

**OPINION No. 13/2008 (Saudi Arabia)**

**Communication addressed to the Government on 25 June 2007.**

**Concerning Mr. Ali Chafi Ali Al-Chahri.**

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

1. (Same text as paragraph 1 of Opinion No. 14/2007.)
2. The Working Group conveys its appreciation to the Government for having forwarded the requisite information.
3. (Same text as paragraph 3 of Opinion No. 15/2007.)
4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government. The Working Group transmitted the reply provided by the Government to the source. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the cases, in the context of the allegations made and the response of the Government thereto.
5. According to the source, Mr. Ali Chafi Ali Al-Chahri, who is 35 years old, married, lives with his wife and children in Riyadh. He was employed by the Telecommunications National Company, where he worked as a technician until the date of his arrest at his workplace by Intelligence Service agents on 23 August 2006. Neither a judicial detention warrant nor the reasons for his arrest were provided at the moment of his arrest. He was taken to his home, where a search was done without a judicial warrant and his personal computer was confiscated. Afterwards,

he was taken to a secret place which was later revealed to be the detention centre of the Intelligence Services in Al Alichah in Riyadh, where he was allegedly tortured for one week. Mr. Al-Chahri was transferred to Al Rouis prison in Jeddah, where he was detained for four months, three of which in secret and complete isolation. Mr. Al-Chahri was not informed at the time of his arrest of the reason of his detention. He was not heard by a judicial authority until 16 months after his arrest, and he never had the opportunity to choose a lawyer.

6. In its response, the Government informed that Mr. Ali Chafi Ali Al-Chahri was arrested on 23 August 2006, in the light of his contacts with persons suspected of pursuing objectives prejudicial to public security; his attempts to help persons wanted in security cases to leave the Kingdom illegally; and his violation of an undertaking given by him in a previous security case in connection with which he was detained.

7. In its comments on the response from the Government, the source expressed that the Government, in its reply, did not contest the information that:

(a) Mr. Al-Chahri was arrested by Intelligence Service agents at his workplace without being informed of the reasons for his detention; and that his home was searched without a judicial warrant;

(b) Mr. Al-Chahri was held in secret detention in the Intelligence Service centre of Al Alichah in Riyadh, where he was tortured during one week; and after being transferred to Al Rouis prison in Jeddah he was subjected to the same conditions of detention for three months in complete isolation;

(c) Mr. Al-Chahri was detained without legal charges and without a judicial procedure, being under detention during more than 20 months until date;

(d) Mr. Al-Chahri did not have the possibility to benefit from an effective recourse regarding the lawfulness of his detention;

(e) Mr. Al-Chahri did not have a lawyer or any judicial assistance.

8. The Working Group takes note with satisfaction of the cooperation from the Government of the Kingdom of Saudi Arabia. However, the Working Group observes:

(a) The silence of the Government regarding the length of Mr. Al-Chahri's detention (more than 20 months) by the Intelligence Services without a judicial detention warrant;

(b) His secret detention without legal charges;

(c) The fact that Mr. Al-Chahri has not been informed of the charges brought against him and the fact that it does not know whether there are any judicial proceedings in course on his case;

(d) The ill-treatment and torture that he has suffered; which the Government has not denied;

(e) The fact that his treatment in detention has neither been fair nor just;

(f) The fact that the response of the Government does not indicate that Mr. Al-Chahri has had a trial.

9. Mr. Al-Chahri has been detained during more than 20 months without any legal basis. No legal proceedings have been followed. He has been denied his right to have a fair and public hearing by an independent and impartial tribunal, with assistance of a defence lawyer of his choice.

10. This is contrary to articles 5, 7, 9 and 10 of the Universal Declaration of Human Rights and to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

11. In the light of the foregoing, the Working Group renders the following Opinion:

The deprivation of liberty of Mr. Ali Charif Ali Al-Chahri is arbitrary, being in contravention of articles 5, 7, 9 and 10 of the Universal Declaration of Human Rights, and falls within category III of the categories applicable to the consideration of the cases submitted to the Working Group.

12. Consequent upon the Opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation of Mr. Al-Chahri and to bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights.

13. The Working Group wishes to encourage the Government of the Kingdom of Saudi Arabia to consider the possibility to accede to the International Covenant on Civil and Political Rights.

Adopted on 9 May 2008