

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 Special Rapporteur on freedom of religion or belief; and the Independent Expert on minority issues.

REFERENCE: UA G/SO 218/2 G/SO 214 (56-23) Minorities (2005-4)
SAU 12/2012

2 October 2012

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on freedom of religion or belief; and Independent Expert on minority issues pursuant to Human Rights Council resolutions 15/18, 14/11, and 16/6.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the alleged arbitrary detention of Messrs **Sultan al-Enezi** and **Saud al-Enezi**, Saudi nationals, related by tribal affiliation and members of the Ahmadiyah Muslim Community, in a jail located in al-Aziziya, in the 'Ar-'Ar area, Saudi Arabia.

According to the information received:

In approximately late 2010, the Ministry of Islamic Affairs arranged for Saudi scholars to meet and urge Messrs Sultan al-Enezi and Saud al-Enezi to recant their faith and leave the Ahmadiyah Muslim Community, which they had joined in July 2010.

In early May 2012, Mr. Sultan al-Enezi was reportedly informed by a friend from the police that they planned to arrest him and Mr. Saud al-Enezi. His police friend advised him to turn themselves in rather than be arrested at home, which they promptly did, on 14 May 2012.

On 14 May 2012, Messrs Sultan al-Enezi and Saud al-Enezi hence were allegedly detained by the police without formal charges being brought against them. Once in custody, the police allegedly asked Messrs Sultan al-Enezi and Saud al-Enezi to recant their faith by written declarations, which they refused to do. The police and

scholars from the Ministry of Islamic Affairs reportedly interrogated the detainees multiples times a day, for approximately five days. Upon their refusal to recant their faith, the authorities allegedly decided to keep them in jail for a further 35 days.

Scholars from the Ministry have allegedly visited Messrs Sultan al-Enezi and Saud al-Enezi daily to convince them to recant their faith, and have reportedly threatened them with the death penalty if they failed to do so. According to the information received, the questioning of the two detainees has been solely about their beliefs.

On 19 May 2012, Messrs Sultan al-Enezi and Saud al-Enezi were reportedly moved to the jail in al-Aziziya, in the 'Ar-'Ar area, where they allegedly remain with severely limited means of communication with the outside world. Members of the Ahmadiyah Muslim Community have attempted to visit both detainees but have been unable to meet them.

According to the information, a judge is expected to issue a ruling on Messrs Sultan al-Enezi and Saud al-Enezi's cases at any time. It is feared that the ruling may call for the death penalty on the charge of apostasy.

Concerns are expressed that Messrs Sultan al-Enezi and Saud al-Enezi may face the charge of apostasy that carries the death penalty as a result of their choice and practice of religion.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's attention to the right to physical and mental integrity of Messrs Sultan al-Enezi and Saud al-Enezi. Without expressing at this stage an opinion on the facts of the case and on whether the detention of Messrs Sultan al-Enezi and Saud al-Enezi 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).

We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief of Messrs Sultan al-Enezi and Saud al-Enezi in accordance with article 18 of the UDHR.

Furthermore, we would like to recall to your Excellency's Government the principles set forth in the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. Article 1 (1) of the Declaration provides that "[E]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in

public or private, to manifest his religion or belief in worship, observance, practice and teaching." Article 1 (2) emphasized that "[N]o one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice."

In addition, the General Assembly, in its resolution 65/211, "urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end: (a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one's religion, including the right to change one's religion or belief, is violated; (b) To ensure that existing legislation is not implemented in a discriminatory way or does not result in discrimination based on religion or belief, and that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights; " (resolution 65/211, para. 12).

We wish to draw the attention of your Excellency's Government to international standards relevant to the protection and promotion of the rights of minorities. The 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities provides in Art. 1.1 that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity." Article 2 (1) states that "[p]ersons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination." In addition, article 4.1 establishes that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law."

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 fore 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 summary of the cases accurate?
2. Has a complaint been lodged with regard to the incidents mentioned?
3. Please provide information concerning the legal grounds for the arrest and detention of the afore-mentioned persons and how these measures are compatible with international norms and standards. Please provide a copy of the relevant laws and articles.
4. Please indicate whether and to what extent Messrs Sultan al-Enezi and Saud al-Enezi were able to receive visits from their families or members of their community. Please also specify the legislation and measures taken to ensure that families are informed of the status of the case of Messrs Sultan al-Enezi and Saud al-Enezi.
5. Please provide information on the measures taken to ensure the freedom of religion or belief and the rights of the religious minorities are protected.

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 Messrs Sultan al-Enezi and Saud al-Enezi 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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

IZSÁK Rita
Independent Expert on minority issues