

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on violence against women, its causes and consequences; and the Working Group on the issue of discrimination against women in law and in practice**

REFERENCE:  
UA SAU 1/2019

8 February 2019

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on violence against women, its causes and consequences; and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 34/18, 34/5, 32/1 and 32/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning torture, sexual harassment and ill-treatment of six women human rights defenders in prison. The six defenders are: Ms. [REDACTED], Ms. [REDACTED], Ms. [REDACTED], Ms. [REDACTED], Ms. [REDACTED], and Ms. [REDACTED]. In the cases of Ms. [REDACTED] and Ms. [REDACTED], reported violations may constitute acts of reprisals for their cooperation with UN mechanisms in the field of human rights.

Ms. [REDACTED] is a human rights defender who was particularly active in advocating on behalf of imprisoned human rights defenders and for women's rights, including the right to vote and drive. Ms. [REDACTED] has been the subject of two previous communications sent by Special Procedures mandate holders dated [REDACTED], case no. [REDACTED], and [REDACTED], case no. [REDACTED]. We thank your Excellency's Government for the responses dated [REDACTED] and [REDACTED], but remain gravely concerned in light of recent developments. The case of Ms. [REDACTED] was included in the 2015 report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/30/29, para. 36).

Ms. [REDACTED] is a human rights defender. Together with her husband, Mr. [REDACTED], a stand-up comedian, she was a leading member of the *WomenToDrive* campaign and the campaign against the Saudi male guardianship system. Ms. [REDACTED] has been arrested and released on several occasions for defying the ban on women driving in Saudi Arabia. Prior to her arrest, Ms. [REDACTED] was in the process of establishing a shelter for victims of domestic violence. Concerns at the arrest and harassment of Ms. [REDACTED] have been raised in previous communications by Special Procedures mandate holders, sent on [REDACTED] (ref. no. [REDACTED]) and

on [REDACTED] (ref. no. [REDACTED]). We acknowledge the Government's reply of [REDACTED]. However we regret that such reply was limited to defining the charges against Ms. [REDACTED]. We regret not having received any reply to the communication sent in [REDACTED].

Ms. [REDACTED] is an author and blogger for the "Saudi woman's Weblog" and has been a continuous supporter of the "women to drive" movement. Concerns at her arrest and detention were raised in a communication by Special Procedures mandate holders, sent on [REDACTED] (ref. no. [REDACTED]). We regret not having received any reply to this communication.

Ms. [REDACTED], Ms. [REDACTED], Ms. [REDACTED] are human rights defenders.

According to the new information received:

On 15 May 2018, Saudi authorities arrested six women human rights defenders: Ms. [REDACTED], Ms. [REDACTED], Ms. [REDACTED] - Ms. [REDACTED], Ms. [REDACTED], and Ms. [REDACTED]. According to the official announcement released in State media, the authorities were "arresting traitors who had ties with embassies and international organizations". In the past, Ms. [REDACTED] and Ms. [REDACTED] have engaged with UN mechanisms in the field of human rights.

Following the arrest, a coordinated campaign of defamation and hate speech against the six human rights defenders began in State media and social media. With respect to at least one of the women, the arrest reportedly took place following her surveillance by the authorities to track her communications and e-mail exchanges.

Information received indicates that women human rights defenders are currently held in Dhabban prison in Jeddah.

Credible reports indicate that the six women human rights defenders have been subjected to torture, through electric shocks, sexual harassment and ill-treatment. For interrogation, they would have been moved into a building nicknamed "the officers' rest house", and then placed in isolation and tortured.

At least one of the defenders has been photographed naked and then had the photograph placed on the table during her interrogation. At least one of the defenders has been subjected to physical sexual harassment by female prison guards, and was beaten and groped in sensitive places. At least one of the defenders was stripped completely naked in front of several of the interrogators

and touched in sensitive places while handcuffed, and repeatedly taunted with phrases like “who’s there to protect you?”, “where are the NGOs?”, “where are the human rights defenders to help you?” and “where is your Lord to protect you?”. Two of the women were ordered to kiss each other on the lips and when they refused they were harshly whipped.

Three of the women bear visible marks of severe torture and have bruises around their eyes, and can be seen to be suffering from tremors. At least two of the defenders saw the former Royal Advisor Sa’ud Al-Qahtani, in the torture chambers, and he told at least one detainee while she was being tortured: “I’ll do whatever I like to you, and then I’ll dissolve you and flush you down the toilet”. At least one of the women was psychologically tortured by being falsely informed of a family member’s death. The authorities furthermore have pressured the father of one of the women to create video clips against her in order to smear her reputation. At least one of the women has repeatedly attempted to take her own life in detention.

We express grave concern at the allegations received about the detention, torture, sexual harassment and ill-treatment of the six women human rights defenders in prison, including in the form of gender based violence. The brutality of the allegations raises serious concern at the physical and psychological well-being of the six women defenders. We reiterate our concern at the apparent lack of due process guarantees, including the lack of any official charges. Their arrest and imprisonment seem to be a reprisal for their legitimate exercise of freedom of expression, and it forms part of a widespread crackdown on human rights defenders, especially those defending the rights of women in Saudi Arabia.

Our concerns in this case are heightened by the fact that the violations against two of the women human rights defenders have been reported as acts of intimidation and reprisal for cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

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 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 criminalize them.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of provisions of international law, in particular the right not to be deprived arbitrarily of liberty, to fair proceedings before an independent and impartial tribunal, to freedom of expression, to freedom from torture and cruel, inhuman or degrading treatment and to non-discrimination in accordance with Articles 2, 5, 9, 10 and 19 of the Universal Declaration of Human Rights (UDHR).

Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of *jus cogens*, and as mirrored, inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156. In this context, we would also like to draw the attention of your Excellency's Government to Article 7 of the International Covenant on Civil and Political Rights, provides that "[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

With regard to the alleged use of solitary confinement, we would like to refer to the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/66/268), which states that the use of prolonged solitary confinement in itself violates the absolute prohibition of torture and other ill-treatment. In addition, keeping a person in solitary confinement significantly increases the risk of other acts of torture or ill-treatment, as there are no witnesses around and no possibility for a prisoner to communicate with others.

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 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.

We would also like to refer to General Assembly Resolution 68/181, which expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective in their efforts to create a favorable environment for the defense of human rights.

Finally, we would also like to remind your Government of Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Saudi Arabia on 7 September 2000, which provides that states parties will take all appropriate measures to eliminate discrimination against women in political and public life.

We would also like to refer to Human Rights Council resolutions 12/2, 24/24 and 36/21, which reaffirm the right of everyone, individually or in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council calls on States to prevent and refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies [as well as the issuance of appropriate guidance to national authorities] in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations. The Council also urges States to ensure accountability for any act of intimidation or reprisal by ensuring impartial, prompt and thorough investigations of any alleged act of intimidation or reprisal in order to bring the perpetrators to justice; to provide access to effective remedies for victims in accordance with their international human rights obligations and commitments; and to prevent any recurrence.”

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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 or comments you may have on the above-mentioned allegations.

2. Please provide information on the factual and legal grounds for the arrest and detention of each of the six women human rights defenders and on the steps taken by the Government to ensure that Saudi Arabia complies with its international human rights obligations.
3. Please provide information about the address of the locations used for interrogation, including whether such locations are legally designated detention centres.
4. Please provide information on the steps taken to end the incommunicado detention of the six women human rights defenders following their arrest, including the number of days they were held in incommunicado detention.
5. Please provide information on the steps taken to end the use of solitary confinement against the six women.
6. Please provide information on measures taken to ensure that all the six women will have access to a lawyer at the earliest.
7. Please provide information as to the reason why the six women continue to be detained without charges, seven months after their arrest, or, if they have been charged, why they have not been informed of the charges against them.
8. Please provide information regarding the allegations that the six women have been subjected to torture, ill-treatment, gender-based violence, including sexual harassment, during their imprisonment, and whether measures have been taken by the Government to investigate these allegations. If no investigation into the allegations has been conducted, please explain why.
9. Please provide information on measure taken to ensure safety of the six women and respect for their physical and psychological integrity.
10. Please provide information about how the alleged presence of the former Royal Adviser during the ill-treatments and torture is compatible with Article 2 of Royal Decree No. 43. Please provide information about whether any inquiry or investigations has been initiated in this regard.
11. Kindly indicate what measures have been taken to ensure that human rights defenders, especially those defending the rights of women, in Saudi Arabia are able to carry out their legitimate work in a safe and enabling environment without fear of judicial harassment or violence of any kind.



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.

In light of the allegations of reprisals for cooperation with the United Nations on human rights in two of the cases mentioned in this letter, we reserve the right to share this communication – and any response received from Your Excellency's Government - with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the senior United Nations official appointed by the Secretary-General as senior official to lead the efforts within the United Nations system to address this issue.

We retain the right to publicly express our concerns in the near future as, in our view, the information upon which a press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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.

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Dubravka Šimonovic  
Special Rapporteur on violence against women, its causes and consequences

Ivana Radačić  
Chair-Rapporteur of the Working Group on the issue of discrimination against women in  
law and in practice

