

Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; 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 extreme poverty and human rights; and the Working Group on the issue of discrimination against women in law and in practice

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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; 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 extreme poverty and human rights; and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 33/30, 36/6, 34/18, 32/32, 34/5, 35/19 and 32/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest of and charges against a number of women's human rights defenders, along with the alleged enforced disappearance of Mohammed Saleh Al-Bajadi and acts of reprisals against Ms. Loujain Al-Hathloul.

Ms. **Eman Al-Nafjan** is an author and blogger for the "Saudi woman's Weblog" and has been a continuous supporter of the "women to drive" movement.

Ms. Aisha Al-Mana is a human rights defender and Dean of Al-Mana College. Ms. Al-Mana is known for taking part in protests against the women's driving ban in the 1990s and is the author of *The Sixth of November*, a book on the topic.

Ms. Loujain Al-Hathloul is a human rights defender and women's rights activist who is particularly active online. She is well known for her support for the "women to drive" movement and for opposing the male guardianship system. She has been the subject of one previous joint urgent appeal sent by special procedures mandate holders on 31 December 2014, case no. SAU 15/2014. We acknowledge the Government's reply received on 29 July 2015, however we regret that such reply was limited to defining the charges against Ms. Al-Hathloul, without explaining in detail how such charges are compatible with international human rights standards.

Mr. Mohammed Saleh Al-Bajadi is a human rights defender and was one of the co-founders of the now banned Saudi Civil and Political Rights Association (ACPRA), a human rights organisation that documented human rights violations, filed lawsuits against the Ministry of Interior and reported violations to the UN Human Rights Council and Special Procedures.

Mr. Al-Bajadi was the subject of an Opinion adopted by the Working Group on Arbitrary Detention at its seventy-third session, 31 August– 4 September 2015 No.38/2015 (Saudi Arabia). He has been also the subject of two previous joint urgent actions sent by special procedures mandate holders on 3 October 2014, case no. SAU 11/2014 and on 1 July 2016, case no. SAU 4/2016. We acknowledge your Excellency's Government's reply to the latter communication, received on 25 November 2016. However, we regret that the response was limited to simply asserting the compatibility of domestic legislation with international human rights law, without explaining how such legislation is constructed to operate in conformity with it. We further regret that no reply was received to the communication sent in 2014.

According to the information received:

In early March 2018, shortly after Ms. Loujain Al-Hathloul's return from participating in a review session of the Kingdom of Saudi Arabia before the United Nations Committee on the Elimination of Discrimination against Women, she was arrested in Abu Dhabi by Emirati authorities and taken to Riyadh by Saudi authorities for interrogation. After three days she was released and sent home. However, a travel ban was imposed on her.

On 15 May 2018, at approximately 2.00 p.m., Saudi police forces raided Ms. Al-Hathloul's home and arrested her in her bedroom. She was then taken to Al-Ha'ir prison, and later transferred to Dahban prison in Jeddah. She has been held incommunicado since her arrest.

On the same day, Ms. Eman Al-Nafjan was also arrested and detained in Jeddah at an unknown location. Ms. Aisha Al-Mana was also arrested on this day and detained in Dahban prison in Jeddah.

Soon after their arrest, a press outlet stated that Ms. Al-Hathloul and Ms. Al-Nafjan are being charged with organising for trespassing the country's religious and national foundations, suspicious communication with foreign entities recruiting people working in government positions and funding hostile groups to undermine Saudi national security, stability and social peace and to destroy social cohesion. This spurred further press attention and activity on social media, which effectively resulted in a smear campaign against them.

On 24 May 2018, at approximately 11.00 p.m., Mr. Mohammed Saleh Al-Bajadi's home was raided by State Security Intelligence officers, some of whom were wearing civilian clothes. The officers arrested him, without showing a warrant or informing him of the reason for his arrest, and took him to an unknown location. Persons associated with Mr. Al-Bajadi have not taken any actions to try to locate him due to fear of reprisals.

Between 15 May 2018 and 24 May 2018, Saudi authorities arrested at least 13 human rights defenders, most of whom focused on women's rights and were especially involved in the right to drive campaign and the campaign for the rescission of male guardianship laws. Reportedly, most are being held in Dahban prison in Jeddah and have only been permitted one phone call, with the exception of Ms. Al-Hathloul who was not granted any phone call. The arrested human rights defenders have reportedly not had access to a lawyer, nor have they been brought before a judge.

Between 23 and 25 May 2018, four of the arrested human rights defenders, including Ms. Al-Mana, were released. It is unknown whether they currently face any charges.

Two more women's human rights defenders were arrested on 6 and 9 June, one of whom continues to be detained incommunicado.

Reportedly, some of the cases against those detained have been referred to the Specialised Criminal Court and one or more individuals may face possible sentences of up to 20 years in prison.

Serious concern is expressed over what appears to be a widespread crackdown on human rights defenders in past weeks, especially on those defending the rights of women in Saudi Arabia. It is deeply alarming that human rights defenders, such as Ms. Al-Hathloul, Ms. Al-Mana and Ms. Al-Nafjan, who have actively advocated for the lifting of the ban on women driving, appear to have been specifically targeted in the crackdown. It is recalled that, while welcoming the Government's historic decision to abolish the driving ban, the Special Rapporteur on extreme poverty and human rights has consistently urged the Government of Saudi Arabia to "...respect and protect the human right of all Saudis to freely express their opinion on social media, including in relation to women's rights" (A/HRC/35/26/Add.3, para. 50 (c)). It is furthermore reiterated that in its concluding observations on Saudi Arabia in March 2018 (CEDAW/C/SAU/CO/3-4), the Committee on the Elimination of Discrimination against Women expressed concern that women human rights defenders in Saudi Arabia are subject to harassment, violence and intimidation by law enforcement officials, as well as detention and ill-treatment for their civic engagement. The Committee further recommended that Saudi authorities refrain from reprisals against women human rights defenders and their relatives and that

they ensure that they are able to exercise their right to freedom of expression and association without the Counter-Terrorism Law (2014) being invoked abusively to criminalise them.

Serious concern is further expressed that the location of detention has not been disclosed for many of the arrested and reportedly none has been granted access to legal counsel. We wish to draw particular attention to the situations of Ms. Al-Hathloul who is allegedly detained incommunicado, and has therefore no access to her family or lawyer, nor the right to challenge the legality of her detention before a judge, as well as of Mr. Al-Bajadi, whose fate and whereabouts remain unknown since his arrest.

We equally express our concern over the criminalization of freedom of expression as well as freedom of association through the use of repressive, broad and unspecific state security legislation to target human rights defenders in Saudi Arabia and note that the use of such legislation against human rights defenders may have a chilling effect on the activities of others who work in the defence of human rights and on civil society in general.

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.

We would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedoms of opinion and expression as well as the right to freedom of association in accordance with fundamental principles as set forth in articles 19 and 20 of the Universal Declaration of Human Rights (UDHR), along with the right to liberty and security of person, the right not to be subjected to arbitrary arrest or detention, the right to a fair trial and the right to be presumed innocent until proved guilty contained in articles 3, 9, 10 and 11 of the UDHR, as well as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

We would like to bring to the attention of your Excellency's Government that, according to article 29 (2) of UDHR, a State may impose restrictions on the exercise of the rights and freedoms set out in the Universal Declaration, including the right to freedom of expression and information, but only such as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and general welfare in a democratic society.

We further note that the above-mentioned allegations appear to violate articles 2, 3, 7, 10 and 13 of the Declaration on the Protection of all Persons from Enforced Disappearance, articles 2 and 10 of which specifically set out necessary protection by the

State; in particular, that no State shall practice, permit or tolerate enforced disappearances (article 2), that any person deprived of liberty shall be held in an officially recognised place of detention (article 10.1) and that an official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention (article 10.3).

We would also like to call your Excellency's Government's attention to article 7(c) of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), ratified by the Kingdom of Saudi Arabia on 7 September 2000, which explicitly provides for the promotion and protection of women in freely participating in public matters. States agreed to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right to participate in non-governmental organisations and associations concerned with the public and political life of the country.

We also wish to draw your Excellency's Government's attention to paragraph 27 of General Assembly resolution 68/156 which "[r]eminds all States that prolonged incommunicado detention or detention in secret places can 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 dignity of the person and to ensure that secret places of detention and interrogation are abolished" (A/RES/68/156).

We would also like to refer to Human Rights Council Resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanisms and representatives in the field of human rights; and to take all appropriate measures to prevent the occurrence of intimidation or reprisals and to Human Rights Council resolution 22/6, which provides for the right to "unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms".

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 Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realisation 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.

Finally, we would like to draw your attention to General Assembly resolution 68/181 as well as Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders (OP5, 19 and 20). The Working Group on discrimination against women in law and in practice has pointed out that women's human rights defenders are often the target of gender-specific violence, such as intimidation, attacks and death threats, sometimes condoned or perpetrated by State actors. States should eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life ((A/HRC/23/50, paras. 65 and 97(i)).

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 person(s) 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/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the location of any individuals arrested by authorities in connection with human rights activities between 15 May and 13 June 2018, including human rights defenders such as Ms. Al-Hathloul, Ms. Al-Mana, Ms. Al-Nafjan and Mr. Al-Bajadi, as well as detailed information on the legal and factual bases for their arrest and on the procedures used during such arrests.
3. Please provide information on whether any of these individuals have been permitted access to legal counsel or contact with their families. Please also provide information on whether they have been presented before a judge.
4. Please provide information on whether any of these individuals have charges against them. If so, please provide information on these charges and explain how they are in conformity with international human rights standards, in particular, with articles 19 and 20 of the Universal Declaration of Human Rights.
5. Please provide information on any other actions that may have been taken against these human rights defenders, including any restrictions on their or their families' property or mobility.

6. Please 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.

We may intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Enforced or Involuntary Disappearance may transmit the case through its regular procedure in order to register the case. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

In addition, we would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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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