

OPINION No. 9/2007 (SAUDI ARABIA)

Communications: addressed to the Government on 1, 5, 8, 11 and 15 December 2006.

Concerning: Hussain Khaled Albuluwy, Abdullah b. Slimane Al Sabih, Sultan b. Slimane Al Sabih, Salah Hamid Amr Al Saidi, Ahmed Abdo Ali Gubran, Manna Mohamed Al Ahmed Al Ghamidi and Jasser b. Mohamed Al Khanfari Al Qahtani.

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. The Working Group regrets that the Government has not provided information on the cases despite the opportunity it was given to comment. The Working Group was informed by the Government, by a letter dated 22 March 2007, that the requisite information is being gathered, without requesting for its reply, an extension of the 90-days time limit, which is the applicable time limit as stipulated in the Working Group's methods of work. Upon a further letter of the Working Group to the Government, dated 13 April 2007, indicating that the Working Group is going to consider these seven cases during its upcoming session, the Government has not availed itself of the opportunity to comment on the allegations submitted by the source. In the light of the allegations made, the Working Group believes that it is in a position to render an opinion on the facts and circumstances of the cases.
4. The case summarized below was reported to the Working Group as follows: Hussain Khaled Albuluwy, 36 years old, of Saudi nationality, is an IT Manager for the RMZ Company located in the Petromin neighbourhood of Dammam. It was reported that he was arrested on 17 June 2003, at his work place, by agents of the Security Services, without a warrant or charges laid against him. It was said that the Security Services impute Mr. Albuluwy of having been involved in a car accident that caused fatal victims.
5. Mr. Albuluwy has been detained for more than 40 months at Jubail prison in Riyadh, one year of which in solitary confinement. It was further reported that no charges have been laid against him and that no trial date has been set. Furthermore, he has been refused access to a defence lawyer.
6. Abdullah b. Slimane Al Sabih, of Saudi nationality, born on 21 September 1981, schoolteacher, with identity card No. 1000.493.963, issued in Riyadh on 2 July 1997, usually residing in Hai Al Aakik, Riyadh; and his brother Sultan b. Slimane Al Sabih, also of Saudi

nationality, born on 4 April 1979, State officer, with identity card No. 1000.493.955, issued in Riyadh on 20 September 1994, also residing in Hai Al Aakik, Riyadh, are detained in a General Intelligence Services detention centre located in Al Kharj, Al Kharj Province, a centre run by the Ministry of the interior.

7. It was reported that these two brothers were arrested on 26 February 2005 at 3 p.m. at their home by members of the General Intelligence Services. No arrest warrant was shown to them and no reasons were given for their apprehension. Their house was also searched without a search warrant being shown to them. No reasons were communicated to them for their apprehensions. After their arrests, they were transferred to Al Hayr prison in Riyadh. Later, they were taken to Al Kharj Prison. No charges have been laid against them. They have not been brought before a judge and have not been able to challenge the lawfulness of their detention before a judicial authority. No trial date has been set. Furthermore, they do not know the eventual duration of their detention. Brothers Al Sabih have been refused the right to receive visits and the access to lawyers.

8. Salah Hamid Amr Al Saidi, 28 years old, of Saudi nationality, with identity card No. 194136 issued in Mecca (Saudi Arabia) on 20 January 1994, widower and father of two girls aged 3 and 6, residing in Al Jazair Hai Al Utaibiya Avenue, Mecca, is an officer of the Haj Ministry. He was arrested on 15 January 2006 by agents of the General Intelligence Services without a warrant. At the moment of his arrest he was informed that the order of arrest had been issued by the Ministry of the interior. Mr. Al Saidi was transferred to the General Intelligence Services Headquarters, where he was interrogated for several days. He has been detained for more than 10 months at Al Racifa prison in Mecca. It was further reported that no charges have been laid against him and that no date for a trial has been set. He has furthermore been refused access to lawyers.

9. Ahmed Abdo Ali Gubran, a Yemeni national, born on 1 January 1974 in Al Badia, Yemen, residing, since 1981, in Riyadh; a lawyer and legal advisor; with Yemeni passport No. 00609 438, issued in Riyadh on 13 June 2001 by the General Consulate of Yemen, married and father of four children, was arrested on 15 September 2004 at Riyadh International Airport upon his arrival from Damascus, where he had stayed during three months attending a postgraduate university course. No proper arrest warrant was shown to him and no reasons were given to justify his arrest.

10. Ali Gubran has not been given an opportunity to be heard by a judicial authority. He has not been presented before a judge or charged. After his first three months in secret and incommunicado detention in a cell measuring two square metres, Mr. Gubran was reportedly informed that no charges would be laid against him and that he would soon be released. However, he was transferred to Al Kharj prison. Mr. Gubran has not been allowed to contact or to appoint a defence lawyer or to establish contact with his consular representative. The General Consulate of Yemen has limited itself to inform Mr. Gubran's relatives about his detention at Al Kharj prison. Mr. Gubran has not enjoyed any judicial recourse to contest the lawfulness of his detention.

11. Manna Mohamed Al-Ahmed Al-Ghamidi, 32 years old, a schoolteacher, residing in Al-Kharj, with identity card No. 1007820119, issued on 28 August 1989 at Al-Kharj, was arrested on 2 December 2005 at Al-Kharj by members of the General Intelligence Services who

did not produce an arrest warrant. Mr. Al-Ghamidi was transferred to the General Intelligence Services compound in Jeddah (Saudi Arabia) where he was interrogated during several days and allegedly ill-treated. Later he was moved to Al Taif.

12. Mr. Al-Ghamidi was kept in incommunicado detention for three months. He was refused his right to contact a defence lawyer. Later he was accused of financing illegal charity associations and was brought before a judicial authority in Al Taif which ordered his immediate liberation for lack of evidence to sustain the charges. However, the agents refused to release him and transferred Mr. Al-Ghamidi first to Al Alichia prison and later to El Melz prison where he is currently being held. Mr. Al-Ghamidi has been detained for more than one year without a trial.

13. Jasser b. Mohamed Al-Khanfari Al-Qahtani, born on 22 September 1967, residing in Al Thuqba, Al Dammam (Saudi Arabia), a teacher and headmaster of a primary school, was arrested in Dammam on 18 March 2006 by agents of the General Security Intelligence Services, who neither produced any warrant nor other relevant arrest decision by a public authority. Mr. Al-Qahtani was taken to his house with a police escort. His home was searched, however, no search warrant was shown to him. Mr. Al-Qahtani was later moved to the General Security Intelligence Headquarters at Dammam where he was interrogated. Subsequently, he was transferred to the prison of Al Dammam where he is currently being held. Mr. Al-Qahtani has not been informed of the reasons for his arrest or of any charge brought against him. His relatives have not been allowed to visit him and he has not been authorized to contact or to appoint a defence lawyer.

14. The source argues that, as it has detailed for every individual case, these seven persons were not informed of the reasons for their arrest. No charges have been laid against them. With the only exception of Mr. Al-Ghamidi, they have not been brought before a judge and have not been able to challenge the lawfulness of their detention before a judicial authority. No dates for trials have been set. Furthermore, these persons are not aware of the eventual duration of their detention.

15. Although Mr. Al-Ghamidi was indeed brought before a judicial authority after three months of incommunicado detention, which ordered his release, the Government failed to comply with the release order and maintains his detention.

16. The Working Group observes that while these allegations were submitted to the Group through individual communications, they all refer to persons deprived of their liberty under similar circumstances. The Working Group therefore considers that it is appropriate to deal with them in a single opinion.

17. In the light of the allegations submitted and in the absence of Government's information regarding the cases, the Working Group concludes that the seven persons mentioned above were not informed about the reasons for their arrests; were not informed about the charges laid against them; were not allowed to consult or to appoint a defence lawyer; could not effectively contest or appeal their detention; and continue to be deprived of their liberty without having been formally charged or tried. Although Mr. Al-Ghamidi was brought before a judicial authority, which ordered his immediate release, this judicial order has been disregarded by the Government and Mr. Al-Ghamidi remains in detention.

18. In the Working Group's view, the current deprivation of liberty of the above-mentioned seven persons amounts to arbitrary detention. Their detention violates the guarantees afforded by the Universal Declaration of Human Rights with respect to the right not to be arbitrarily deprived of liberty.

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

The deprivation of liberty of Hussain Khaled Albuluw, Abdullah b. Slimane Al Sabih, Sultan b. Slimane Al Sabih, Salah Hamid Amr Al Saidi, Ahmed Abdo Ali Gubran, Manna Mohamed Al Ahmed Al Ghamidi and Jasser b. Mohamed Al Khanfari Al Qahtani is arbitrary, being in contravention of articles 9, 10 and 11 of the Universal Declaration of Human Rights, and falls within category I of the categories applicable to the consideration of cases submitted to the Working Group.

20. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation and bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights, and to study the possibility of ratifying the International Covenant on Civil and Political Rights.

Adopted on 10 May 2007.