

DECISION No. 19/1995 (SAUDI ARABIA)

Communication addressed to the Government of Saudi Arabia on 23 August 1994.

Concerning Fouad Dehlawi, Nasir Abdul Rahim, Nabil Muhammed Kamal, Anmar Muhammed and Lu'ay bin Abdullah Al Mas'ari, on the one hand, and the Kingdom of Saudi Arabia, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it 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 expiry of 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 the cases of alleged arbitrary detention brought to its knowledge.
3. (Same text as para. 3 of Decision No. 35/1994.)
4. 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 cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. The communication submitted by the source, a summary of which was forwarded to the Government, concerned all the above-mentioned five persons. The facts communicated by the source in respect of each of the said five persons are set forth hereunder:

(a) Fouad Dehlawi, associate professor of Electrical Engineering at King Abdul Aziz University in Jeddah, was reportedly arrested on 29 April 1994, during a raid conducted by Saudi intelligence agents, after they had searched his residence and his office at the University. According to the source, Dr. Dehlawi was a noted Muslim leader, scholar and human rights activist, and also a well-known computer scientist and author of numerous scientific papers. He was allegedly taken to an unknown location, despite the fact that he was guilty of no crime and has not been charged.

(b) Nasir Abdul-Rahim, a writer and businessman, was reportedly arrested on the evening of 27 April 1994, following a raid at his home in Riyadh. According to the source, his detention could be related to the case of the poet Al Ashmawi, who has been detained since 13 April 1994.

(c) Nabil Muhammed Kamal, brother-in-law of Muhammed Al Mas'ari (spokesman for the Committee for Legitimate Rights in Saudi Arabia), was

reportedly summoned to Jeddah on 28 April 1994 and was arrested together with his mother the next day. According to the source, Mr. Kamal has since been detained and his family has not been able to contact him.

(d) Anmar Muhammed, 19 year old, son of Muhammed Al-Mas'ari, was reportedly detained and no information whatsoever has been made available to his relatives about his situation.

(e) Lu'ay bin Abdullah Al Mas'ari, a student at the University of Petroleum and Minerals in Dhahran, brother of Muhammed Al-Mas'ari, reportedly disappeared on 1 May 1994 and was believed to have been detained since then.

6. None of the persons concerned have been arrested for having committed any offence. None of them have been informed of the grounds for their arrest. They have to date not been charged for the commission of any offences. There is apparently no information of where they were arrested. The matter assumes gravity in the light of the fact that apart from the case of Anmar Muhammed, whose date of arrest is not known even to the sources, all the others were arrested between April and May 1994 and since then no further information is available regarding them. Long periods of detention without the persons being informed of the reason for their arrest and without any indication of their being charged or tried renders their detention arbitrary, being in contravention of article 9 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights.

7. In the light of the above, the Working Group decides:

The detention of Fouad Dehlawi, Nasir Abdul Rahim, Nabil Muhammed Kamal, Anmar Muhammed and Lu'ay bin Abdullah Al Mas'ari is declared to be arbitrary, being in contravention of article 9 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights and falling within category III of the principles applicable in the consideration of the cases submitted to the Working Group.

17. Consequent upon the decision of the Working Group declaring the detention of the above-mentioned persons to be arbitrary, the Working Group requests the Government of Saudi Arabia to take the necessary steps to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 2 June 1995.