

**OPINION No. 4/2007 (SAUDI ARABIA)**

**Communications: addressed to the Government on 29 September 2006 and 30 November 2006.**

**Concerning: Mr. Faiz Abdelmoshen Al-Qaid and Mr. Khaled b. Mohamed Al-Rashed.**

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

1. (Same text as paragraph 1 of Opinion No. 32/2006.)
2. (Same text as paragraph 3 of Opinion No. 32/2006.)
3. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government. In the absence of any information from the Government, 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.
4. Khaled b. Mohamed Al-Rashed, a citizen of the Kingdom of Saudi Arabia born on 18 March 1962 with identity card No. 10610423236 issued at Dammam is a teacher at Fad Ben mufleh Al Sabiyi School in Thuqba Al Damam Province and is known as a member of the so-called Movement of Reformers.
5. According to the information received, Mr. Al-Rashed was arrested on 19 March 2006 at Makkah Al-Mukkaramah by members of the Intelligence Services, while he was in a religious peregrination (Omra) together with his wife. He had recently made some statements expressing his opposition to some governmental policies. No arrest warrant was shown to him and no reasons were given for his apprehension.
6. It was said that Mr. Al-Rashed was placed in incommunicado detention and subjected to ill-treatment both during his arrest and detention. Some days after his arrest, Mr. Al-Rashed was transferred to Al Hayr Prison near to Riyadh, where he is being currently held. His health has reportedly suffered a serious deterioration.
7. Faiz Abdelmohsen Al-Qaid, a citizen of the Kingdom of Saudi Arabia, 22 years old, is a student at the Faculty of Administrative Sciences at the University of Ibn Saud in Riyadh.

8. According to the information received, Mr. Al-Qaid was arrested on 12 October 2005, at 5.30 p.m. in Riyadh, by agents of the Intelligence Services, without any warrant or charges laid against him.
9. It was said that the Intelligence Services impute Mr. Al-Qaid having got in contact with the Arab Commission for Human Rights and sent them, via the Internet, information pertaining to the detention of Majeed Hamdane b. Rashed Al-Qaid as well as about the state of prisons in Riyadh.
10. Khaled b. Mohamed Al-Rashed and Faiz Abdelmohsen Al-Qaid have neither been formally charged with any offence, nor been informed of the duration of their custodial order. They have not been brought before a judicial officer, nor been allowed to appoint a lawyer to act on his behalf, nor otherwise been provided the possibility to challenge the legality of their detention.
11. As the allegations of the source have not been disputed, the Working Group can only conclude that the detention of the above-mentioned two persons does not have any legal basis. This circumstance in itself already renders their detention utterly contrary to the applicable international norms and constitutes an extremely grave violation of the right of these persons to their liberty.
12. The above-mentioned two persons have not been informed of the charges against them; have been denied access to a defence lawyer, and have not been brought before a judge in the, respectively, 14 and 19 months since their arrest.
13. Additionally, according to the information provided by the source, which has remained unchallenged by the Government, the unlawful detention of Mr. Al-Rashed is motivated solely by his membership at the so-called Movement of Reformers while Mr. Al-Qaid is detained solely for his activities as a human rights defender.
14. As a consequence, and in the absence of any argument to the contrary submitted by the Government, the Working Group can only conclude that these persons have been detained solely because of their political activities and because their legitimate exercise of their rights to freedom of opinion and expression.
15. In the light of the foregoing the Working Group expresses the following opinion:

The detention of Mr. Al-Rashed and of Mr. Al-Qaid is in contravention of articles 9 and 19 of the Universal Declaration of Human Rights and falls within categories I and II 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 of these persons in order to bring it into conformity with the provisions and principles enshrined in the Universal Declaration of Human Rights.
17. The Working Group further recommends to the Government to consider the possibility of becoming party to the International Covenant on Civil and Political Rights.

Adopted on 8 May 2007.