

DECISION No. 40/1992 (SAUDI ARABIA)

Communication addressed to the Government of Saudi Arabia on 31 January 1992.

Concerning: Mohammed al-Fassi on the one hand and the Government of Saudi Arabia on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it (E/CN.4/1992/20, chapter II), and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with concern that to date no information has been forwarded by the Government concerned in respect of the cases in question.

With the expiration of more than ninety (90) days from the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of each of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same as in Decision No. 1/1992.)

4. According to the allegation by the source, the summary of which was forwarded by the Working Group to the Government of Saudi Arabia in the form of the above-mentioned communication, Sheik Mohammed al-Fassi, aged 38, a Saudi Arabian businessman, was arrested on 2 October 1991 by members of the Jordanian security forces at the Intercontinental Hotel in Amman, Jordan, where he was visiting members of his family living in Amman. The source indicates that, on the same day, he was handed over to Saudi Arabian officials who had requested his extradition. According to the source, he was detained for four and a half months at a secret location in Riyadh, Saudi Arabia. The reason for his detention was his critical position towards the Government of Saudi Arabia during the Gulf war, according to the source which also indicates that Mohammed al-Fassi made statements in the press and on radio calling for reforms and for a democracy in Saudi Arabia. After the war, he is said by the source to have organized a fund to send humanitarian aid to Iraq. The source also indicates that his arrest was ordered by the Saudi Government and that no charges based on legislation have been brought against him.

5. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Saudi Arabia. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.

6. The facts submitted to the Working Group for its appreciation indicate that the arrest of Mohammed al-Fassi in October 1991 and his ensuing detention can be attributed to the fact that he exercised his right to freedom of opinion and expression, a right guaranteed by article 19 of the Universal Declaration of Human Rights and by article 19 of the International Covenant on Civil and Political Rights.

7. Moreover, there is no indication that, by so doing, he had recourse to violence or threatened in any way national security, public order, public health or morals and the rights or reputations of others in the conditions set forth in article 29 (2) of the Universal Declaration of Human Rights and article 19 (3) of the International Covenant on Civil and Political Rights.

8. In the light of the foregoing, the Working Group decides as follows:

The detention of Mohammed al-Fassi is declared to be arbitrary, being in contravention of articles 9 and 19 of the Universal Declaration of Human Rights, articles 9 and 19 of the International Covenant on Civil and Political Rights, and Principle 2 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and falling within category II of the principles applicable to the consideration of the cases submitted to the Working Group.

9. Consequent upon the decision of the Working Group declaring the detention of Mohammed al-Fassi to be arbitrary, the Working Group requests the Government of Saudi Arabia to take the necessary steps to remedy the situation, so as to comply with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.