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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: 11/25/264

Geneva, 26 September 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 (56-23) G/SO 214 (33-27) SAU 4/20/12 of 21 February 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 freedom of religion or belief and the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning information that they have received to the effect that Mr. Hamza Kashgari may be sentenced to death for comments made on the social networking website Twitter.

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 on 12 February 2012 on the basis of an arrest warrant issued by the Bureau of Investigation and Public Prosecution (Department of the Attorney General) in accordance with articles 14, 35 and 113 of the Code of Criminal Procedure on the charge of disparaging and attacking the firmly established and sacrosanct religious principles and tenets of society which are protected by articles 1 and 12 of the Basic Law of Governance. He was arrested by the Malaysian authorities on the basis of an extradition request from the competent investigating authority (the Bureau of Investigation and Public Prosecution) in the Kingdom of Saudi Arabia in conformity with the Security Agreement signed between the Government of the Kingdom of Saudi Arabia and the Government of Malaysia in 2011. He was informed of the reasons for his detention and was permitted to receive visits and communicate in accordance with article 116 of the Code of Criminal Procedure.

- The person in question, like other detainees pending investigation on criminal charges, was held in a detention centre designated for that purpose and for the period specified in article 36 of the Code of Criminal Procedure.

- The allegation that he has been sentenced to death is unfounded.

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

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- The person in question is enjoying all his rights recognized by law in the Kingdom of Saudi Arabia, including the right to appoint an attorney and communicate with and receive visits from his family.

- It is true that he has expressed regret at making those statements. Although assessment of the sincerity of his repentance falls within the jurisdiction of the competent court, on the whole repentance constitutes an argument in favour of the defendant in such criminal cases but this remains for the court to decide.

2. The right to freedom of opinion and expression is guaranteed under Saudi law to all persons residing and living in Saudi territory, provided that this right does not entail disparagement of persons or of the firmly established principles and beliefs cherished by society, since that would inflame public opinion and disrupt public order as happened in this case. The person in question is being treated in accordance with the Kingdom's judicial regulations, including the Code of Criminal Procedure and the Code of Shari'a (Civil) Procedure under which the full rights of the accused are guaranteed in conformity with the international rules, norms and principles of human rights.

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.

