

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; 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

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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; 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 24/7, 25/2, 24/5, 25/18, 26/7, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the arrest, the detention and the severe sentences, including corporal punishment, of members of the Saudi Civil and Political Rights Association (ACPRA), as well as allegations of prolonged solitary confinement and incommunicado detention.**

Mr. Sheikh Suliaman al-Rashudi is a former judge and lawyer. He is a founding member and former President of ACPRA, which reports on human rights violations, and has helped families of detainees held without charge or trial to bring cases against the Ministry of Interior. It is reported that Mr. Sheikh Suliaman al-Rashudi has previously been arbitrarily detained three times as a result of his human rights activities, amounting to approximately four years' imprisonment, including five months of solitary confinement. He has been subjected to travel bans, monitoring and threats.

Mr. Sheikh Suliaman al-Rashudi has been the subject of five previous communications from various Special Procedures mandate holders, dated 19 March 2004; 26 April 2004; 8 February 2007; 1 March 2012; and 21 December 2012. We acknowledge the response from your Excellency's Government to the communication of April 2004. However, we regret that no response has been transmitted to the other communications.

Dr. Abdullah al-Hamid is a writer and a founding member of ACPRA. He was a professor at al-Imam Muhammad bin Saud University in Riyadh before being dismissed as a result of his activism and has published on human rights and judicial independence. Dr. Abdullah al-Hamid has allegedly been arbitrarily detained four times as a result of his human rights work.

Dr. al-Hamid was the subject of five previous communications from various Special Procedures mandate holders, dated 19 March 2004; 26 April 2004; 30 May 2005; 12 July 2012; 27 March 2013; and 12 September 2013. We acknowledge the response from your Excellency's Government to the communication of April 2004, stating that Dr. Abdullah al-Hamid had been charged with organising the meetings and that his case had been referred to the courts for judgement. Further, we acknowledge receipt of the response to the communication of May 2005 declaring that Dr. Abdullah al-Hamid was released pursuant to the provisions of a royal amnesty proclaimed on 8 August 2005. We regret that no response has been transmitted to the other communications.

Dr. Mohammad Fahd al-Qahtani is a founding member of ACPRA who has publicly raised concerns about the human rights situation in Saudi Arabia, including through media interviews. He was the subject of four previous communications from various Special Procedures mandate holders, dated 3 May 2012; 12 July 2012; 27 March 2013; and 12 September 2013. We thank your Excellency's Government for the response to the communications. However, we regret that no response has been transmitted to the remaining communications.

Dr. Abdulrahman al-Hamid is the brother of Dr. Abdullah al-Hamid and a founding member of ACPRA. He was the subject of a communication from various Special Procedures mandate holders, dated 9 May 2014. We regret that no response has been transmitted to this communication.

Dr. Abdulkareem Yousef al-Khoder is a founding member of ACPRA. He is a former professor at the Faculty of Islamic Jurisprudence at al-Qassim University, who was reportedly dismissed as a result of his human rights work in October 2011. Dr. Abdulkareem Yousef al-Khoder has been the subject of a travel ban since 2010. He was the subject of two previous communications from various Special Procedures mandate holders, dated 12 July 2012 and 12 September 2013. We regret that no response has been transmitted to these communications.

Mr. Mohammed Saleh al-Bajadi is a founding member of ACPRA, and founded the “Forum for Cultural Debates”, a group that used to meet weekly to discuss the promotion of human rights. He was reportedly detained in September 2007 at his office in Buraydah and had his computer and some CDs confiscated. He was the subject of four previous communications from various Special Procedures mandate holders dated 28 April 2010; 7 April 2011; 3 May 2012; and 12 September 2013. We thank your Excellency’s Government for the response to the communications of 2010 and 2012. However, we regret that no response has been transmitted to the other communications.

Mr. Fowzan al-Harbi is a founding member of ACPRA. In May 2012, Mr. al-Harbi was subjected to a travel ban, which prevented him from attending a human rights conference in Geneva. **Mr. Omar al-Hamid al-Saeed** is a member of ACPRA. Both men were the subject of a communication from various Special Procedures mandate holders, dated 12 September 2013. In addition, Mr. Fowzan al-Harbi was the subject of a communication dated 3 February 2014. We regret that no response has been transmitted to either communication.

Mr. Essa al-Hamid is a founding member of ACPRA.

The case of Mr. Sheikh Suliaman al-Rashudi

According to the information received:

Following Mr. Sheikh Suliaman al-Rashudi’s arrest in December 2012, he was detained for two months in solitary confinement in al-Ha’ir prison in Riyadh, before being granted limited access to his family and his lawyer. It is reported that he is currently being held in a cell measuring 5 x 6 metres which is shared with four prisoners. Furthermore, he is rarely exposed to sunshine and is given food of poor quality.

The case of Dr. Abdullah al-Hamid and Dr. Mohammad al-Qahtani

According to the information received:

On 28 March 2013, Dr. Abdullah al-Hamid and Dr. Mohammad al-Qahtani appealed their convictions of 9 March 2013 and sentences of five years’ imprisonment. The sentences were upheld by the Court of Appeal in January 2014.

On 3 March 2014, Dr. Abdullah al-Hamid and Dr. Mohammad al-Qahtani reportedly began a hunger strike in protest at the deterioration of the prison conditions in al-Ha'ir prison in Riyadh. As a result, Dr. Mohammad al-Qahtani was temporarily placed in solitary confinement for at least 48 hours. On 5 March 2014, his legal representatives tried to visit him in al-Ha'ir prison, but the prison officials refused to allow them in.

Dr Mohammad al-Qahtani is reportedly currently being held in solitary confinement in al-Hai'r prison.

The case of Dr. Abdulrahman al-Hamid

According to the information received:

Dr. Abdulrahman al-Hamid was allegedly held incommunicado for a month from 17 April 2014 before being moved to al-Qassim prison, where he remains in detention without charge.

The case of Dr. Abdulkareem Yousef al-Khoder

According to the information received:

On 6 January 2014, upon appeal, the Court of Appeal ordered a retrial for the conviction of Dr. Abdulkareem al-Khoder, who had been sentenced to eight years' imprisonment and a ten year travel ban.

The new trial allegedly began on 7 May 2014 before the Criminal Court in Buraydah. It is reported that despite repeated requests by his lawyer to release Dr. Abdulkareem al-Khoder pending the outcome of his retrial, he remains in detention in Buraydah. He has reportedly made complaints to prison officials about his difficult prison conditions.

The case of Mr. Mohammed Saleh al-Bajadi

According to the information received:

According to reports, the Court of Appeal rejected the sentence of four years' imprisonment and a five year travel ban handed down to Mr. al-Bajadi by the Specialized Criminal Court in 2012. The retrial began on 15 August 2013.

Allegedly, Mr. Mohammed Sale al-Bajadi and his legal representatives were not informed of the retrial.

It is reported that during at least four court sessions, neither Mr. Mohammed Sale al-Bajadi nor his lawyers were present, and the trial is ongoing. He is allegedly being held in Al-Hayer prison in Riyadh.

The case of Mr. Fowzan al-Harbi

According to the information received:

On 25 June 2014, Mr. al-Harbi was allegedly sentenced to seven years' imprisonment, with six years suspended, a travel ban of seven years, and a ban on participating in social media and socialising with others. Reportedly, Mr. Fowzan al-Harbi is currently not detained pending the outcome of the appeal of his sentence, upon condition that he refrains from publishing on social media and socialising.

The case of Mr. Omar al-Hamid al-Saeed

According to the information received:

On 12 December 2013, Mr. Omar al-Hamid al-Saeed was convicted by the criminal court in Buraydah of offences, including "disobeying the ruler," "membership in an unlicensed organization," "inciting disorder by calling for demonstrations" and "harming the image of the state by disseminating false information." He was reportedly sentenced to four years in prison, 300 lashes, and a four year travel ban. Mr. Omar al-Hamid al-Saeed is allegedly serving his sentence in al-Qassim prison in Buraydah.

The case of Essa al-Hamid

According to the information received:

In May 2014, Mr. Essa al-Hamid was charged with, amongst other accusations, incitement to public disorder, spreading chaos by participating in the drafting and publishing of a statement calling for protests, disrespecting the judicial authorities, disseminating misinformation to harm the State, and participating in establishing an unlicensed organization.

The trial reportedly began on 12 June 2014 before the Criminal Court in Buraydah. On 3 July 2014, the matter was allegedly referred to the Special Criminal Court on the grounds that the Criminal Court lacked jurisdiction under Article VIII of the Terror Crimes Act. According to sources, Mr. Essa al-Hamid is currently not detained pending the outcome of his trial.

Grave concern is expressed at the arrest, detention and conviction of members of ACPRA, which appear to reflect a pattern of criminalising the activities of human rights defenders in Saudi Arabia. Concern is also expressed regarding the severe sentences that have been handed down to them, including corporal punishment. Further concern is expressed regarding the allegations of prolonged solitary confinement and incommunicado detention.

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. Sheikh Suliaman al-Rashudi, Dr. Abdullah al-Hamid, Dr. Mohammad al-Qahtani, Dr. Abdulkareem Yousef al-Khoder, Mr. Mohammed Saleh al-Bajadi, Mr. Omar al-Hamid al-Saeed and Dr. Abdulrahman al-Hamid is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of their liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR).

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. In particular, we would like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6 and 12.

We would also like to refer to article 10 and 11 of the Universal Declaration of Human Rights enshrining the principles of fair trial and due process, and the Basic Principles on the Role of Lawyers, in particular those relating to the right to access to a lawyer.

We would also like to refer to your Excellency's Government to take all necessary steps to ensure the rights to freedom of opinion and expression and to freedom of assembly, as recognized in articles 19 and 20 of the Universal Declaration of Human Rights.

In this connection, we would like to refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 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.”

We would also like to remind your Excellency’s Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 1 and 2 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Saudi Arabia acceded on 23 September 1997.

Regarding the allegation of prolonged solitary confinement of Mr. Sheikh Suliaman al-Rashudi and Dr Mohammad al-Qahtani, we would like to recall paragraph 6 of General Comment No. 20 of the Human Rights Committee, which states that prolonged solitary confinement of the detained or imprisoned person, may amount to acts prohibited under the prohibition of torture and other ill-treatment.

Regarding the allegation of incommunicado detention of Dr. Abdulrahman al-Hamid, we would also like to remind your Excellency's Government, that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture or other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment.

Finally, regarding the reported sentence to 300 lashes of Mr. Omar al-Hamid al-Saeed, we would like to draw the attention of your Excellency’s Government to paragraph 7a of Resolution 8/8 of the Human Rights Council reminded Governments that corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture.

In this context we would also like to draw your Government’s attention to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the 60th session of the General Assembly, in which he, with reference to the jurisprudence of UN treaty bodies, concluded that any form of corporal punishment is contrary to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. He also noted that States cannot invoke provisions of domestic law to justify violations of their human rights obligations under international law, including the prohibition of corporal punishment and called upon States to abolish all forms of judicial and administrative corporal punishment without delay (para.28 A/60/316). Both the Human Rights Committee and the Committee against Torture have called for the abolition of judicial corporal punishment.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or 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 the above-mentioned persons 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 comment you may have on the above-mentioned allegations against human rights defenders in Saudi Arabia.
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide information concerning the legal grounds for the arrest and detention of Mr. Sheikh Suliaman al-Rashudi, Dr. Abdullah al-Hamid, Dr. Mohammad al-Qahtani, Dr. Abdulkareem Yousef al-Khoder, Mr. Mohammed Saleh al-Bajadi, Mr. Omar al-Hamid al-Saeed and Dr. Abdulrahman al-Hamid and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR.
4. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide detailed information on the judicial proceedings underway against the above mentioned persons and explain how these are in compliance with international human rights standards, in particular fair trial and due process guarantees as enshrined, among other, in the UDHR.
6. Please indicate what measures have been taken to ensure that the legitimate right to associate, to meet and assemble peacefully, to freedom of expression or opinion are respected and that the physical and psychological integrity of those exercising these rights is guaranteed.
7. Please kindly indicate what measures have been taken to ensure that human rights defenders in Saudi Arabia are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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.

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

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

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