

Ref. No: 11/25/36

Recipients : S.P.O.
S. ... (L. ...)

Geneva, 12 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 218/2 G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (33-27) G/SO 214 (53-24) SAU 8/2012 of 25 May 2012 from the Chair/Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the situation of human rights defenders, 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. Ahmed El-Sayed.

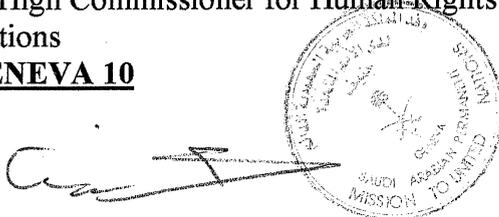
In this regard, the competent authorities in the Kingdom of Saudi Arabia have indicated as follows:

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

The person concerned was arrested on 25/5/1433 AH [17 April 2012] by the Customs authorities at Jeddah's King Abdulaziz International Airport after 21,380 tablets of the prohibited Xanax substance were found to be concealed in tins of milk and Holy Qur'an caskets in his luggage. He was detained by the Anti-Narcotics Squad in the governorate of Jeddah where he was questioned by the Bureau of Investigation and Public Prosecution in accordance with articles 2, 14, 113 and 114 of the Code of Criminal Procedure. There is no truth whatsoever to the allegation that he was arrested because he had been sentenced in absentia to one year's imprisonment and 20 lashes for insulting the King or because of his work as a lawyer defending human rights or protecting the interests of Egyptians detained in the Kingdom.

2. No complaint has been lodged by or on behalf of the person concerned.
3. He was charged under the provisions of article 3, paragraph 1, of the Repression of Narcotic Drugs and Psychotropic Substances Act.
4. The legal basis for the charges brought against him has already been specified in paragraph 1 above.

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Palais des Nations
CH-1211 GENEVA 10



5. The person concerned was permitted to communicate with his family and was visited by his wife in accordance with article 116 of the Code of Criminal Procedure. He was also permitted to choose a lawyer in accordance with article 4 of the Code of Criminal Procedure and therefore had legal counsel chosen by himself in coordination with his country's Consulate. Like other prisoners and detainees, he is enjoying health, nutritional, social and psychological care and an appropriate environment in a cell with other prison inmates. In fact, all accused persons are subjected to a medical examination at the time of their admission to a public prison and its inmates undergo periodic medical check-ups in accordance with paragraph 5 of the Medical Services Regulations promulgated in 1978.

6. The allegation concerning his detention in Zahban prison is inaccurate since, during the period of his interrogation, he was held in the custody of the Anti-Narcotics Squad in the governorate of Jeddah from whence details of the charges brought against him were transmitted to human rights monitors (the Human Rights Commission), civil society representatives (the National Society for Human Rights), his lawyer and his country's consular representatives. It is noteworthy that all prisons and detention centres in the Kingdom are subject to control and inspection by judicial, administrative, health and socio-legal bodies in accordance with article 5 of the Prison and Detention Regulations and the prison and detention centre inspectorates in the Bureau of Investigation and Public Prosecution carry out control and inspection tours, without prior notification, in conformity with article 3, paragraph 1 (f), of the Bureau's Statutes promulgated in 1989. During these tours, all prisoners and detainees are interviewed, their complaints are heard and their circumstances are monitored in order to ensure their well-being and ascertain their enjoyment of all their legal and statutory rights.

In accordance with its Statutes promulgated by Council of Ministers Decision No. 207 of 8/8/1426 AH [12 September 2005], the Human Rights Commission visits prisons and detention centres at any time without seeking permission from the competent authority and the National Society for Human Rights also visits prisons and detention centres to hear complaints and ascertain the situation of prisoners and detainees.

7. The person concerned was questioned by the Bureau of Investigation and Public Prosecution (Department for the Investigation of Cases Involving Narcotics and Psychotropic Substances) in the governorate of Jeddah and confessed, of his own free will, to the charges brought against him in accordance with the report drawn up by the Customs authorities at King Abdulaziz International Airport. His lawyer, as well as a representative of the Egyptian Consulate in the governorate of Jeddah, representatives of the Human Rights Commission and the lawyer of the National Society for Human Rights in the governorate of Jeddah, were present during his questioning. His confession was legally attested by three judges and his case file was referred to the General Court in the governorate of Jeddah.

8. In accordance with article 5, paragraph (i), of the Vienna Convention on Consular Relations of 1963, responsibility for the payment of all costs is borne by his country's Consulate.

9. He is entitled to examine the investigation report in accordance with article 69 of the Code of Criminal Procedure.

10. The allegation concerning his detention in Zahban Prison is false and there is no truth to the claim that he was subjected to physical and mental torture and beatings. Like other prisoners and detainees, he is enjoying excellent health, nutritional, social and psychological care and an appropriate environment. During visits by the Human Rights Commission, the National Society for Human Rights, his lawyer, his wife and his country's consular representatives, he commended the good treatment that he was receiving from the security authorities. His case is being heard by a judge in accordance with article 174 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.