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Human Rights Council Branch-Complaint Procedure Unit
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I. Author of the communication

Alkarama is a Swiss Foundation created in 2004 to bring assistance to those who are subjected to, or at risk of being subjected to extra-judicial executions, disappearances, torture and arbitrary detention. The foundation uses the international human rights mechanisms by referring, on behalf of the victim's families, individual cases of violations to the United Nations Special Procedures and to the Treaty Bodies, usually in direct contact with the family and lawyers of the victim, and submitting this information. We submit the complaint on behalf of the victims listed in this complaint who gave us authorisation to do so.

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II. Information on the State concerned

The State concerned by this complaint is the Kingdom of Saudi Arabia and the authorities responsible for the violations are the security and intelligence forces acting under the control of the Ministry of Interior.

III. Facts of the complaint and nature of the alleged violation(s)

We allege that security forces operating under the control and order of the Ministry of Interior are responsible for arbitrary arrests and detention of individuals for acts falling under a fundamental right or freedom. These violations are committed following a specific pattern: security forces and intelligence, especially the General Investigation Directorate (hereinafter GID) called "Al Mabath Al 'Ama" (المباحث العامة) in Arabic, operating under the control and order of the Ministry of Interior, arrest the victim without explaining the reasons for the arrest or presenting any arrest warrant. The victim is then held in detention for long periods of time (up to several years), frequently *incommunicado* and in solitary confinement, without access to a lawyer and without being informed of the nature of the charges held against him. The victim is not presented to a judicial authority and does not have the opportunity to challenge the legality of his detention. While some of the victims are later released without charges and without any judicial procedure, regardless of the duration of their detention; others are subjected to unfair trials and sentenced to lengthy prison terms. Numerous victims allege being ill-treated or tortured in detention, however, no investigation is ever opened into these facts, despite victims' claims in front of administrative courts, including before the "Board of Grievance" ("Diwan Al Madhalim")¹.

¹ The Board of Grievances is an Administrative Court regulated by a decree-law promulgated in 2007 ("The board of Grievance Act"). The administrative courts have jurisdiction to adjudicate compensation claims brought against government entities, pursuant to article 23 (c) of the Board of Grievances Act, which provides for the jurisdiction of those courts to hear compensation claims brought by interested parties against decisions or actions of the administrative authority. However,

Alkarama has been working on cases of arbitrary detention in Saudi Arabia for the past 10 years and has been seized by victims, their families, lawyers and human rights defenders on hundreds of cases that follow the pattern described above. We have been alerted about this situation by numerous human rights defenders who ended up eventually victims of this very practice because they were reporting to us and to UN Special Procedures and Treaty bodies.

Since 2004 and the first cases documented by Alkarama, we clearly identified the systematic character of these violations. However, according to the lawyers and human rights defenders we worked with, the latter reported that these violations were a "common and protracted practice" in the Kingdom. The main source of this pattern of violation is the absence of a right to *habeas corpus* in the domestic legal system: in this sense there no independent judicial power to which victims can turn to after being arrested.

Furthermore, Alkarama submitted numerous cases of victims of these practices to UN Special Procedures and mainly to the Working Group on Arbitrary Detention (WGAD). All submissions made to the WGAD on these type of cases have led to Opinions from the WGAD qualifying these privation of liberty as arbitrary under categories I, II and III of the categories applicable to the consideration of cases submitted to the Working Group (see Annex 2: Table of Opinions of the WGAD on Saudi Arabia).

Following the submission of these cases, the WGAD recognised this practice as a pattern on several occasions since 2013 and the issuance of Opinion 32/2013, in which the WGAD affirmed that "arrest and detention of protesters, human rights activists and defenders as well as those calling for reform of Saudi Arabia's governmental system is a subject on which the Working Group has received a significant number of cases and has rendered opinions. These arrests and detentions have occurred as a reaction to a protest against a certain incident [...], as reprisal for calling for reform, or as a human rights activist or human rights defender (as in Opinion Nos. 36/2008 and 10/2011);" and in Opinion 41/2011 (Al Qarni), which mentions that "there is an increasing pattern of arrest and detention of persons exercising their basic human rights, in particular their right to freedom of opinion, expression and association (see, for instance, Opinions No. 22/2008, No. 36/2008, No. 37/2008, No. 2/2011, No. 10/2011, No. 30/2011, 42/2011 and 45/2013 of the WGAD). The WGAD furthermore added that "the case of Mr. Al Qarni further indicates that it has become the rule and not the exception that basic human rights are not duly respected."² Lastly, in Opinion No. 38/2015 of 24 November 2015 concerning several human rights defenders, the WGAD reiterated its concerns over the pattern identified in all previous opinions rendered by the Working Group.

This pattern has also been identified by other special procedures. The Special Rapporteur on the situation of human rights defenders mentioned the situation in Saudi Arabia in its report of 4 March 2015, by expressing his concerns over "reports of the arbitrary arrest and detention and conviction of human rights defenders in Saudi Arabia, especially when the arrest and detention are due to their legitimate and peaceful human rights work. On a number of occasions, no reasons were given for the arrests of human rights defenders."³ In view of the situation in Saudi Arabia, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression issued a press release on 16 December 2015, in which he "urged the Government of Saudi Arabia to revise its laws and practices to enable free expression by all, including artists and human rights defenders."⁴

the Ministry of Interior has the final word over any decision given by the Board of grievance, thus if the board rule that the detentions arbitrary, the Ministry of Interior can still keep the victim imprisoned .

² Opinion No. 41/2011 (Kingdom of Saudi Arabia) Al Qarni, para. 14.

³ Report of the Special Rapporteur on the situation of human rights defenders, Michel Forst - A/HRC/28/63/Add. 1.

⁴ OHCHR, UN rights expert raises alarm over Saudi Arabia's growing clamp down on freedom of expression, 16 December 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16892&LangID=E#sthash.g4kIEhXn.dpuf> (accessed on 8 February 2016).

Despite all these actions taken by the UN Special Procedures, the authorities do not collaborate positively with none of the above mentioned procedures and never implemented any of the WGAD Opinions issued. On the contrary, the practice remains and all sources of information which were likely to provide information to the UN have been systematically arrested. We submit these arrests demonstrate the willingness of the authorities to deter any reporting of violations to the UN or to any international human rights organisation. It should be noted that, some of the human rights defenders were prosecuted for having reported human rights violations to the United Nations under the incrimination of “questioning the integrity of officials” and “harming the image of the State by disseminating false information to foreign groups”.

Arbitrary arrest and detention

All individuals mentioned below were arrested by authorities under the control of the Ministry of Interior, who did not present an arrest warrant nor explained the reasons for the detention. All arrests took place after the victims had publicly expressed their political opinions, criticised the government, participated in peaceful protests or in any other way exercised their freedom of opinion, expression or peaceful assembly and association.

After the arrest, all victims were subjected to long periods of detention, during which they were not allowed to contact a lawyer or challenge the lawfulness of their detention. During this phase, most of victims were detained *incommunicado* and in secret locations. Furthermore, most of victims were severely ill-treated or tortured and, even though this treatment was denounced to the judicial authorities, no investigation on these facts was opened. During this entire period of detention, the victims were not presented to a judicial authority within a reasonable delay. For some of the victims, this period of detention would last for several years. We recall that secret detention is a blatant violation of international human rights law as it amounts to a manifold human rights violation that cannot be justified under any circumstances. In addition to violating the right to liberty and security of the person and constituting a *prima facie* form of arbitrary detention, secret detention facilitates the perpetration of torture and other ill-treatment by keeping the victim outside the protection of the law.

Unfair trials

The victims named in this complaint have been notably charged and prosecuted under offences such as “breaking allegiance to and disobeying the ruler”, “inciting disorder by calling for demonstrations”, “harming the image of the State by disseminating false information to foreign groups” and “taking part in founding an unlicensed organization” “questioning the integrity of officials” fall short of international standards and can easily be used to criminalize the peaceful exercise of the rights to freedom of expression and to freedom of peaceful assembly and association. We allege that the use of such broad and imprecise charges is in violation of articles 9 and 10 of the Universal Declaration of Human Rights. The deprivation of liberty of these individuals results from serious and systematic violations of the norms related to the right to a fair trial, including the obligation of the Government to define criminal offences precisely within the law. It should be noted in this regard that if there is a Criminal Procedure Code⁵ that sets some guarantees that are not respected by the judges in political cases, including the limitation of the pre-trial detention to up to six months. There is no Penal Code that defines precisely crimes in a clear and predictable way, violating the principle of *nullum crimen nulla poena sine lege* and leaving *in fine* large room for discretionary power to the Prosecution – and *in fine* to the Ministry of Interior – to qualify *ex post facto* acts as crimes. We submit this violates article 11 of the Universal Declaration of Human Rights which states that “[n]o one shall be held guilty of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed”.

⁵ Promulgated in A.H. 1422 (A.D. 2001).

Furthermore, most of these individuals were tried before an exceptional jurisdiction, the Specialised Criminal Court (SCC) instituted in 2008 to try cases of terrorism. This jurisdiction is not composed of independent judges but by a panel named by the Ministry of Interior. The court was set up to deal with terrorism and security-related cases but its procedures and internal regulations have never been made public. The hearings are held secretly and victims are denied access to their files in order to prepare for their own defence thus violating the principle of equality of arms between the prosecution and the defence. Furthermore, in some case, victims have been sentenced without even being heard by the judge. As a consequence, the trials of several of the individuals mentioned below before that Court have not complied with the most basic elements of the right to a fair and public hearing by an independent and impartial tribunal.

Moreover, the legal framework of counter-terrorism in the Kingdom has been a breeding ground for violations of the right to fair trial, especially since September 2001, when the authorities started strengthening the repression of oppositional voices, including peaceful ones, under the pretext of counter-terrorism. The latest legislation which further strengthened this pattern is the law on terrorism enacted in January 2014⁶ which flaws constitute a breeding ground for torture and other serious human rights violations, as it clearly violates fair trial guarantees and lacks legal certainty. Indeed, terrorism is defined in a vague and overly broad way and *in fine* criminalises free expression⁷. The law also gives excessive police powers to the executive without judicial oversight and deprives the accused of due process rights. Under this Law, the Minister of Interior can order arrests of terrorist suspects without requesting an arrest warrant; the legal limit of pre-trial detention is raised from six to 12 months and allows for unlimited extensions upon court order.

The following cases that Alkarama submitted to the Special Procedures show the systematic character of the violations described above and are presented as examples of the practice. Although they were submitted beforehand to the Special Procedures, the following cases are no longer dealt with by them in accordance with the rule of non-duplication.

Case No.1: Mr **Mazen Salah ben Mohamed Al Husayn Al Tamimi**, a disabled human rights defender who worked as a member of Alkarama and two others were arrested by the General Intelligence Directorate between May and September 2003. None of them was allowed to contact a lawyer or to challenge the lawfulness of their detention. While detained, they were all questioned about their political opinions and religious studies. Mr Al Tamimi also affirms that he was ill-treated during the interrogations.

Case No.2: Mr **Abdul Aziz Saleh Slimane Djerboue**, a teacher, and Mr **Mahna Abdul Aziz Al-Habil**, a public servant at the Al Houfouf Public Library, were both arrested between 2003 and 2004 for having publicly expressed their political views opposing the government. Mr Djerboue, who was not allowed to appoint a defence lawyer during his trial, was sentenced to seven months imprisonment for criticising the government policies. While he should have been released on 1 August 2003, he remained in detention for another 18 months. Mr Al-Habil, on his turn, was held *incommunicado* for 50 days, during which he was severely ill-treated. On 1 November 2004, he was charged with "rebellion against authority"; "announcing the establishment of a suspected organisation"; "propagation of a spirit of division" and "public criticism against the Government".

Case No.3: Mr **Suleyman b. Nasser b. Abdullah Al-Alouane** is a teacher, who was arrested at his home by agents of the General Information Services on 28 April 2014 for allegedly "criticising the actions and policies of the U.S. in the Arab World, particularly the 2003 invasion

⁶ The Penal Law for Crimes of Terrorism and its Financing (Royal Decree No. 44 (12/2013).

⁷ The law defines terrorism in its Article 1 as "Any act carried out by an offender in furtherance of an individual or collective project, directly or indirectly, intended to disturb the public order of the state, or to shake the security of society, or the stability of the state, or to expose its national unity to danger, or to suspend the basic law of governance or some of its articles, or to insult the reputation of the state or its position, or to inflict damage upon one of its public utilities or its natural resources, or to attempt to force a governmental authority to carry out or prevent it from carrying out an action, or to threaten to carry out acts that lead to the named purposes or incite [these acts]."

of Iraq.” After his arrest, Mr Al-Alouane was detained for over four years without charges, during which he was subjected to long periods of isolation, *incommunicado* detention and ill-treatment and was not allowed to challenge the lawfulness of his detention. Moreover, despite several requests, he was not allowed to have access to a lawyer.

Case No.4: Dr **Said b. Mubarek b. Zair**, a professor at the University of Riyadh, known for advocating for institutional reforms in the country, was arrested by agents of the intelligence services on 6 June 2007. Dr Zair had already been detained several times, without any conviction or legal proceedings, and, in total, he spent more than 10 years in prison without access to a lawyer or family visits.

Case No.5: Mr. **Bachr b. Fahd b. Al-Bachr**, a professor at the University of Al-Imam Ahmed b. Saud, was arrested in his house on 15 March 2007 by members of the Saudi Investigative Police (Al-Mabahith Al-Amma) in civilian clothes and taken to an unknown location for several months, during which he was severely ill-treated by being subjected to prolonged periods of solitary confinement, being kept blindfolded and handcuffed, exposed to extreme temperatures and being denied any contact with the outside world. After this period, Mr Al-Bachr was transferred to the Al-Hayer prison, where he was allowed to have family visits, but no legal counsel.

Case No.6: Mr **Saleh bin Awad bin Saleh Al Hweiti** is a stateless person of Bedouin origin (known as 'Bidoon') and a member of the Reformist movement, which calls for peaceful constitutional reforms in Saudi Arabia. He published several poems on the situation of Bidoons in the country. On 30 April 2003, after some of his poems were recited on a radio station, Mr Al-Hweiti was arrested in his brother's house in Riyadh by members of the Intelligence and Security Agency of the MoI (Al-Mabahith). He was detained *incommunicado* until July 2003, when he was allowed to call his family and inform that he had been sentenced to 11 months imprisonment for defamation of Government authorities. Mr Al Hweiti remained in prison for nearly four years, until 23 April 2007, when he was released. However, six days later, on 29 April, he was rearrested. In September 2009, Mr Hweiti was sentenced to five years imprisonment. While in detention, Mr Hweiti was ill-treated, being put in overcrowded cells, subjected to long periods of isolation and to severe beatings, as well as being denied communication with his family. Mr Hweiti was not allowed to appoint a lawyer or to appeal his convictions.

Case No.7: **Mr Mohamed Abdullah Al Uteibi** is a human rights activist in Saudi Arabia, known for publicly denouncing the conditions of detention of prisoners in Saudi Arabia and calling for political reforms. On 2 January 2009, after attempting to organise a peaceful demonstration condemning an attack in Gaza by the Israeli army, Mr Al Uteibi was arrested by the Saudi secret service, Al-Mabahith. He was detained *incommunicado* for two months and was only presented before a judge six months after his arrest, however, he was not charged with any crime. Mr Uteibi was not allowed legal counsel or the possibility to challenge the lawfulness of his detention.

Case No 8: **Mr Thamer Ben Abdelkarim Alkhodr** was a law student at the University of Al-Qassim and a human rights defender, son of Abdelkarim Al-Khodr, founding member of the Association of Civil and Political Rights in Saudi Arabia. On 3 March 2010, he was arrested by security agents and held *incommunicado* for two days in an unknown location, after which he was transferred to the Al Hayr prison, where he was held in solitary confinement for over three months, during which he was subjected to acts of torture, which led to his hospitalisation. On 8 June 2011, the First Administrative Circuit Court in the Riyadh Board of Grievances (Diwan Al Mazalem) issued a verdict against the Directorate of General Investigations declaring that his detention was arbitrary according to Saudi law.

Case No.9: **Mr Ali Khassif Saïd Al Qarni** is an Arab literature student who lives in Mecca with his family. From 27 to 30 March 2007, he attended a human rights seminar in Doha, Qatar. A few months after that, on 5 December 2007, he was arrested without any warrant in Riyadh by agents of the intelligence services (Al Mabahith) and detained *incommunicado* in a secret place for weeks, before being transferred to the Dahban prison in Jeddah. Mr Al Qarni was detained

without any charge for four years without being allowed to challenge the lawfulness of his detention or to have access to a lawyer. Throughout his detention, Mr Al Qarni was interrogated about his human rights activism. He was tried on 22 November 2011 by the SCC in Riyadh and sentenced to 13 to 30 years' imprisonment following a grossly unfair trial.

Case No 9: Mr Khaled Al-Omeir is a member of the Reformist movement and a human rights defender, known for expressing his political opinion on social media. On 1 January 2009, after participating in a peaceful demonstration against the Israeli bombing of civilians in Gaza in 2008, Mr Al-Omeir was arrested by members of the Saudi security services (Al Mabahith) in Riyadh. Mr Al-Omeir had already been arrested in April 2005 and detained for six months without charges, after an interview with Al Jazeera in which he expressed his views about the political situation in the region. On 15 May 2011, Mr Al-Omeir was sentenced by the SCC in Riyadh to eight years imprisonment for "illegal gathering" and "publishing information on the Internet." This sentence cannot be appealed.

Case No.10: Raif Badawi is the founder and director of Free Saudi Liberal Network, a website that encourages debate on religious and political matters in Saudi Arabia. After being arrested several times between 2008 and 2012, on 29 July 2013, Mr Badawi was sentenced to seven years in prison and 600 lashes for "setting up a website that undermines general security" and "ridiculing religious figures." As the prosecutor insisted on a harsher ruling, his sentence increased to 1,000 lashes and 10 years of imprisonment, and he was denied the right to appeal.

On 16 December 2015, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, expressed grave concern at the growing repression of freedom of expression in Saudi Arabia in a press release⁸.

Case No.11: Saudi Civil and Political Rights Association (ACPRA) is a Saudi association created in 2009 with the aim of campaigning for the rights of political prisoners and detainees in Saudi Arabia as well as for civil and political rights in general. All members of ACPRA have been prosecuted and charged with vaguely defined crimes which criminalise peaceful activism, including breaking allegiance with the ruler or "reporting that the authorities were committing human rights violations". It was closed by the authorities in March 2013. Alkarama documented the case of 15 ACPRA members, who have been the victims of reprisals since the creation of ACPRA. They are all currently either prosecuted or awaiting trial or detained after having been convicted to heavy prison sentences (see Annex 1 for individual situations). All of them were charged with vague charges and have been subjected to or are at risk of unfair trial, mostly before the SCC, with limited access to legal counsel. Several of the victims were detained.

The Special Rapporteur on the situation of human rights defenders mentioned the case of ACPRA members in its report of 4 March 2015 by noting "the worrying pattern of arrests and lengthy detention of human rights defenders on charges relating to involvement with "illegal organisations", among other charges that relate to criticising, disrespecting or planning to overthrow the King. This appears to particularly target those who are involved in human rights organisations that monitor and report on the human rights situation in the country, a number of which have been forced to close. Members of the Saudi Civil and Political Rights Association have faced particular persecution in this regard. The Special Rapporteur deeply regrets instances of reprisals against human rights defenders who cooperated with

⁸ On that occasion, he mentioned that "several prominent writers and artists have been punished severely for expressing their beliefs in Saudi Arabia. Mr. Badawi, recently awarded the Sakharov Human Rights Prize, is a well-recognized human rights defender sentenced in 2014 and flogged in January, when he received 50 public lashes. His health has since deteriorated and authorities have reportedly transferred him to an isolated detention facility and are considering a new round of flogging." OHCHR, UN rights expert raises alarm over Saudi Arabia's growing clamp down on freedom of expression, 16 December 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16892&LangID=E#sthash.g4klEhXn.dpuf> (accessed on 8 February 2016).

United Nations human rights mechanisms, and he wishes to reiterate the right of everyone to “unhindered access to and communication with international bodies”.⁹

Case N° 12: Mr **Waleed Abu Al-Khair** is a human rights lawyer and the head of Monitor of Human Rights in Saudi Arabia, an independent human rights organization founded in 2008. He has been the lawyer of ACPRA members and Raif Badawi. Mr Al-Khair first faced trial in late 2011 after he signed a statement criticizing the authorities’ persecution of 16 reformists. On 6 October 2013, Mr. Al-Khair was also brought before the SCC, where he faced charges including “breaking allegiance to and disobeying the ruler”, “setting up an unlicensed organization” and “participating in establishing another organization (the Saudi Civil and Political Rights Association, ACPRA)”. On 6 July 2014, the Specialised Criminal Court sentenced Waleed Abu Al-Khair to 15 years of imprisonment and to a 200,000-riyal fine in accordance with Article 21 of the law on crimes of terrorism. Amongst others, he was accused of: “hurting the state legitimacy”, “disturbing public order and diminishing the judiciary”, “publicly defaming in the judiciary and discrediting Saudi Arabia by alienating international organisations against the Kingdom”, “making statements and releasing documents “to harm the reputation of the Kingdom”, and of “being part of an unauthorised association, being its chairman and speaking on its behalf”. He is currently detained.

Proposed remedies to put an end to the systematic violation

The Kingdom of Saudi Arabia should be encouraged to ratify the International Covenant on Civil and Political Rights, as well as its First Optional Protocol. We suggest the appropriate remedies to end the systematic violations would entail requesting the Government to take, without delay, the steps necessary to bring its criminal procedures into conformity with the standards and principles enshrined in the Universal Declaration of Human Rights and the relevant international norms. It should moreover immediately release the detainees mentioned in this complaint as well as all other individuals who are in the same situation. The Saudi Government should provide the victims with reparation for the harm caused by the grievances.

Furthermore, the Specialised Criminal Court of Riyadh should be dissolved and the 2014 Law on terrorism revised in order to restrict the definition of terrorism to acts of violence that specifically target civilians in the pursuit of political or ideological aims and to put the procedure in line with international due process guarantees.

The Government should also adopt a Penal Code setting clearly and predictably the crimes in accordance with the standards and principles enshrined in the Universal Declaration of Human Rights and the relevant international norms, i.e. excluding acts that would criminalise acts falling a right or freedom.

The authorities should fully cooperate with Special Procedures, implement recommendations from the latest Universal Periodic Review and implement UN WGAD Opinions.

Lastly and given the protracted, systematic nature of the violations, we suggest that the Human Rights Council adopt a resolution establishing the mandate of a Special Rapporteur on the situation of human rights in Saudi Arabia.

IV. Exhaustion of domestic remedies

In Saudi Arabia, domestic remedies are ineffective, as all state powers are concentrated in the hands of the executive and more especially the monarch and his close entourage. Serious concerns can be raised regarding independence of the judiciary. On one hand, article 46 of the Basic law states that “the Judiciary is an independent authority. The decisions of judges shall not be subject to any authority other than the authority of the Islamic Sharia.” However, in practice the judiciary is under the control of the King and the Ministry of Interior, who becomes in the

⁹ Report of the Special Rapporteur on the situation of human rights defenders, Michel Forst - A/HRC/28/63/Add. 1.

cases submitted here both judge and party top the processes. Indeed, the maintenance of the prosecution under the supervision of the Minister of the Interior, who is responsible for law enforcement, undermines the independence and accountability of state officials. Article 52 of the Basic Law further states that: "Judges shall be appointed and relieved by Royal Decree, based on a proposal of the Supreme Judiciary Council, in accordance with provisions of the Law"; which adds another obstacle to an effective independence of the judiciary, especially given that the supreme Judiciary Council merely plays a ceremonial role in the appointment of judges.

The Ministry of Interior has its own investigative body, the General Directorate of Investigations (GDI), or "al-Mabahith", and operates its own detention facilities. In practice, forces under the control of the Ministry of Interior are not subjected to any judiciary control making it virtually impossible to hold them accountable for arbitrary arrests or to challenge the lawfulness of their actions. In fact, any complaint against the Ministry of Interior or forces under their control will be evaluated by the Judiciary, which is itself under the control of that very same Ministry. Furthermore, the victims presented in this complaint were only given restrict access to a lawyer or no access at all, which prevented them from taking any legal action from the onset of the arrest to the final judicial decision. In cases no.1, no.2, no.3, no.4, no.5, no.6, no.7 and no.9, victims were completely denied access to legal counsel.

It is also important to note that those who tried to denounce the violations committed by the Ministry of Interior, such as the members of ACPRA mentioned in case no.11 as well as Human rights lawyer Waleed Abu al Khair, mentioned in case no.12 were subjected to reprisals, including arbitrary detention, torture and unfair trials.

Lastly, we recall that all these cases were submitted to Special Procedures and that the authorities showed a constant unwillingness to cooperate, by either not responding to urgent appeals and allegation, or by responding without giving any substantial information on the alleged violations. All cases in which the WGAD issued an Opinion stating the arbitrary nature of the detention, the authorities did not comply with the request of the Working Group and victims remain in detention.

V. Submission of communication to other human rights bodies

All the cases presented in this complaint have been submitted to different United Nations Human Mechanisms. However, these cases are not being treated in front of these procedures anymore, in accordance with the principle of non-duplication.

In case No.1, the WGAD issued Opinion 35/2005; Case No.2 was sent to the WGAD in 2004, which issued Opinion 34/2005 and to the Special Rapporteur on freedom of expression in 2005; Case No.3 was sent to the WGAD on 27 October 2006, which issued Opinion 22/2008; Case No.4 was sent to the Special Rapporteur on the Independence of Judges and Lawyers on 16 August 2007, to the Special Rapporteur on the situation of human rights defenders on 17 August 2007 and to the WGAD on 28 August 2007, which issued Opinion 36/2008; Case No.5 was sent to the Special Rapporteur on the situation of human rights defenders and to the WGAD on 14 April 2009. Regarding this case the WGAD issued Opinion 10/2011; Case No.6 was sent to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on freedom of expression and to the WGAD on 18 July 2008. Regarding this case, the WGAD issued Opinion 30/2011; Case No.7 was sent to the WGAD on 12 August 2009, which issued Opinion 33/2011; Case No.8 was sent to the Special Rapporteur on the situation of human rights defenders on 12 March 2010 and to the WGAD on 7 February 2011, which issued Opinion 42/2011; Case No.9 was sent to the Special Rapporteur on the situation of human rights defenders and to the WGAD on 16 March 2009. Regarding this case, the WGAD issued Opinion 41/2011; Case No.10 was sent to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 16 January 2009, to the Special Rapporteur on the situation of human rights defenders and to the WGAD on 19 January 2009. Regarding this case, the WGAD issued Opinion 32/2013; Case No.11 involves 15 individuals and was sent to several special procedures, including the Special Rapporteur on torture and other cruel, inhuman or

degrading treatment or punishment, the Special Rapporteur on the situation of human rights defenders, Special Rapporteur on freedom of expression and the WGAD between 2011 and 2014; Case No.12 has been sent to the WGAD which issued several urgent appeals and lately WGAD Opinion 38/2015.

VI. Request for confidentiality

Request for confidentiality:

Yes

No

Date: 8 February 2016

Signature:



VII. Checklist of supporting documents

- List of individual cases presented in this complaint;
- List of WGAD Opinions issued by the WGAD on Saudi Arabia.

Annex II: List of individual cases

Case Number	Name of the victim	Current situation	Proposed remedies
No. 1	Mazen Salah ben Mohamed Al Husayn Al Tamimi	Subject of WGAD Opinion 35/2005.	Clarify present situation and Redress
No. 1	Khalid Ahmed Al-Eleq	Subject of WGAD Opinion 35/2005.	Clarify present situation and Redress
No. 1	Majeed Hamdane b. Rashed Al-Qaid	Subject of WGAD Opinion 35/2005.	Clarify present situation and Redress
No. 2	Abdul Aziz Saleh Slimane Djerboue	Subject of WGAD Opinion 34/2005.	Clarify present situation and Redress
No. 2	Mahna Abdul Aziz Al-Habil	Subject of WGAD Opinion 34/2005.	Clarify present situation and Redress
No. 3	Suleyman b. Nasser b. Abdullah Al-Alouane	Detained despite WGAD Opinion 22/2008.	Release and Redress
No. 4	Said b. Mubarek b. Zair	Detained despite WGAD Opinion 36/2008	Release and Redress
No. 5	Bachr b. Fahd b. Al-Bachr	Detained despite WGAD Opinion 10/2011	Release and Redress
No. 6	Saleh bin Awad bin Saleh Al Hweiti	Detained despite WGAD Opinion 30/2011	Release and Redress
No. 7	Mohamed Abdullah Al Uteibi	Detained despite WGAD Opinion 33/2011	Release and Redress
No. 8	Thamer Ben Abdelkarim Alkhodr	Detained despite WGAD Opinion 42/2011	Release and Redress
No. 9	Ali Khassif Saïd Al Qarni	Detained despite WGAD Opinion 41/2011	Release and Redress
No. 10	Khaled Al-Omeir	Detained despite WGAD Opinion 32/2013	Release and Redress
No. 10	Raif Badawi	Sentenced to 10 years imprisonment and 1.000 lashes.	Release and redress.
No. 11 (ACPRA)	1. Mohammed Fahd Al Qahtani	Sentenced to 10 years imprisonment. Currently detained serving sentence, despite WGAD Opinion 38/2015. Included in SAU 7/2012, SAU 9/2012, SAU 8/2013 and SAU 11/2014.	Release and redress.
No. 11 (ACPRA)	2. Abdullah Al Hamed	Sentenced to 5 years imprisonment. Currently detained serving sentence, despite WGAD Opinion 25/2004 and WGAD Opinion 38/2015. Included in SAU 9/2012, SAU 8/2013 and SAU 11/2014.	Release and redress.
No. 11 (ACPRA)	3. Sulaiman Ibrahim Saleh Al Rashoudi	Sentenced to 15 years imprisonment. Currently detained serving sentence, despite WGAD Opinion 38/2015. Included in SAU 6/2012, SAU 13/2012 and SAU 11/2014.	Release and redress.
No. 11 (ACPRA)	4. Saud Mukhtar Al Hashimi	Sentenced to 30 years imprisonment. Included in SAU	Release and redress.

Annex II: List of individual cases

		6/2012.	
No. 11 (ACPRA)	5. Mohammad Salih Al Bajadi	Sentenced to 10 years imprisonment. Currently detained serving sentence, despite WGAD Opinion 45/2013 and WGAD Opinion 38/2015. Included in SAU 3/2011, SAU 7/2012 and SAU 11/2014.	Release and redress.
No. 11 (ACPRA)	6. Salih Ashwan Al Ashwan	Detained awaiting sentence. Included in SAU 9/2012 and SAU 8/2013.	Release and redress.
No. 11 (ACPRA)	7. Abdulkarim Al Khodr	Sentenced to 10 years imprisonment. Currently detained serving sentence, despite WGAD opinion 46/2013 and WGAD Opinion 38/2015. Included in SAU 9/2012. SAU 8/2013 and SAU 11/2014.	Release and redress.
No. 11 (ACPRA)	8. Omar Al Saeed	Detained awaiting sentence, despite WGAD Opinion 38/2015. Included in SAU 8/2013 and SAU 11/2014.	Release and redress.
No. 11 (ACPRA)	9. Fawzan Al Harbi	Sentenced to 10 years imprisonment. Currently detained serving sentence despite SAU 1/2014. Included in SAU 7/2012, SAU 8/2013 and SAU 11/2014.	Release and redress.
No. 11 (ACPRA)	10. Abdulaziz Al Shoubaily	Awaiting sentence.	Drop all charges
No. 11 (ACPRA)	11. Dr. Abdul Rahman Al Hamed	Sentenced to 9 years imprisonment. Included in SAU 11/2014.	Release and redress.
No. 11 (ACPRA)	12. Isa Hamid Al Hamed	Awaiting sentence.	Drop all charges
No. 11 (ACPRA)	13. Khalid Mohammed Al Jasser	Sentenced to 10 years imprisonment followed by 10 years travel ban.	Release and redress.
No. 11 (ACPRA)	14. Mohamed bin Abdullah bin Ali Al-Abdulkareem	Subject of WGAD Opinion 43/2011. Included in SAU 9/2010.	Clarify present situation and Redress
No. 12	Waleed Abu Al Kheir	Sentenced to 15 years imprisonment. Included in SAU 9/2012 and WGAD Opinion 38/2015	Release and redress.

Annex II: List of WGAD Opinions including a Category II in the qualification of the detention

(i.e. When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights)

1992	Mohammed al-Fassi	cat II
9 December 1993	Muhammed Abdullah al-Mas'ari and Abdullah al-Hamed	cat II
1 December 1995	Sheikh Salman bin Fahd al-Awda and others	cat II
26 November 2004	Dr. Matrouk b. Hais b. Khalif Al-Faleh, Dr. Abdellah Al-Hamed and Mr. Ali Al-Damini	cat II
1 September 2005	Mr. Abdul Aziz Saleh Slimane Djerboue and Mr. Mahna Abdul Aziz Al-Habil	cat I, II and III
2 September 2005	Mr. Mazen Salah ben Mohamed Al Husayn Al Tamimi and others	cat I and II
8 May 2007	Mr. Faiz Abdelmoshen Al-Qaid and Mr. Khaled b. Mohamed Al-Rashed.	cat I and II
28 November 2007	Dr. Saud Mukhtar Al-Hashimi and eight other persons	cat I and II
10 September 2008	Mr. Suleyman b. Nasser b. Abdullah Al-Alouane	cat I, II and III
21 November 2008	Dr. Said b. Mubarek b. Zair	cat I, II and III
21 November 2008	Mr. Matrouk b. Hais b. Khalif Al-Faleh	cat I, II and III
3 May 2011	Abdul Hakim Gellani	cat I, II and III
5 May 2011	Bachr b. Fahd b. Al-Bachr	cat I, II and III
30 August 2011	Saleh bin Awad bin Saleh Al-Hweiti	cat I, II and III
1 September 2011	Mohamed Abdullah Al Uteibi	cat I, II and III
2 September 2011	Ali Khassif Saïd Al Qarni	cat I, II and III
2 September 2011	Thamer Ben Abdelkarim Alkhodr	cat I, II and III
2 September 2011	Mohamed bin Abdullah bin Ali Al-Abdulkareem	cat I, II and III
2 September 2011	Muhammad Geloo	cat I, II and III
19 November 2012	Nazir Hamza Magid Al Maged	cat I, II and III
30 August 2013	Khaled Al-Omeir	cat I, II and III
18 November 2013	Yahya Hussein Ahmad Shaqibel	cat I, II and III
15 November 2013	Mohammad Salih Al Bajadi	cat II
18 November 2013	Abdulkarim Al Khodr	cat I, II and III
30 April 2014	Zakaria Mohamed Ali	cat I, II and III
4 September 2015	Sheikh Suliaman al-Rashudi, Abdullah al-Hamid, Mohammed al-Qahtani, Abdulkareem Yousef al-Khoder, Mohammed Saleh al-Bajadi, Omar al-Hamid al-Sa'id, Raif Badawi, Fadhel al-Manasif and Waleed Abu al-Khair	cat II and III