



Ref. No: 11/25/24

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) G/SO 214 (53-24) SAU 3/2012 of 9 February 2012 from 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 case of Mr. Mohamed Fahd Al Wajaan Al Shamari.

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 person in question was convicted of involvement in the planning and coordination of a criminal conspiracy to smuggle, take delivery of, and circulate 89.784 kg of the narcotic substance hashish. He was sentenced to death under the terms of a court judgement which was upheld by the Appellate Court and, subsequently, by the Supreme Court.

2. The offence with which he was charged constitutes a heinous crime warranting arrest in accordance with article 112 of the Code of Criminal Procedure. The penalty demanded was consistent with the nature of the offence, which is punishable under article 37 of the Repression of Narcotic Drugs and Psychotropic Substances Act, and he was sentenced to death in conformity with the said article. The sentence was therefore in compliance with the statutory measures laid down in the Code of Criminal Procedure, the Repression of Narcotic Drugs and Psychotropic Substances Act and the Statutes of the Judiciary.

His case was heard by three judges sitting in the General Court, in which he was allowed full scope to defend himself during the trial hearings. He was handed a copy of the judgement and, in accordance with article 194 of the Code of Criminal Procedure, was given a period of 30 days with effect from the date of his 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 Appellate Court where it was considered by five judges and upheld in accordance with article 11 of the Code of Criminal Procedure.

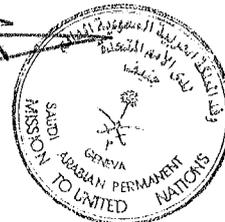
Office of the High Commissioner for Human Rights
Palais des Nations

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OHCHR REGISTRY

- 5 FEB. 2013

Recipients : S.P.D.
S.C. (P.M.)



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 competent authority, having investigated the complaint submitted, found nothing to substantiate the complainant's allegation that his confessions were made under duress after he had been subjected to beatings and denied medical treatment.

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.