



Ref. No: 11/25/924

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Geneva, 24 July 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 214 (53-24) SAU 2/2011 of 22 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 torture and other cruel, inhuman or degrading treatment or punishment concerning information received regarding the arrest and detention of Mr. Muhammad al-Wad'ani.

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 arrested and questioned on 7 March 2011 on the following charges:

- Production, storage and propagation through the Internet of material detrimental to public security, which is a criminal offence punishable under the terms of article 6 of the Repression of Cybercrime Act.
- Links and association with a number of persons wanted in connection with terrorist cases, and aiding and abetting by sheltering and concealing them from justice notwithstanding his awareness that they were being sought by the security authorities.
- Distribution of prohibited pamphlets detrimental to public security, which is a criminal offence punishable under article 9 of the Press and Publications Act.

2. He has not apparently lodged a complaint.

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3. The said person was arrested on the basis of a warrant in accordance with article 35 of the Code of Criminal Procedure and was informed of the charges brought against him. All his statutory rights were respected and he was permitted to communicate and receive visits in accordance with article 116 of the Code of Criminal Procedure. His file was referred to the Public Investigation and Prosecution Department in conformity with article 16 of the Code of Criminal Procedure and there is nothing to prevent him from appointing a lawyer in accordance with articles 4 and 140 of the said Code.

4. The prosecuting authority is the Public Investigation and Prosecution Department in accordance with article 16 of the Code of Criminal Procedure and article 3 of the Statutes of the Public Investigation and Prosecution Department.

No disciplinary or administrative sanctions have been imposed on the persons who carried out the arrest and interrogation procedures since the said procedures were not found to have been breached in a manner that would justify such sanctions, bearing in mind the fact that the accused or his lawyer have the right to challenge the legality and consequences of any procedure before the competent authorities.

5. No compensation has been paid to the said person or his family since the statutory procedures were not found to have been breached in a manner that would justify such compensation.

6. With regard to the said person's state of health, 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 Ministerial Decision No. 4092 of 22/10/1398 AH, corresponding to 25 September 1978. The competent authority has not received any reports indicating that the accused person's state of health has been adversely affected. Moreover, he has not complained of health problems to the representative of the Prisons Inspectorate during the daily inspection tours that the Public Investigation and Prosecution Department carries out in the prison in which he is held, nor have symptoms of such problems been observed during the tours.

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.

