



Ref. 11/58/93

Geneva, 12 February 2014

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations and other International Organizations in Geneva presents its compliments to the United Nations High Commissioner for Human Rights and wishes to refer to the letter SAU 2/204 dated 31 January 2014 of the Office of the High Commissioner for Human Rights, seeking to clarify the detention and prosecution of Mr. Raef Badawi.

The Permanent Mission of Saudi Arabia has the honour to convey that the Saudi Arabia Human Rights Commission wishes to point out the following explanation:

\* Mr. Raef Badawi has been arrested on 7 March 2008 according to article 35 of the penal regulations and he has been released on the same day. On 30 March 2008, he was arrested and released the next day on bailment, on a charge of breaching the cyber-crimes fighting system, according to para (1) of article (6) as result of installing an e-site causing damage to the public order and in violation of the Islamic values, and in conformity to article (9) on the accusation of aiding other persons to perpetrate the same crimes.

\* The investigation and prosecution board has conducted with him a by-law inquiry by virtue of article (3) of its rules and articles (14) and (16) of the penal regulations.

\* The legal proceedings have been handed over from the investigation and prosecution Board to the penal court in order to deliver the following judgment:

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a) Pursuant to article (6) of cyber-crimes rule, he should be sentenced to prison for a period not exceeding five years and to prescribe a penalty not more than Saudi Riyals three million, or otherwise to lay down one of these two sanctions, as per para (1) of this article which stipulates "producing in terms of violation of the public order or the religious value or the ethics or inviolability of private life, or to plan a material to be transmitted or to be stored through the cyber network or in a computer unit".

b) According to article nine of the rules of cyber-crimes fighting which specifies that incitement or assisting or arrangement for perpetrating these crimes should be penalized but not exceeding the maximum of the above mentioned sanction.

c) Pursuant to article (13), the computer has been confiscated.

\* During the examination of this case, a negative litigation occurred in the jurisdiction between the penal court and the general court. A decision issued by the court of appeal has prescribed the competence of the penal court.

\* During the examination of this case, the court of appeal ordered the presence of Mr. Badawi in person according to article (140) of the penal regulations, but he fails to attend the hearing of the court without a valid excuse. Therefore, the court ordered to arrest him in conformity with articles 123 and 141 of the penal regulations. Then, he was arrested on 17 June 2012.

\* With respect of the death penalty, this question is inaccurate since this lawsuit is under examination by the judicial authorities.

\* The freedom of opinion and expression is protected by the Saudi Arabia regulations for any person who resides and lives on these territories. No violation against the others should be tolerated. No transgression of the society foundations and the belief will be allowed

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because this question will stimulate the public opinion and will make disturbance of the public security. Mr. Badawi is treated according to the Saudi Arabia regulations which ensure the accused person of all rights and guarantees agreed by the international norms, standards and principles of human rights.

The Permanent Mission of Saudi Arabia avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

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