

*(Translated from Arabic)*

**Permanent Mission of the Kingdom of Saudi Arabia to the United Nations  
Geneva**

Date: 25 May 2016

Ref.: 413/6/8/1/2788

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office at Geneva presents its compliments to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders, who work for the Office of the United Nations High Commissioner for Human Rights in Geneva. With regard to joint communication No. SAU 1/2016, dated 18 March 2016, containing inquiries regarding the citizen [REDACTED], we wish to provide you with the following response from the Kingdom's Government:

**I. With regard to the first question: "Please provide any additional information and any comment you may have on the above-mentioned allegations":**

The information contained in the allegations is inaccurate. The police heard the statements of the person concerned in the Governorate of Jeddah on 2/4/1437 A.H. (12 January 2016 A.D.), in accordance with articles 2 and 34 of the Code of Criminal Procedure (2013) because she was charged with breaching article 1/6 of the Act on Combating Cyber Crime. She was transferred to Jeddah General Prison in accordance with article 37 of the Code of Criminal Procedure (2013) and was subsequently released. When she was in the police station, her daughter's grandmother came and collected the child. Her casefile was transferred within 24 hours to the Investigation and Public Prosecution Authority (Public Prosecutor's Office) in accordance with article 34 of the Code. She was then interrogated and was released on 3/4/1437 A.H. (13 January 2016 A.D.) in the presence of her lawyer, in accordance with articles 1 and 654 of the Code. Her case is still pending.

**Legal provisions governing arrest and interrogation:**

Code of Criminal Procedure (2013):

1. Article 2 stipulates that: "No person shall be arrested, searched, detained or imprisoned save in cases specified by the law. Detention or imprisonment shall be undertaken only in the places designated for such purposes and shall be for the period prescribed by the competent authority. A person under arrest shall not be subjected to any bodily or moral harm. Similarly, he shall not be subjected to any torture or degrading treatment."
2. Article 4.1 stipulates that: "Any accused person shall have the right to seek the assistance of a lawyer or a representative to defend him during the investigation and trial stages."
3. Article 34 stipulates that: "The criminal investigation officer shall immediately hear the statement of the accused. If the accused fails to establish his innocence, the officer shall, within 24 hours, refer him, together with the record, to the investigator, who shall interrogate the arrested person within 24 hours and shall order either his detention or his release."

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4. Article 37 stipulates that: "No person shall be detained or imprisoned save in the places legally designated for that purpose. The administration of a prison or detention centre shall not admit any person save pursuant to an order specifying the reasons and period for such imprisonment duly signed by the competent authority. The accused shall not remain in custody following the expiry of the period specified in that order."

5. Article 65 stipulates, inter alia, that: "During the investigation, the accused shall have the right to seek the assistance of a representative or an attorney. The investigator shall conduct the investigation ...".

**Act on Combating Cyber Crime:**

1. Article 6.1 stipulates that: "A penalty of up to five years' imprisonment and/or a fine not exceeding three million riyals shall be imposed on any person who commits any of the following cybercrimes: production, preparation, transmission or storage of material that impinges on public order, religious values, public morals or privacy, through the information network or a computer."

**II. With regard to the following question: "Has a complaint been lodged by or on behalf of ██████████?"**

The measures taken against her did not breach any law and no complaint has been lodged by or on behalf of her with the competent authorities. It should be noted that the Kingdom's legislation grants her the right to lodge a complaint.

**III. With regard to the following question: "Please provide information concerning the legal grounds for the arrest and interrogation of ██████████, and how these are compatible with Saudi Arabia's international human rights obligations, in particular with the conditions set by international human rights standards on the right to freedom of expression, as provided in articles 19 and 29 of the Universal Declaration of Human Rights."**

Her statements were heard and she was arrested in accordance with the procedures described in the answer to question I because she was charged with violating article 6.1 of the Act on Combating Cyber Crime. She exercised the rights enshrined in article 19 of the Universal Declaration of Human Rights, bearing in mind the provisions of article 29.2 of the Universal Declaration of Human Rights, according to which "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare ...". The Kingdom's legislation guarantees freedom of opinion and expression for all persons unless they breach or transgress public order or inflict harm on society, its members or its foundations. This legal restriction is consistent with the international human rights standards concerning the right to freedom of opinion and expression.

**IV. With regard to the following question: "Please indicate what measures have been taken to ensure that human rights defenders in Saudi Arabia, in particular women human rights defenders, are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and reprisals of any kind, including for cooperating with the United Nations, its representatives and mechanisms in the field of human rights."**

Priority is given by the State to the promotion and protection of human rights, in accordance with article 26 of the Constitution. Human rights are guaranteed to all persons and nobody may be subjected to restrictions, arrested or imprisoned save in accordance with article 36 of the Constitution and article 2 of the Code of Criminal Procedure (2013). No act may be criminalized save on the basis of sharia law or existing domestic legislation, in accordance with article 38 of the Constitution.

All citizens and residents exercise their rights and freedoms without discrimination, in accordance with the Kingdom's legislation. No group, irrespective of its designation or nomenclature, enjoys preferential treatment in the exercise of such rights and freedoms. Anyone whose rights are violated can lodge a complaint in accordance with the procedures laid down by law. The Kingdom's legislation requires all State bodies to guarantee justice to all persons, irrespective of their religion, race, sex or nationality. If any State authority or its representative violates a right, the person whose right was violated may have recourse to one of the procedures mandated to guarantee justice.

**Legal provisions guaranteeing freedom of opinion and expression:**

Code of Criminal Procedure (2013):

1. Article 2 stipulates that: "No person shall be arrested, searched, detained or imprisoned save in cases specified by the law. Detention or imprisonment shall be undertaken only in the places designated for such purposes and shall be for the period prescribed by the competent authority. A person under arrest shall not be subjected to any bodily or moral harm. Similarly, he shall not be subjected to any torture or degrading treatment."

The Constitution:

1. Article 26 stipulates that: "The State shall protect human rights in accordance with the Islamic sharia."

2. Article 36 stipulates that: "The State shall guarantee the security of all its citizens and of residents within its territory. No individual shall be subjected to restrictions, arrested or imprisoned save in accordance with the provisions of the law."

3. Article 38 stipulates that: "Punishment shall be restricted to offenders. No crime shall be established and no punishment shall be imposed save pursuant to sharia law or domestic legislation. No punishment shall be imposed save for acts perpetrated after the enactment of the applicable legislation."

With regard to the Special Rapporteurs' reference to allegations that [REDACTED] faces retaliation in relation to her legitimate human rights work, including acts that seem to constitute a legitimate exercise of the right to freedom of expression, such as cooperation with the United Nations and its mechanisms and representatives in the field of human rights, the facts pertaining to these allegations are untrue. She is a citizen who, when exercising her human rights and freedoms, is subject, like all other citizens, to the Kingdom's legislation, which guarantees freedom of opinion and expression for all persons unless they breach or transgress public order or inflict harm on society, its members or its foundations.

In light of the foregoing, the Government of the Kingdom, which reaffirms its commitment to the promotion and protection of human rights, rejects the allegations concerning [REDACTED] and any misgivings with respect to the impartiality, fairness and independence of the judiciary. We hope that you will take note thereof and decide, as appropriate, to close this file and to inform us thereof.

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office at Geneva takes this opportunity to convey to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders, who work for the Office of the United Nations High Commissioner for Human Rights in Geneva, the renewed assurances of its highest consideration.

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