

**OPINION No. 36/2006 (SAUDI ARABIA)**

**Communication: addressed to the Government on 19 June 2006.**

**Concerning: Mr. Abdelmohsen Abdelkhaleq Hamed Al-Hindi.**

**The State has not signed or ratified the International Covenant on Civil and Political Rights.**

1. (Same text as paragraph 1 of Opinion No. 32/2006.)
2. The Working Group regrets that the Government did not provide it, despite repeated invitation to this effect, with the requested information.
3. (Same text as paragraph 3 of Opinion No. 32/2006.)
4. In the light of the allegations made, the Working Group believes that it is in a position to render an opinion, notwithstanding that the Government has failed to offer its version of facts and explanation on the circumstances of the case.
5. According to the source Mr. Abdelmohsen Abdelkhaleq Hamed Al-Hindi, a citizen of Saudi Arabia, is a professor in a public institution of Al Qasim, Al Bureida, currently detained in Ras Tenoura prison (Al Manteqa Acharquia).
6. It is contended that on 6 July 2003, members of the intelligence services arrested Mr. Al-Hindi at his home. No arrest warrant was shown at the moment of his arrest. He was ill-treated while he was interrogated by intelligence officers, who reproached him to have expressed "subversive ideas". No precision was given to him about the time or the circumstances in which he would have expressed such opinions.
7. For more than three years now, Mr. Al-Hindi has neither been formally charged with any offence, nor been informed of the duration of his custodial order. He has not been brought before a judicial officer, nor been allowed to name a defence lawyer on his behalf, nor otherwise been provided the possibility to challenge the legality of his detention.

8. The source alleges that the detention of Mr. Al-Hindi is arbitrary because it is devoid of any legal basis. The authorities have so far failed to provide any decision justifying his arrest and detention.

9. According to the source, the alleged reason for detention: “the diffusion of subversive ideas” is without any merit. His detention would be seen as a reprisal for the exercise of his right to freedom of opinion and expression, guaranteed by article 19 of the Universal Declaration of Human Rights.

10. The source further argues that Mr. Al-Hindi has been denied the right to an effective remedy by the competent national tribunals for his arbitrary detention and the right to a fair and public hearing by an independent and impartial tribunal. Mr. Al-Hindi has not been informed of the charges against him, has been denied access to a lawyer, and has not been brought before a judge.

11. Lastly, the source argues that the detention of Mr. Al-Hindi is also in violation of Saudi domestic law, in particular articles 2 and 4 of the Royal Decree No. M.39. These articles provide that persons shall only be deprived of their liberty in cases provided for by law, shall be detained only for the duration decided by the authorities, shall not be subjected to ill-treatment, and shall have the right to seek the assistance of a lawyer during the investigation phase and at trial.

12. The Chairperson-Rapporteur brought the allegations of the source to the attention of the Government on 9 June 2006, in which she requested the Government to provide the Working Group not later than within 90 days with its explanation on the facts alleged as well as concerning the applicable legislation. Since no reply was received within the imparted deadline, the secretariat of the Working Group informed the Government, in a letter dated 23 October 2006, that the Working Group would consider this communication at its forthcoming forty-seventh session, held from 15 to 24 November 2006. No reaction has been received to this reminder, either.

13. The Working Group had to start from the hypothesis that the lack of any comment from the Government cannot be interpreted otherwise than as the factual acknowledgment of the allegations of the source concerning the arrest and detention of Mr. Al-Hindi. This means that Mr. Al-Hindi was taken into custody in July 2003, that he is in detention ever since, and that no legal ground or judicial order has been put forward to justify his deprivation of liberty. Therefore the Working Group concludes that his deprivation of liberty is arbitrary.

14. The source also argued that in addition the detention of Mr. Al-Hindi was a reprisal for the exercise of his right to freedom of opinion and expression; the authorities allegedly qualified his activities as imparting subversive ideas. It was also contended that he was denied due process of law. Since however these latter allegations are not sufficiently substantiated and supported by reliable arguments, the Working Group founded its opinion on the sole and not refuted allegation that the detention of Mr. Al-Hindi was and is devoid of any legal basis.

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

The deprivation of liberty of Mr. Abdelmohsen Abdelkhaleq Hamed Al-Hindi is arbitrary being in contravention of article 9 of the Universal Declaration of Human Rights and falls under category I of the categories applicable to the consideration of cases submitted to the Working Group.

16. Consequent upon the opinion rendered, the Working Group requests the Government to remedy the situation and to bring it into conformity with the provisions of the Universal Declaration of Human Rights. The Working Group believes that under the circumstances and bearing in mind the long period of time spent in detention the adequate remedy would be the immediate release of Mr. Al-Hindi.

Adopted on 17 November 2006.