

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Mission Permanente du Royaume
d'Arabie Saoudite auprès
des Nations Unies
Genève



الوفد الدائم للمملكة العربية السعودية
لدى المقر الأوربي للأمم المتحدة
جنيف

Ref. No: 11/25/375

Geneva, 5 March 2012

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to communication UA G/SO 218/2 G/SO 214 (67-17) G/SO (107-9) of 16 December 2010 from the Chair-Rapporteur of the Working Group on Arbitrary Detention, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders concerning the case of Mr. Mohamed bin Abdullah bin Ali Al-Abdulkareem.

It should be noted that all the proceedings taken against the person in question were consistent with the Kingdom's judicial regulations, which are in conformity with the international rules and standards in this regard.

The Permanent Mission of the Kingdom of Saudi Arabia avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



OHCHR REGISTRY

05 MAR 2012

Recipients: *S.P.*
S. Al. E. (Encl.)

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In this connection, the competent authorities in the Kingdom of Saudi Arabia have indicated that Mohamed bin Abdullah bin Abdulkareem was detained by the security authorities on 5 December 2010 on the basis of an arrest warrant issued in accordance with article 35 of the Code of Criminal Procedure which stipulates that: "No one shall be arrested or remanded in custody without an order from the competent authority. Persons who are arrested or remanded in custody shall be treated in a manner conducive to the preservation of their dignity and shall not be harmed physically or mentally. They shall be informed of the reasons for their detention and shall have the right to contact anyone whom they wish to notify".

He was detained on the charge of committing acts detrimental to public security in the State, calling into question the integrity of respected theologians and inciting sedition and division between the people and their leadership, these being offences punishable under article 6, paragraph 1, of the Repression of Cybercrime Act which stipulates that: "Anyone who commits any cybercrime ... production, preparation, transmittal or storage, through the worldwide web or a computer, of material prejudicial to public order, religious values, public morality or privacy shall be liable to a penalty of up to five years' imprisonment and/or a fine not exceeding three million riyals" and on the charge of violating the provisions of article 12 of the Basic Law of Governance which stipulates that: "Promotion of national unity is a duty, and the State shall prevent whatever leads to disunity, sedition and division".

The allegation that he was not informed of the charges brought against him and that his family were unaware of his whereabouts is unfounded insofar as he was informed of the charges brought against him and was permitted to make contact and receive visits in accordance with article 116 of the Code of Criminal Procedure which stipulates that: "Everyone who is arrested or remanded in custody shall be informed immediately of the reasons for his arrest or remand in custody and shall have the right to contact, under the surveillance of the criminal investigation officer, anyone whom he wishes to notify".

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With regard to the legal grounds for his detention, an arrest warrant was issued against him in accordance with article 113 of the Code of Criminal Procedure which stipulates that: "If, following the interrogation of the suspect or in the event of his abscondence, sufficient evidence is found against him in a major offence, or if the interests of the investigation necessitate his remand in custody in order to prevent him from absconding or influencing the course of the investigation, the examiner shall order his remand in custody for a period not exceeding five days from the date of his arrest" and article 114 thereof which stipulates that: "Before the expiration of a period of remand in custody, the examiner shall submit the file to the head of the regional branch of the Public Investigation and Prosecution Department so that he can either extend the remand in custody for one or more consecutive periods totalling not more than 40 days from the date of the suspect's arrest or order his release. In cases which require an even longer period of remand in custody, the matter shall be referred to the head of the Public Investigation and Prosecution Department so that he can order an extension for one or more consecutive periods of up to 30 days, totalling not more than six months from the date of the suspect's arrest, after which the suspect must be promptly referred to the competent court or released".

He was released on 15 February 2011 in accordance with article 120 of the Code of Criminal Procedure which stipulates that: "The examiner assigned to the case may at any time, on his own initiative or at the request of the suspect, order the latter's release if he finds that his remand in custody is unjustified, that his release would not be detrimental to the investigation and that there is no risk of his absconding or disappearing, provided that the suspect undertakes to present himself if so requested".

It should be noted that all the proceedings taken against the person in question were consistent with the Kingdom's judicial regulations, which are in conformity with the international rules and standards in this regard.

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