

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 independence of judges and lawyers; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

REFERENCE:
UA SAU 14/2018

16 November 2018

Excellency,

We have the honour to address you in our capacity as 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 independence of judges and lawyers; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 33/30, 34/18, 35/11, 31/16 and 31/3.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged persecution of **Mr. Salman al-Awdah**, an influential religious figure who has over 14 million followers on Twitter, and who is known for his calls for reforms and as an advocate for greater respect of human rights within the framework of the Shari'a law. A related communication was transmitted to your Excellency's Government (AL SAU 12/2017, dated 22 December 2017), to which a reply was received on 22 March 2018. Your Excellency's Government's response acknowledged without providing any details that Mr. Al-Awdah was arrested pursuant to the Act to Combat Terrorist Crimes and their Financing and charged with offences against national security. The concerns expressed in that initial communication remain.

According to the information received:

On 8 September 2017, Mr. Al-Awdah called for mediation between the State of Qatar and the Kingdom of Saudi Arabia, following the commencement of the Gulf diplomatic crisis. On 9 September 2017, Mr. Al-Awdah was arrested from his residence in Riyadh, without a warrant, by officers of the General Investigation Directorate (Al-Mabahith). Subsequently, from 9 September 2017 to 26 December 2017, Mr. Al-Awdah was forcibly disappeared. An urgent appeal was issued by the United Nations Working Group on Enforced and Involuntary Disappearance, requesting information on the fate and whereabouts of Mr. Al-Awdah. In response to this urgent appeal, the Saudi authorities cited Article 5 of

the 2014 Counter-terrorism Law as the grounds for Mr. Al-Awdah's alleged arrest, i.e. that Mr. Al-Awdah had "undermined national security".

Mr. Al-Awdah's arrest was a part of the wave of mass arrests launched by Saudi authorities in September 2017 targeting individuals from different segments of society, including, inter alia, human rights defenders, public figures and members of the royal family. These arrests were made in connection with the ongoing diplomatic crisis in the Gulf region. Throughout that month, over sixty prominent religious figures, writers, academics, journalists and activists were arrested in Saudi Arabia for exercising their rights to freedom of expression and peaceful assembly and association. These persons are not known for having used or advocated the use of violence.

During his detention, Mr. Al-Awdah was kept in solitary confinement with limited access to his family and lawyer. Moreover, Mr. Al-Awdah's brother, Mr. Khalid Al-Awdah, was also detained after tweeting about Mr. Al-Awdah's arrest. He is currently detained at Al Tarafiyah Prison in Al Qassim Province and denied medical care despite his critical health condition having heart problems, which he has developed while in detention. Additionally, a travel ban is being enforced against seventeen members of Mr. Al-Awdah's family since September 2017.

A year after Mr. Al-Awdah's arrest, on 4 September 2018, a trial commenced before the Specialized Criminal Court (SCC), where he was informed, for the first time, of the thirty-seven charges against him and the fact that the death penalty was being sought by the prosecution. He is currently at risk of imposition of the death penalty on what appear to be manufactured charges of terrorism while he was peacefully exercising his freedom of expression.

While we do not wish to prejudge the accuracy of these allegations, we express our grave concern that the persecution of Mr. Al-Awdah appears to be part of a pattern of widespread and systematic arbitrary arrest and detention of persons in Saudi Arabia for peacefully exercising their human rights to freedom of expression, belief, assembly and association based on counter-terrorism and other national or state security legislation. These allegations, if confirmed, would constitute, prima facie, a violation of articles 3 (right to life, liberty and security of person); 9 (right not to be subjected to arbitrary arrest); 10 (right to fair and public trial); 11 (right to be presumed innocent until proven guilty in a fair and public trial); 19 (right to freedom of opinion and expression); and 20 (right to peaceful assembly and association) of the Universal Declaration of Human Rights.

In this context, we echo the European Parliament's [resolution on the killing of journalist Jamal Khashoggi in the Saudi consulate in Istanbul](#), which was adopted on [25](#)

[October 2018](#), “condemning the Saudi authorities’ ongoing harassment of human rights defenders, activist lawyers, journalists, clerics, writers and bloggers both within and outside the country, which undermines the credibility of the reform process in Saudi Arabia”.

“We are referring, once again, respectfully, Your Excellency’s Government to the recommendation from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to “urgently review the definition of terrorism in the 2017 Counter-Terrorism Law and bring it into line with international human rights norms.” In particular, the Special Rapporteur recommended that the revision “must ensure that its provisions are defined with precision and cannot serve as a basis for prosecuting individuals engaged in non-violent expression and political advocacy. Saudi Arabia must refrain from using anti-terrorism and national security legislation to stifle peaceful political dissidents and critics of the acts of the State, the current regime and the Royal Family.”

In this regard, we reiterate our recommendation to Your Excellency’s Government to create the conditions for allowing everyone to exercise their internationally-recognized human rights free from fear and harassment, judicial or otherwise, such as intimidation or threats to their families. We also reiterate our call that Your Excellency’s Government release all human rights defenders and other peaceful critics, including Mr. Al-Awdah, who are detained and sentenced for merely exercising their right to freedom of expression and carrying out their peaceful human rights work.

Furthermore, we would like to reiterate our previous numerous calls to your Excellency’s Government that the non-violent criticism of state policies or institutions cannot be made a criminal offence in any society governed by the rule of law, neither can it be prosecuted under counter terrorism law. As a member of the Human Rights Council, Saudi Arabia is obliged to maintain exemplary conduct in upholding the highest standards of protection and promotion of human rights.

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 prejudge any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

We are considering to publicly express our concerns in the near future as, in our view, the information upon which our concerns are based is sufficiently reliable and to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential human rights implications of these allegations. Any

public expression of concern on our part will indicate that we have been in contact with your Excellency's Government to clarify the issue(s) in question.

While awaiting a reply, I 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.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

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Vice-Chair of the Working Group on Arbitrary Detention

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and expression

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