



Mission Permanente du Royaume d'Arabie Saoudite aupres des Nations Unies Geneve

الجمهورية العربية السعودية



OHCHR REGISTRY
الوفد الدائم للمملكة العربية السعودية لدى المقر الاوربي للأمم المتحدة
2 - MAY 2013
جنييف

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Ref. No: 11/25/109

Geneva, 30 April 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 communications UA G/SO 218//2 G/SO 214 (3-3-16) G/SO 214 (33-27) G/SO 214 (53-24) SAU 3/2013 of 4 March 2013 and SAU 4/2013 of 8 March 2013 from the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment concerning the cases of Messrs. Sarhan b. Ahmad b. Abdullah Al Mashaikh, Saeed b. Hassan b. Ahmad Al Omari Al Zahrani, Ali b. Mohamed b. Hazzam Al Shahri, Nasser b. Saeed b. Saad Al Qahtani, Saeed b. Nasser Husaim Al Shahrani, Abdulaziz b. Saleh b. Mohamed Al Amri and Ali b. Hadi b. Saeed Al Qahtani.

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 accused were arrested on the charge of forming organized criminal gangs that engaged in burglary, armed robbery, banditry, breach of the peace, assault, disruption of public order, terrorizing of peaceful persons and trespass on public and private property, amounting to a total of 130 criminal acts of various types.
 - The above-mentioned persons were not subjected to torture during their arrest or questioning. They were treated in accordance with the Code of Criminal Procedure, article 2 of which stipulates that: "No one shall be arrested, searched, detained or imprisoned except as provided by law. Persons shall be detained or imprisoned only at the locations designated for that purpose and for the term specified by the competent authority. It is prohibited to subject an arrested person to physical or mental harm, torture or degrading treatment". During their detention, the said persons were under the judicial and juristic supervision of the Bureau of Investigation and Public Prosecution, the Human Rights Commission and the National Committee for the Welfare of Prisoners and Ex-Convicts. None of them lodged a complaint at any time

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during their detention and imprisonment. The said persons underwent a medical examination at the time of their admission to the public prison, followed by 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). Furthermore, the said persons confessed before three judges, of their own free will and without coercion, to the commission of the above-mentioned crimes and did not claim to have been subjected to any form of torture. This was corroborated by other evidence and presumptions, such as their revelation of the locations of the stolen property in their possession as well as the firearms and forged military ID cards and other documents that some of them had obtained. They also re-enacted the crimes that they had committed and they were identified by the victims. In addition, the DNA analysis reports showed that the samples found at the crime scenes matched some of their own.

- The said persons were not denied legal counsel or prevented from appointing a lawyer to represent them, since article 4 of the Code of Criminal Procedure stipulates that every person arrested on any charge has the right to avail himself of the services of a lawyer at all stages of the criminal proceedings.
- The said persons were tried at three jurisdictional levels in more than 20 hearings over a period in excess of three years. Under the terms of the judgement, none of them were sentenced to crucifixion.
- 2. The said persons were treated in accordance with the Code of Criminal Procedure, having been arrested in conformity with articles 2, 23 and 35 thereof on the charges specified in paragraph 1 above. They were detained under the terms of an order issued in conformity with article 113 of the said Code and their detention was subsequently extended in conformity with article 114 thereof. The crimes that they committed are among the most serious crimes punishable by the death penalty under the Islamic Shari'a and the Kingdom's Code of Criminal Procedure in conformity with international human rights standards.
- 3. The case file was referred to the General Court in Abha through the Bureau of Investigation and Public Prosecution in accordance with articles 126 and 131 of the Code of Criminal Procedure and article 34 of the Code of Shari'a [Civil] Procedure.
- Their case was heard by three judges in the General Court, in accordance with article 129 of the Code of Criminal Procedure, and they were given full freedom to defend themselves and avail themselves of the services of a lawyer during the trial hearings in accordance with article 4 of the Code of Criminal Procedure. The Court sentenced them to death on 17/9/1430 AH [7 September 2009]. They were handed a copy of the judgement and, in conformity with article 194 of the Code of Criminal Procedure, were given a period of 30 days from the date of receipt of the judgement in which to lodge an appeal and file a statement of objections to the judgement.
- The case file was referred to the Appellate Court in the Makkah Region in accordance with article 10 of the Code of Criminal Procedure. After examination of the judgement

and the statement of objections, the death sentence was upheld by five judges on 15/2/1431 AH [30 January 2010].

- In conformity with articles 10 and 11 of the Statutes of the Judiciary, the judgement was referred to the Supreme Court where it was considered by five judges and upheld on 7/7/1431 AH [19 June 2010].
- A Royal Decree approving the enforcement of the legal judgement was promulgated in conformity with articles 215 and 220 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.

