



Ref. No: 11/25/23

Geneva, 1 February 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 214 (3-3-16), G/SO 214 (33-27) SAU 5/2012 of 15 February 2012 from the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning the case of Messrs. Qassem bin Rida bin Salman al-Mahdi, Khaled bin Muhammad bin Issa al-Qudaihi and Ali Hassan Issa al-Buri.

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

1. The facts contained in the allegation are inaccurate for the following reasons:

The first defendant (Qassem al-Mahdi) and the second defendant (Khaled al-Qudaihi) were arrested on 7/6/1425 AH [24 July 2004] by the Haditha customs authorities when, on their arrival by bus, their baggage was found to contain a quantity of the hashish narcotic. The third defendant, Ali al-Buri, was arrested on 8/6/1425 AH [25 July 2004] when he arrived to take delivery of the smuggled hashish which had been found in the possession of the first defendant. When the vehicle in which he arrived was searched, a quantity of hashish narcotic was discovered therein. The forensic chemical reports confirmed that the analysed samples taken from the substances that had been smuggled and seized were the hashish narcotic. During their interrogation, the first and second defendants confessed to smuggling the above-mentioned quantity of hashish narcotic and the first defendant further admitted to having previously smuggled a quantity of the hashish narcotic. The third defendant confessed that he had come to take delivery of the smuggled hashish and that the two packets of hashish discovered in his vehicle formed part of the quantity of hashish that had previously been smuggled by the first defendant. Their confessions were legally attested before the competent court.

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



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They were sentenced to death in accordance with the decision of the Council of Senior Ulema prescribing the death penalty for the smuggling and receipt of narcotics, which was confirmed by Royal Decree No. 4/B/9666. It is noteworthy that the case of the above-mentioned persons was heard by three judges sitting in the General Court and the accused were allowed full scope to defend themselves during the trial hearings. They were handed a copy of the judgement and, in accordance with article 194 of the Code of Criminal Procedure, were given a period of 30 days with effect from the date of their receipt of the judgement to lodge an appeal and file a statement of objections to the judgement. In conformity with article 10 of the Code of Criminal Procedure, the judgement was submitted to the Court of Cassation where it was considered by five judges and upheld. In conformity with article 11 of the Code of Criminal Procedure, it was subsequently submitted to the Supreme Council of the Judiciary where it was likewise considered by five judges and upheld.

The Code of Criminal Procedure and other juridical instruments in the Kingdom of Saudi Arabia safeguard and fully guarantee the rights of all persons accused or convicted in any legal proceedings. Cases in which death sentences are handed down are strictly regulated by procedures such as, in particular, articles 2, 3, 4, 10, 11, 129, 155, 158, 161, 172, 182, 183, 193, 213, 215 and 220 of the Code of Criminal Procedure which guarantee the rights of accused and convicted persons.

3. The sentence imposed on Mr. Ali Hassan al-Buri was commuted by decision of the Court of Cassation in Riyadh as a result of the Public Prosecutor's objection to the judgement of the General Court on the basis of articles 203 and 204 of the Code of Criminal Procedure. The decision was upheld by the Court of Cassation in accordance with article 205 of the Code of Criminal Procedure and also by the Supreme Council of the Judiciary in accordance with article 11 of the Code of Criminal Procedure.

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.