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

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**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 5/2013

27 March 2013

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 15/18, 16/4, 15/21, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding alleged illegitimate prison sentences and travel bans against human rights defenders and repeated violations of the right to freedom of association.

The situation of Mr. **Mohammad Fahd Al-Qahtani** and Mr. **Abdulla Al Hamid**, **founding members of the Saudi Civil and Political Rights Association (ACPRA)**, was referred to your Excellency's Government in a previous communication sent on 12 July 2012 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.

The situation of other members of ACPRA was also referred to your Excellency's Government in a previous communication sent on 21 December 2012 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 promotion and protection of human rights and fundamental freedoms while countering terrorism.

We regret that no response has been received from your Excellency's Government to any of these communications to date.

According to the updated information we received:

On 9 March 2013, the Riyadh Specialized Criminal Court sentenced Mr. Mohammad Fahd Al-Qahtani and Mr. Abdulla Al Hamid, founders of the Saudi Civil and Political Rights Association (ACPRA), to ten and five years' imprisonment respectively for a number of offences, including establishing an unlicensed association; providing false information to outside sources, including the human rights mechanisms of the United Nations; inciting disorder by drafting and publishing statements calling for protests. Mr Abdullah Al Hamid is to serve a total of 11 years, as the court reinstated part of a seven-year sentence that had been handed down in 2005 for an offence for which he had later been pardoned by the King. Mr. Al-Qahtani and Mr. Al Hamid were also imposed travel bans of equal duration to their prison terms, to run upon completion of their prison sentences. Mr. Al-Qahtani and Mr. Al Hamid are currently detained in Al Malaz Prison in Riyadh.

The court also ordered the disbanding of ACPRA, confiscation of its property and the closure of its social media accounts, on the ground that it failed to obtain an official licence to operate. The founders of ACPRA attempted to register it as an association on 12 October 2009 by sending a formal letter to His Majesty the King of Saudi Arabia, who did not object to the application. Since then, the organization has documented human rights violations and assisted families of detainees held without charge or trial to lodge complaints with the Ministry of Interior. Several members of ACPRA have been charged and sentenced in relation to their human rights activities.

Grave concern is expressed that the sentences handed down to Mr. Al-Qahtani and Mr. Al Hamid are directly related to their legitimate and peaceful work in defence of human rights. Grave concern is also expressed that the sentence of Mr. Al-Qahtani is related to his engagement with United Nations mechanisms and other international human rights organisations. Grave concern is also expressed about repeated violations to the right to freedom of association of ACPRA members, despite the association's efforts to register with the authorities.

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 UDHR.

We would also 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 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations;

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 9, paragraph 4, states that "(a) (...) everyone has the right, individually or collectively, in conformity with applicable international instruments and procedures, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms."

We would also like to refer to the right to freedom of opinion and expression 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 make reference to the rights to freedom of peaceful assembly and of association 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 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.”

We also refer to the thematic report A/HRC/20/27 of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, which makes clear that “Individuals involved in unregistered associations should be free to carry out any activities, including the right to hold and participate in peaceful assemblies, and should not be subject to criminal sanctions” (paras. 56 and 96). The Special Rapporteur further argues, at paragraph 60 of the said report, that significant delays in registering associations, if attributable to the competent authority, amounts to an interference with the exercise of the right of the association’s founders to freedom of association, and that failure to provide a response within a clear and short time limit should result in a presumption that associations are operating legally.

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.

Since 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. Are the facts alleged in the above summary accurate?
2. Has a complaint been lodged by or on behalf of Mr. Al-Qahtani and Mr. Al Hamid?
3. Please provide the full details of the legal basis for the detention, prison sentences and travel bans against Mr. Al-Qahtani and Mr. Al Hamid and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR.
4. Please specify the legal grounds for the closure of the ACPRA and how these restrictions comply with international human rights norms and standards pertaining to freedom of association.
5. Please indicate what measures have been taken to ensure that the rights to freedom of association and expression are respected and that the physical and psychological integrity of those exercising this right is guaranteed.

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

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