

**OPINION No. 44/2006 (SAUDI ARABIA)**

**Communication: addressed to the Government on 2 August 2006.**

**Concerning: Mr. Syed Asad Humayun.**

**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 welcomes the cooperation of the Government, which provided it with the requested information.
3. (Same text as paragraph 3 of Opinion No. 32/2006.)
4. The Working Group forwarded to the source the reply of the Government. The source submitted its comments on the information given by the Government. In the light of the allegations made, the reply of the Government and the comments of the source thereon the Working Group believes that it is in a position to render an opinion.
5. According to the information submitted by the source, Syed Asad Humayun is a citizen of Pakistan and married to a United States national. Both Mr. Humayun and his parents are residents of the Kingdom of Saudi Arabia.
6. Mr. Humayun was arrested on or around 25 March 2006. He was apparently detained at Thukbah for most of the first 30 days of his detention, although he may as well have been moved from one detention centre to another. He is currently being held in Khobar Central Jail. Mr. Humayun is allowed to receive visits only by his parents and his lawyer.
7. According to the information received, Mr. Humayun has neither been charged with any offence nor been otherwise informed of the reasons for his detention. He has neither been brought before a judicial officer, nor otherwise been provided with the possibility to challenge the legality of his detention. Mr. Humayun has been forced to sign certain papers written in the Arabic language which he does not read or understand. He does not know whether he has thereby signed a confession. The Saudi Arabian authorities have menaced him and threatened to arrest also his parents unless he confesses. They have seized the passport of Mr. Humayun's father in order to exercise additional pressure on the family.
8. The source alleges that the detention of Mr. Humayun is arbitrary because it is devoid of any legal basis. As far as the source is aware, the authorities have so far failed to provide any decision justifying the arrest and detention.
9. The source further argues that, insofar as Mr. Humayun is accused of a crime, the deprivation of liberty is arbitrary because he is being denied the right to a "fair and public hearing by an independent and impartial tribunal, in the determination of any criminal charge against him" (article 10 of the Universal Declaration of Human Rights). As stated above, he has

not been informed of the charges against him, is not provided with an interpreter who would assist him in understanding papers written in Arabic which he was required to sign, he may have been forced to sign statements incriminating himself, and he has not been brought before a judge during the months since his arrest.

10. The allegations of the source have been brought to the attention of the Government. In a statement dated 11 October 2006 the Government alleges that Mr. Humayun was arrested on 31 March 2006 on the charge of counterfeiting ATM cards and using them to fraudulently withdraw more than 1,200,000 riyals from bank accounts of about 320 card holders. The Government alleges that Mr. Humayun's father assisted another accomplice of Mr. Humayun, a Pakistani national, to escape to Pakistan with the fraudulently acquired funds. An investigation conducted by the competent Saudi Arabian authorities established the validity of the charges brought against the persons concerned and that confessions were made according to the law. Charges against Mr. Humayun and his father were referred to the Public Investigation and Prosecution Department in the district of Al-Khobar in accordance with a letter from the Governor dated 13 August 2006 in order to enable the Department to take the requisite action within the scope of its jurisdiction. The matter relating to the counterfeited cards was referred to the Board of Grievances in the Eastern Province in accordance with a communication of 26 August 2006 from the Control and Investigation Board so that it could be submitted to the competent criminal court for adjudication. The issue concerning an application for extradition of the Pakistani fugitive was also transferred to the Department by the Governor on 3 August 2006.

11. The source, in its reply to the statement by the Government, did not contest the substance of the Government's allegations.

12. The Working Group starts by pointing out that several of the allegations of the source are slightly contradictory in themselves. It is unrealistic to argue, for example, that Mr. Humayun was unaware of the charges against him. Namely the source itself admits that he was able to receive the visits of his lawyer, who, being familiar with legal questions could obviously assist his client in the communication with the authorities and to understand the charges against him.

13. In contrast, the presentation of the Government was consistent and reliable. The suspicion against him - the fraudulent tampering with ATM cards and the financial damage caused to card-users - is a serious charge worldwide, which gives rise to criminal prosecution in every country. The criminal investigation is still ongoing, therefore procedural flaws, if any, like the alleged lack of satisfactory interpretation can, and if proved true, and in the view of the Working Group, shall be corrected in the course of the forthcoming investigation and trial of the case. For that reason, bearing also in mind that Mr. Humayun is in custody since March 2006, a period of time, which cannot be held at this stage unreasonably long, it would be premature to take a stand concerning the alleged unfairness of the proceedings conducted against him.

14. Assessing all the information before it the Working Group delivers the following opinion.

The deprivation of liberty of Syed Asad Humayun is not arbitrary.

Adopted on 22 November 2006.