

Decision No. 60/1993 (Saudi Arabia)

Communication addressed to the Government of Saudi Arabia on 3 August 1993.

Concerning: Muhammed Abdullah al-Mas'ari and Abdullah al-Hamed, on the one hand, and the Kingdom of Saudi Arabia, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of each of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same text as para. 3 of decision No. 43/1993.)

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Saudi Arabia. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision 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.

5. According to the communication submitted by the source, a summary of which was forwarded to the Government:

(a) Dr. Muhammed Abdullah al-Mas'ari, born in 1946 in Riyadh, a professor of Physics at the King Saud University in Riyadh and spokesperson for the "Committee for the Defence of Legitimate Rights" (CDLR) which was founded by six religious scholars and professionals on 3 May 1993, was arrested from his home on the Campus of King Saud University in Riyadh by Mabahith al-Amma (General Intelligence) on 15 May 1993. The officers reportedly manhandled his 18 year old son and his wife and ransacked the house confiscating papers, books and videotapes.

According to the source Dr. Muhammed Abdullah al-Mas'ari has not been charged or tried and has been held incommunicado since his arrest. It was also alleged that he has not been allowed visits from family members, legal counsel or doctors and that he has been tortured by being deprived of sleep. In the past he had reportedly been banned from travelling for one year in 1991, allegedly because of his political activities. It was further reported that prior to his arrest on 15 May, he had been briefly detained and questioned.

(b) Dr. Abdullah al-Hamed, a writer and a lecturer at al-Imam Muhammed bin Saud University in Riyadh, and one of the founding members of the CDLR in Saudi-Arabia, was reportedly arrested at his house by members of al-Mabahith al-Amma on 15 June 1993 and taken to an unknown location, where he has, since his arrest, been held incommunicado. According to the source Dr. Abdullah al-Hamed had, on several occasions in the past, been summoned for questioning by the authorities.

The source alleged that both Dr. Muhammed Abdullah al-Mas'ari and Dr. Abdullah al-Hamed were detained solely for the non-violent expression of their beliefs.

6. It appears from the facts submitted to the Working Group that the detention of Muhammed Abdullah al-Mas'ari and Abdullah al-Hamed arises from the fact that they exercised their right to freedom of opinion and expression, a right guaranteed by article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights, and that they exercised their right to freedom of association, a right guaranteed by article 20 of the Universal Declaration of Human Rights and article 22 of the International Covenant on Civil and Political Rights. It is not reported that in doing so they used violence or that they threatened, contrary to the law, in any way whatever, national security, public order (ordre public), public health or morals or the rights or reputations of others, in accordance with the terms of article 19 (2) of the Universal Declaration of Human Rights and articles 19 (3) and 22 (2) of the International Covenant on Civil and Political Rights.

7. It should also be noted that these two persons are apparently being held in an unknown place and that one of them, Muhammed Abdullah al-Mas'ari, being deprived of his right to the assistance of a lawyer, to medical attention and to visits from members of his family, is said to have been subjected to torture or other cruel treatment through being prevented from sleeping. It appears from these facts that articles 5 and 9 of the Universal Declaration of Human Rights, articles 7, 9 and 10 of the International Covenant on Civil and Political Rights and principles 1, 6, 15, 16 (1), 18, 19 and 32 of the Body of Principles for the Protection of All Persons under Any form of Detention or Imprisonment have been violated.

8. In the light of the above the Working Group decides:

(a) The detention of Muhammed Abdullah al-Mas'ari and Abdullah al-Hamed is declared to be arbitrary being in contravention of articles 5, 9, 19 and 20 of the Universal Declaration of Human Rights and articles 7, 9, 10, 19 and 22 of the International Covenant on Civil and Political Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

(b) The Working Group decides, furthermore, to transmit the information concerning the alleged torture to the Special Rapporteur on the question of Torture.

9. Consequent upon the decision of the Working Group declaring the detention of Muhammed Abdullah al-Mas'ari and Abdullah al-Hamed to be arbitrary, the Working Group requests the Government of Saudi Arabia to take the necessary steps to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 9 December 1993.