

OPINION No. 9/2006 (SAUDI ARABIA)

Communication: addressed to the Government on 25 January 2006.

**Concerning: Mustapha Muhammed Mubarak Saad al-Jubairi and
Faysal Muhammed Mubarak al-Jubairi.**

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

1. (Same text as paragraph 1 of Opinion No. 38/2005.)
2. The Working Group regrets that the Government has not replied in spite of the extension of the 90-day deadline which it had requested and obtained from the Group.
3. (Same text as paragraph 3 of Opinion No. 38/2005.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government. No information arrived from the Government. Yet, the Working Group believes that it is in a position to render an Opinion 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. Messrs. Mustapha Muhammed Mubarak Saad al-Jubairi, born in 1973, with identity card No. 1032144386 issued on 12 October 1989, resident in Riyadh, Al Nassim Al Gharbi; and his brother, Faysal Muhammed Mubarak al-Jubairi, born in 1970, with identity card No. 1035579380 issued on 16 August 1987, also resident in Riyadh.
6. It was reported that these two persons, both officers from the Saudi Arabian Passport Services, were arrested on 15 June 2004 by agents of the Ministry of the Interior at the Riyadh central compound of the Ministry. No arrest warrants were showed to them. They had been summoned to go to Riyadh from Al Asir Province to meet Prince Mohammed B. Naif. Instead, they were arrested. Their homes were subsequently searched, without a search warrant being shown.
7. The brothers al-Jubairi were subsequently conducted to Jeddah, where they were held in incommunicado detention and solitary confinement during eight months, and subjected to ill-treatment. Their relatives were not informed about their detention nor were they authorized to visit them.
8. Subsequently, these two persons were transferred to Riyadh, where they are currently being held in detention in Al Aicha Prison.

9. On 18 November 2004, Mr. Mustapha Muhammed Mubarak Saad al-Jubairi was subjected to torture and ill-treatment and threatened with the detention of his sister and other members of his family. Since that day, his health has seriously deteriorated.
10. These two persons have not been charged. They have not been authorized to appoint a defence counsel, in spite of their reiterated requests to do so. They have not been presented before a judge and have not been able to contest the lawfulness of their detention.
11. Having examined the information received and in the absence of a reply from the Government, the Working Group considers that the al-Jubairi brothers were arrested without a warrant on 15 June 2004. Since then they continue to be detained without any charge having been raised against them, without having been brought before any judicial authority and being deprived of the assistance of a lawyer.
12. In the light of the foregoing, the Working Group renders the following Opinion:

The deprivation of liberty of Mustapha Muhammed Mubarak Saad al-Jubairi and Faysal Muhammad Mubarak al-Jubairi, is arbitrary, being in contravention of articles 9 and 10 of the Universal Declaration of Human Rights and falls within category I of the applicable categories to the consideration of the cases submitted to the Working Group.
13. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation, and bring it in conformity with the standards and principles set forth in the Universal Declaration of Human Rights.

Adopted on 11 May 2006.