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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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 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; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 6/4, 7/36, and 8/8.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **arrest and detention of Mr. Muhammad al-Wad'ani** during a protest held in Riyadh, Kingdom of Saudi Arabia, on 4 March 2011.

According to the information received:

On 4 March 2011, Mr. Muhammad al-Wad'ani, a 25 year-old teacher, was arrested outside the al-Rajihi mosque in the eastern part of Riyadh by men in plain clothes, allegedly members of the General Intelligence. At the moment of his arrest, Mr. al-Wad'ani was participating in a protest held in Riyadh, which called for reforms in the Kingdom of Saudi Arabia. It is alleged that prior to the protest on 2 March 2011, Mr. al-Wad'ani posted a video on the *YouTube* website calling for the fall of the monarchy and the end of arrest and detention without charge or trial.

Some of the other individuals, who participated in the protest on 4 March 2011, were also allegedly arrested but soon released by the authorities. Similarly, reports have been received regarding the detention of 24 men on 3 and 4 March 2011, in connection with protests in the city of al-Qatif, which aimed at denouncing prolonged detention without trial of members of the Shi'a minority.

They were subsequently released on 8 March 2011, without charge and allegedly only after having signed a pledge not to protest again.

Mr. al-Wad'ani continues to be detained incommunicado and is believed to be at risk of torture or ill-treatment. There are reasons to believe that he might be currently detained at al-Ha'ir prison in Riyadh.

Concerns are expressed at the allegation that Mr. al-Wad'ani is currently detained incommunicado solely for the peaceful exercise of his right to freedom of expression. Similar concerns are expressed with regard to allegations that other protesters, in particular members of the Shi'a minority, have been detained without charge and trial.

While we do not wish to prejudge the accuracy of these allegations, we wish to share our serious concerns at the situation of Mr. al-Wad'ani and to draw the attention of your Excellency's Government to the relevant international norms and principles applicable to this case.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. al-Wad'ani 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 (UDHR).

We would also like to draw the attention of your Excellency's Government to paragraph 7.c of Human Rights Council Resolution 8/8 of 18 June 2008, which reminds all States that "Prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person".

Given our concern that Mr. al-Wad'ani may have been detained incommunicado for his involvement in the above-mentioned protest or for uploading a video on *YouTube*, 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".

Moreover, we wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States, while noting that the exercise of the right to freedom of opinion and expression carries with it special duties and responsibilities, to refrain from imposing restrictions 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.

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of assembly, as recognized in article 20 of the UDHR, which provides that "Everyone has the right to freedom of peaceful assembly and association."

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. al-Wad'ani 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. al-Wad'ani 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. Has a complaint been lodged by or on behalf of the alleged victim?
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 indicate whether compensation has been provided to the victim or the family of the victim.
6. Please provide information on the measures taken to ensure the safety of Mr. al-Wad'ani.

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

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