



Ref. No: 11/25/144

Geneva, 3 June 2013

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 214 (107-9) SAU 1/2011 of 3 March 2011 from the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders concerning the cases of Messrs. Ahmad bin Sa'd al-Ghamdi, Abdul Aziz al-Wuhaibi, Muhammad bin Hussain al-Qahtani and Muhammad bin Nasser al-Ghamdi, founders of a political party known as the "Islamic Omma Party".

In this connection, the competent authorities in the Kingdom of Saudi Arabia have indicated as follows:

5. All prisons and detention centres in the Kingdom are subject to control and inspection by judicial, administrative, health and socio-legal bodies in accordance with article 5 of the Prison and Detention Regulations and the prison and detention centre inspectorates in the Bureau of Investigation and Public Prosecution carry out control and inspection tours, without prior notification, in conformity with article 3, paragraph 1 (f), of the Bureau's Statutes promulgated in 1989. During these tours, all prisoners and detainees are interviewed, their complaints are heard and their circumstances are monitored in order to ensure their well-being and ascertain their enjoyment of all their legal and statutory rights. In accordance with its Statutes promulgated by Council of Ministers Decision No. 207 of 8/8/1426 AH [12 September 2005], the Human Rights Commission visits prisons and detention centres at any time without seeking permission from the competent authority and the National Society for Human Rights also visits prisons and detention centres to hear complaints and ascertain the situation of prisoners and detainees.

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

26 JUN 2013

Recipients: S.P.B.
S. Lidome (Encl.)
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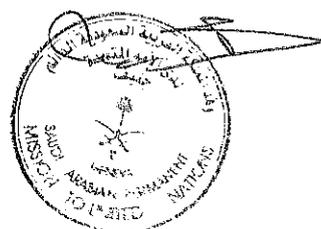
1. The facts as set forth in the allegations are inaccurate for the following reasons:

Messrs. Muhammad bin Hussain al-Qahtani, Muhammad bin Nasser al-Ghamdi and Dr. Ahmad bin Sa'd al-Ghamdi were summoned on 17 February 2011 for the purpose of hearing their statements concerning their alleged violations of the Repression of Cybercrime Act. They were not detained.

Mr. Abdul Aziz bin Muhammad al-Wuhaibi was detained and questioned on 17 February 2011, in accordance with article 35 of the Code of Criminal Procedure, on charges including:

- Breach of the peace, attempting to incite and instigate sedition, disorder and the destruction of private and public property, and seeking the assistance of foreign bodies to that end;
- Supporting the policy of the Al Qaeda terrorist organization and attempting to fund terrorism and terrorist groups, which constitutes a criminal offence under article 2 of the Anti-Money Laundering Act;
- Propagating material prejudicial to public order, which constitutes a criminal offence under article 6, paragraph 1, of the Repression of Cybercrime Act;
- Distributing tapes, pamphlets and literature in violation of article 9 of the Press and Publications Act.

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He was informed of the reasons for his detention and was permitted to contact his family in accordance with article 116 of the Code of Criminal Procedure.

2. No complaint was lodged on his behalf.
3. As already indicated, Messrs. Muhammad bin Hussain al-Qahtani, Muhammad bin Nasser al-Ghamdi and Dr. Ahmad bin Sa'd al-Ghamdi were not detained.

Mr. Abdul Aziz al-Wuhaibi was treated in accordance with the Code of Criminal Procedure, having been referred to the Bureau of Investigation and Public Prosecution immediately after his arrest. He was enabled to avail himself of the services of legal counsel and an order for his detention was issued and extended in conformity with articles 113 and 114 of the said Code. Following his interrogation, the above-mentioned charges were brought against him. On 11 April 2011, his case was referred to the competent court of first instance, which sentenced him to a term of seven years' imprisonment with effect from the date of his detention, together with a travel ban for a period of five years from the date of completion of his prison sentence. It is noteworthy that all accused persons are subjected to a medical examination at the time of their admission to a public prison and all prisoners undergo periodic medical check-ups in accordance with paragraph 5 of the Medical Services Regulations promulgated by Ministerial Decision No. 4092 on 22/10/1398 AH (25 September 1978).

4. No penal or administrative sanctions have been imposed, since all the statutory procedures taken against the said person were in conformity with the Code of Criminal Procedure.
5. All prisons and detention centres in the Kingdom are subject to control and inspection by judicial, administrative, health and socio-legal bodies in accordance with article 5 of the Prison and Detention Regulations and the prison and detention centre inspectorates in the Bureau of Investigation and Public Prosecution carry out control and inspection tours, without prior notification, in conformity with article 3, paragraph 1 (f), of the Bureau's Statutes promulgated in 1989. During these tours, all prisoners and detainees are interviewed, their complaints are heard and their circumstances are monitored in order to ensure their well-being and ascertain their enjoyment of all their legal and statutory rights. In accordance with its Statutes promulgated by Council of Ministers Decision No. 207 of 8/8/1426 AH [12 September 2005], the Human Rights Commission visits prisons and detention centres at any time without seeking permission from the competent authority and the National Society for Human Rights also visits prisons and detention centres to hear complaints and ascertain the situation of prisoners and detainees.

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