



Ref. No: 11/25/22

Geneva, 1 February 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) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (3-3-16) SAU 7/2012 of 3 May 2012 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, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the independence of judges and lawyers, concerning the case of Mr. Mohammed Salih Al-Bajady.

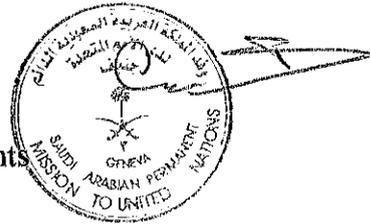
In this connection, the competent authorities in the Kingdom of Saudi Arabia have indicated as follows:

1. The facts as set forth in the allegations are inaccurate for the following reasons:

The person concerned was detained and questioned on 16/4/1432 AH [21 March 2011]. Warrants for his arrest and detention were issued, in accordance with article 35 of the Code of Criminal Procedure, on the following charges of which he was duly informed:

- Writing and disseminating material detrimental to public order, which constitutes an offence punishable under article 6 of the Repression of Cybercrime Act.
- Impugning the independence of the judiciary and participating in the establishment of an association and the exercise of its activities in the Kingdom without a permit from the competent authorities.
- Failing to comply with orders to stop, resisting police officers and crashing into an official vehicle while attempting to flee in order to avoid arrest.

Office of the High Commissioner for Human Rights
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CH-1211 GENEVA 10



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His house and office were searched and some books and documents were seized in accordance with articles 42, 45 and 46 of the Code of Criminal Procedure. His office was photographed for the purpose of documenting the search operation. He was allowed to make telephone calls, receive visits and spend time in private with his wife and was also provided with financial aid, health care and moral assistance in accordance with article 116 of the Code of Criminal Procedure. He did not request the appointment of an attorney, which he was entitled to do under articles 4 and 64 of the Code of Criminal Procedure, but, instead, designated as his legal representatives persons who were not licensed to practice law. Although it was made clear to him that he must choose a licensed attorney, he refused to do so.

2. No one has lodged a complaint on his behalf.

3. He was not subjected to any act of aggression during his arrest, detention and questioning. His physical and mental state of health is sound, since all accused persons are subjected to a medical examination at the time of their admission to the prison and its inmates undergo periodic medical check-ups in accordance with paragraph 5 of the Medical Services Regulations promulgated in 1978. It is noteworthy that 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, 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.

4. He was not subjected to any act of aggression during his arrest, detention and questioning. His physical and mental state of health is sound.

5. No financial compensation has been paid to the person concerned or his family, since such compensation was not deemed justifiable.

6. His case file was referred to the Bureau of Investigation and Public Prosecution in accordance with article 16 of the Code of Criminal Procedure and, when it was brought before the competent court of first instance, he was sentenced, subject to appeal, to a penalty of four years' imprisonment, effective from the date of his arrest, together with a fine of 100,000 riyals to be deposited in the State Treasury, prohibition from travel outside the Kingdom during a period of five years from the date of his release from prison, and confiscation of the computer equipment and accessories described in the case file in view of his conviction on the count of writing material detrimental to public order, which is an offence punishable under article 6 of the Repression of Cybercrime Act, and the count of impugning the independence

of the judiciary and participating in the establishment of an association and the exercise of its activities in the Kingdom without a permit from the competent authorities.

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.