



PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME  
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

SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL

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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 detention of **Mr. Ahmad bin Sa'd al-Ghamdi, Mr. Abdul Aziz al-Wuhaibi, Mr. Muhammad bin Hussain al-Qahtani** and **Mr. Muhammad bin Nasser al-Ghamdi**, founders of the political party the Islamic Omma Party.

According to the information received:

Reportedly on 16 February 2011, Mr. Ahmad bin Sa'd al-Ghamdi, Mr. Abdul Aziz al-Wuhaibi, Mr. Muhammad bin Hussain al-Qahtani and Mr. Muhammad bin Nasser al-Ghamdi, together with three other Saudi Arabian citizens, were arrested by members of the Interior Ministry's General Intelligence. A week prior to their detention, on 9 February 2011, the individuals mentioned above had submitted a request for recognition of what would be Saudi Arabia's first political party, the Islamic Omma Party. All of them were asked to sign an undertaking that they would renounce their activities with the party. Mr. Ahmad bin Sa'd al-Ghamdi, Mr. Abdul Aziz al-Wuhaibi, Mr. Muhammad bin Hussain al-Qahtani and Mr. Muhammad bin Nasser al-Ghamdi refused to do so and as a result have

been placed in detention. The three others did sign such an undertaking and were subsequently released.

The Islamic Omma Party was founded by nine citizens of Saudi Arabia, including intellectuals, writers and lawyers on 9 February 2011. The values of the Party reportedly stem from Islamic teachings and the principles of justice, freedom and charity. The Party's goals include greater political freedoms in Saudi Arabia, the separation of powers, independence of the judiciary, social justice and non-discrimination and the holding of elections.

It is further reported that Mr. Abdul Aziz al-Wuhaibi was permitted to briefly speak with his family by telephone on 18 February 2011; reportedly the only contact he has had with the external world. He allegedly told them that he was being detained at al-Hair prison. Although the whereabouts of Mr. Ahmad bin Sa'd al-Ghamdi, Mr. Muhammad bin Hussain al-Qahtani and Mr. Muhammad bin Nasser al-Ghamdi are unknown, there are reasons to believe that they are also being held incommunicado at al-Hair prison.

Concerns are expressed at the allegation that Mr. Ahmad bin Sa'd al-Ghamdi, Mr. Abdul Aziz al-Wuhaibi, Mr. Muhammad bin Hussain al-Qahtani and Mr. Muhammad bin Nasser al-Ghamdi are being held in detention on the basis of the peaceful exercise of their right to freedom of expression and association.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's Government's attention to the right to physical and mental integrity of the above-mentioned persons.

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.

Given that the Islamic Omma Party is considered to be the first political party in Saudi Arabia, and has been formed to enable individuals to organize themselves to express their opinions and views, 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". We would also like to underscore that as stated in the report by the Special Rapporteur on

the right to freedom of opinion and expression, “the right to freedom of opinion and expression for the development and reinforcement of truly democratic systems lies in the fact that this right is closely linked to the rights to freedom of association, assembly, thought, conscience and religion, and participation in public affairs” (A/HRC/14/23, para.27).

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, 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 8, paragraph 1, which stipulates that “everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.”

- 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 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.

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. Has a complaint been lodged by or on behalf of the alleged victims?
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 provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide information on the measures taken to ensure the safety of Mr. Ahmad bin Sa'd al-Ghamdi, Mr. Abdul Aziz al-Wuhaibi, Mr. Muhammad bin Hussain al-Qahtani and Mr. Muhammad bin Nasser al-Ghamdi.

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  
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