

**OPINION No. 34/2005 (SAUDI ARABIA)**

**Communications addressed to the Government on 25 February 2005 and  
7 March 2005.**

**Concerning Mr. Abdul Aziz Saleh Slimane Djerboue and  
Mr. Mahna Abdul Aziz Al-Habil.**

**The State is not a party to the International Covenant on Civil and Political Rights.**

1. (Same text as paragraph 1 of opinion No. 20/2004.)
2. The Working Group regrets that the Government has not submitted substantive information on the allegations transmitted concerning the above-mentioned persons.
3. (Same text as paragraph 3 of opinion No. 20/2004.)
4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government, but regrets that it did not provide the Group with the information it sought. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case, in the context of the allegations made and the response of the Government thereto.
5. The cases summarized hereafter have been reported to the Working Group on Arbitrary Detention as follows.
6. Mr. Abdul Aziz Saleh Slimane Djerboue, a Saudi Arabian citizen born on 12 October 1967 in Riyadh, is a teacher and is being held in detention at El-Hayr prison in Riyadh. Mr. Djerboue was arrested on 1 January 2003 by security agents. He was allegedly ill-treated during his detention. Later, he was charged with publicly criticizing some Government policies and expressing political views opposing the Government. Mr. Djerboue's

trial took place in January 2003. It was alleged that he was not allowed to appoint a defence lawyer, either before or during his trial, which reportedly did not observe other guarantees for a fair trial. At the end of his trial, Mr. Djerboue was sentenced to seven months' imprisonment.

7. Mr. Djerboue should have been released on 1 August 2003, when he finished serving his prison term. However, he continued to be held in detention for another 18 months. All his requests to be released had no results. On 25 December 2004, Mr. Djerboue and other detainees started a hunger strike to obtain their release. As a result, Mr. Djerboue's health seriously deteriorated and fears have been expressed for his life.

8. Mr. Mahna Abdul Aziz Al-Habil, a Saudi Arabian citizen born in 1969, with identity card No. 87266, married and father of six children, a public servant at the Al Houfouf Public Library, is being held in detention at the General Investigation Bureau Detention Centre of Hai Al-Mouassalate, at Dammam. He was arrested on 6 October 2004 at 3 p.m. at his home by agents of the General Investigation Bureau. No arrest warrant was shown to him. His home was searched. No authorization for such a search was shown to him or to his relatives. Later, Mr. Al-Habil was taken to the Office of the Ministry of the Interior in Dammam. According to the source, the reason for his arrest was an interview that Mr. Al-Habil gave at the end of September 2004 to the Al Jazeera satellite television channel announcing a meeting of Saudi intellectuals of different political tendencies to discuss some current issues. Mr. Al-Habil had previously published some notes on the Al Jazeera website.

9. It was alleged that Mr. Al-Habil was ill-treated during his detention and held incommunicado until 11 November 2004. Only on 26 November 2004, i.e. 50 days after his arrest, were his relatives authorized to meet him. On 1 November 2004, Mr. Al-Habil was brought before a judge. He was reportedly charged with "rebellion against authority"; "announcing the establishment of a suspected organization"; "propagation of a spirit of division" and "public criticism against the Government". Mr. Al-Habil was not allowed to appoint a defence lawyer.

10. According to the source, these persons were arrested and are being held in detention for expressing political views opposing the Government and peacefully exercising their rights of freedom of opinion and expression.

11. On 18 August 2005, the Government reported that the cases of the above-mentioned persons are being investigated by the competent authorities in the Kingdom which, being eager to cooperate with the Working Group, will provide all pertinent information as soon as the validity of the allegations has been examined.

12. On the basis of the allegations made, which the Government has not denied despite having been given an opportunity to do so, the Working Group concludes that the detention and sentencing of Abdul Aziz Saleh Slimane Djerboue and Mahna Abdul Aziz Al-Habil are motivated exclusively by their having expressed their political views, which was merely the peaceful exercise of the right to freedom of expression, as guaranteed by article 19 of the Universal Declaration of Human Rights.

13. The fact that these persons have been prevented from consulting lawyers and that the subsequent proceedings were also held without the presence of lawyers constitute very serious breaches of the right to due process and the right to a fair trial recognized in the Universal Declaration of Human Rights.

14. With regard to Abdul Aziz Saleh Slimane Djerboue, the Working Group finds the situation even more serious, as he is kept in prison without any legal basis since he served the entirety of his sentence and should have been released on 1 August 2003.

15. In the light of the foregoing, the Working Group expresses the following opinion:

The detention of Mr. Abdul Aziz Saleh Slimane Djerboue from 1 January to 1 August 2003 is in contravention of articles 10 and 19 of the Universal Declaration of Human Rights and falls within categories II and III of the categories applicable to the consideration of cases submitted to the Working Group, and his detention from 1 August 2003 is in contravention of article 9 of the Universal Declaration of Human Rights and falls within category I of the categories applicable to the consideration of the cases submitted to the Working Group.

The detention of Mahna Abdul Aziz Al-Habil is in contravention of articles 10 and 19 of the Universal Declaration of Human Rights and falls within categories II and III of the categories applicable to the consideration of the cases submitted to the Working Group.

16. Consequent upon this opinion, the Working Group requests the Government 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.

17. The Working Group recommends that the Government consider the signing and ratifying of the International Covenant on Civil and Political Rights.

Adopted on 1 September 2005