive and racial, as well as of being a member of an unlicensed group (allegedly ACPRA).

According to sources, a prominent member of ACPRA, Mr. Fowzan al-Harbi, has been under investigation since 6 May 2013 when he was summoned to present himself to the Bureau of Investigation and Prosecution in Riyadh on similar charges to his colleagues. These are: breaking allegiance to and disobeying the ruler, questioning the integrity of officials, seeking to incite disorder, disseminating false information and forming an unlicensed organization. On 22 May 2013, at approximately 11:30pm, Mr. al-Harbi was reportedly stopped by airport authorities after he had received his boarding pass to travel to Geneva to attend a human rights conference, detained for fifteen minutes and then informed he was not allowed to travel. He attended investigative hearings on 11 May 2013, 15 July 2013 and 17 July 2013. Sources affirm that the investigation concentrated on ACPRA's activities and that Mr. al-Harbi was asked to sign a pledge to terminate ACPRA, as well as his legal practice. He allegedly refused on the grounds that he has a right to defend human rights. On 30 July 2013, it is reported that Mr. al-Harbi again attended a hearing during which he was interrogated about new statements made by ACPRA. This investigation is reportedly to remain open.

Mr. Abdulkareem al-Khoder is a founding member of ACPRA and has been under a travel ban since 2010. Dr. al-Khoder has also cooperated with various UN human rights mechanisms. On 24 June 2013, Dr. al-Khoder was allegedly sentenced to 8 years imprisonment followed by a ten year travel ban at a criminal court in Buraydah, for disseminating false information to foreign groups and taking part in founding an unlicensed organization. It is alleged that the judge in the trial had expressed negative opinions about Dr. al-Khoder before the trial, and therefore was not impartial. It is further alleged that during a hearing of the trial on 24 April the judge denied women access to the courtroom. When Dr. al-Khoder refused to enter the courtroom in protest at this he was detained. Further, it is alleged that Mr. Abdulaziz al-Shibli, Dr. al-Khoder's lawyer, continues to be subjected to harassment and threats of imprisonment. It is alleged that this is due to his defence of Dr. al-Khoder and also of women who were arrested for demonstrating in favour of women's rights.

Concern is expressed about the judicial harassment of Fowzan al-Harbi. Serious concern is expressed at reports of the arrests and detention of Wajeha al-Huwaider and Fawzia al-Oyouni, as it is believed this may be as a direct result of their work in defense

of women's human rights. Further concern is expressed at allegations of secret and unfair trials, such as those of Mohammed Saleh al-Bajady and Omar al-Saaed. Very serious concern is expressed at the allegations of torture against Saleh al-Ashwan and Miklif al-Shammari, as well as at the lack of investigation of these claims. Further deep concern is expressed at the possibility that the trial of Dr Abdulkareem al-Khoder did not comply with due process and fair trial standards and is imprisoned as a result of his collaboration with UN mechanisms. Moreover, we are extremely concerned about the restrictive effect these allegations have on the environment in which human rights defenders in Saudi Arabia must go about their peaceful and legitimate work.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their 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).

Furthermore, we should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the cases of the persons named above. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the UDHR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

In this regard, we would also like to draw your Excellency's Government's attention to article 7 of the Basic Principles for the Treatment of Prisoners, which provides that "efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged" (adopted by the General Assembly by resolution 45/111 of 14 December 1990).

In this context, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

We would also 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 "[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 call on your Excellency's Government to take all necessary steps to secure the rights to freedom of peaceful assembly and of association in accordance with fundamental principles 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."

Regarding allegations that Mr. Mohammed Saleh al-Bajady and Mr. Omar al-Saeed's trials took place in secret, we would like to refer your Excellency's Government to Article 10 of the UDHR which states: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him." Article 11 (1) of the UDHR further stipulates that: "Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."

Regarding the allegation that Mr. Saleh al-Ashwan was denied access to his lawyer after his arrest, we would like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, and in particular:

- Principle 1, which states: "All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings";

- Principle 7, which states: "Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention."; and

- Principle 8, which states: "All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials."

Regarding the allegation that Mr. Fowzan al-Harbi was requested by the authorities to close his legal practice, we would like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, and in particular principle 18, which states: "Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions."

Regarding the allegation of lack of impartiality of the judge in Mr. Abdulkareem al-Khoder's trial, we would like to refer your Excellency's Government to the Bangalore Principles of Judicial Conduct, adopted in The Hague in 2002 (E/CN.4/2003/65), and in particular the following principles regarding the impartiality and integrity of judges:

- Principle 2.1, which states: "A judge shall perform his or her judicial duties without favour, bias or prejudice.";
- Principle 2.2, which states: "A judge shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary."; and
- Principle 3.1, which states: "A judge shall ensure that his or her conduct is above reproach in the view of a reasonable observer."

Regarding the allegation that in the same trial, women were prohibited access to court premises, we would like to remind your Excellency's Government of articles 10 and 11(1) of the UDHR which provide for public hearing and trial. Moreover, we would like to refer your Excellency's Government to the Bangalore Principles of Judicial Conduct, adopted in The Hague in 2002 (E/CN.4/2003/65), and in particular principle 5, which states: "Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office."; and principle 5.2: "A judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice towards any person or group on irrelevant grounds."

Regarding the allegations of harassment and threats of imprisonment of Mr. Abdulkareem al-Khoder's lawyer, we would like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, and in particular principle 16, which states: "Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics."; principle 17, which states: "Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities."; and principle 18, which states: "Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions."

In connection to the allegations received indicating that the situation of the above-mentioned individuals is linked to their activities in defence of human rights and fundamental freedoms, 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 5 c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to communicate with non-governmental or intergovernmental organizations;

- 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;

- 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 also wish to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which, inter alia, "condemns all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (OP 2) and "calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to

cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...)” (OP 3).

We further wish to express our concern at information received regarding the reported conviction of Ms. al-Huwaider and Ms. al-Oyouni for the Islamic Sharia law crime of *‘takhbib’*, namely the incitement of a wife to defy the authority of her husband. We are concerned that Ms. al-Huwaider and Ms. al-Oyouni were sentenced by the District Court in Al-Khobar to ten months imprisonment, followed by a two-year travel ban for reportedly bringing food to a Canadian woman and her two children, who had allegedly been abused by the woman’s Saudi husband. We are particularly concerned at reports that Saudi authorities have not taken any action to investigate the allegations of violence perpetrated by the husband. Grave concern is expressed that these sentences could be related to the activities of Ms. al-Huwaider and Ms. al-Oyouni in their defence of human rights, including their previous campaigning to overturn the discriminatory ban on women drivers in the Kingdom of Saudi Arabia.

While we would like to take this opportunity to congratulate your Excellency’s Government on its recent adoption of the Law on “Protection from Abuse”, we would nonetheless urge your Excellency’s Government to take measures to ensure that this legislation is fully implemented and that women and girls who are victims of violence in the Kingdom of Saudi Arabia have access to immediate means of redress and perpetrators are also prosecuted and punished.

In this connection, we wish to recall article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

We also wish to recall paragraph (z) of its 2013 Agreed Conclusions (E/2013/27-E/CN.6/2013/11), whereby the Commission on the Status of Women has recommended that States “support and protect those who are committed to eliminating violence against women, including women human rights defenders in this regard, who face particular risks of violence.”

We would further like to take this opportunity to draw the attention of your Excellency’s Government to its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (hereinafter “CEDAW”), which was ratified by the Kingdom of Saudi Arabia on 7 September 2000. Article 2 (f) requires States Parties to “take all appropriate measure, including legislation, to modify or abolish

existing laws, regulations, customs and practices which constitute discrimination against women.” In addition, Article 5(a) calls for States to “take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”

In paragraph 11 of its General Recommendation on *Violence Against Women*, the CEDAW Committee has noted that “Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage.” The Committee has affirmed that “such prejudices and practices may justify gender-based violence as a form of protection or control of women” and “the effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms.”

In paragraph 17 of its General Recommendation on *Equality in Marriage and Family Relations*, the CEDAW Committee has further noted that “many countries in their legal systems provide for the rights and responsibilities of married partners by relying on the application of ... religious or customary law, rather than by complying with the principles contained in the Convention. These variations in law and practice relating to marriage have wide-ranging consequences for women, invariably restricting their rights to equal status and responsibility within marriage. Such limitations often result in the husband being accorded the status of head of household and primary decision maker and therefore contravene the provisions of the Convention.”

In this connection, we also wish to recall paragraph 15 of the 2008 Concluding Observations (CEDAW/C/SAU/CO/2) where the Committee has expressed its concern at the limited efforts by the Kingdom of Saudi Arabia to directly address discriminatory cultural practices and stereotypes. It was particularly concerned that the concept of male guardianship, “although it may not be legally prescribed, seems to be widely accepted” and “severely limits women’s exercise of their rights under the Convention, in particular with regard to their legal capacity and in relation to issues of personal status, including marriage, divorce, child custody, inheritance, property ownership and decision-making in the family, and the choice of residency, education and employment”. It also expressed its concern in paragraph 21 of the same Concluding Observations that “social attitudes and the concept of male guardianship over women deter and often prevent victims from reporting cases of violence.” The Committee further noted in paragraph 15 that other practices prevalent in Saudi Arabia, such as the de facto ban of women from driving, is “a limitation of their freedom of movement”, and also “contributes to the maintenance of such stereotypes.”

In paragraph 16 of the above-mentioned Concluding Observations, the CEDAW Committee has urged the Kingdom of Saudi Arabia to “take immediate steps to end the practice of male guardianship over women, including by awareness-raising campaigns” and to “be proactive and to put into place without delay a comprehensive strategy,

including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and to promote women's full enjoyment of their human rights, in conformity with articles 2 (f) and 5 (a) of the Convention.”

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 persons 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 cases accurate?
2. Please provide the details, and where available the results, of any investigation, including medical, judicial or other inquiries carried out in relation to any of these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please indicate what measures have been taken to ensure that the legitimate right to freedom of association is respected and that the physical and psychological integrity of those exercising this right is guaranteed.
4. Please provide information concerning the legal grounds for the arrest and detention of the abovementioned persons and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR. Please provide information on whether all detainees have unhindered access to family members, legal counsel, and medical personnel.
5. Please provide detailed information on the different judicial proceedings undertaken in the different cases described above and explain how such judicial proceedings complied with international human rights guarantees of fair trial and due process, as enshrined, inter alia, in the UDHR, the Basic Principles on the Role of Lawyers, and Bangalore Principles of Judicial Conduct.
6. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in a safe and enabling environment and can carry out their legitimate activities without fear of judicial harassment, criminalization or detention of any kind.

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.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons 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

Frances Raday
Chairperson-Rapporteur of the Working Group on the issue of discrimination
against women in law and in practice

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

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Gabriela Knaul
Special Rapporteur on the independence of judges and lawyers

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment