

(Translated from Arabic)

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

1. Question one (please provide any additional information and comments concerning the allegations).

The claims and allegations are inaccurate for the following reasons:

- Regarding Al-Waleed Imam Hasan Taha and Al-Qasem Mohammad Sayyed Ahmad, Sudanese nationals:
 - A request reached Saudi Arabia from the authorities of the Republic of the Sudan to arrest and hand over these two individuals, who were resident in Saudi Arabia, on accusations of having committed criminal offences. That request was examined in the light of article 30 of the Terrorism and Financing of Terrorism Act and sufficient indications were found to accuse the two men of using Saudi territory to support disruptive activities in their own country.
 - On that basis, an arrest warrant was issued against them under article 4 of the Terrorism and Financing of Terrorism Act.
 - Their home was searched in accordance with article 16 of the Terrorism and Financing of Terrorism Act, while upholding all lawful procedures and legal safeguards. The two men were questioned by the competent authorities then detained on charges of having committed a major offence meriting detention, in accordance with article 5 of the Terrorism and Financing of Terrorism Act. Their detention was extended in accordance with the same article.
 - The two men were given the right to receive visits and make calls, and to seek the assistance of a lawyer or legal representative. Like other detainees and prisoners, they were well-treated.
 - Like other detainees and prisoners, they underwent a medical examination as soon as they were admitted to prison then periodically thereafter, in accordance with paragraph 5 of the medical service regulations. Regarding the health of Al-Waleed Imam Hasan Taha, [REDACTED] He was also sent to an [REDACTED] for medical tests and he duly received all the care he required.
 - As regards the health of Al-Qasem Mohammad Sayyed Ahmad, [REDACTED] He duly received all the care he required.
- Regarding Essam ibn Abdel Qader Koshak:
 - He was arrested after a warrant was issued against him in accordance with articles 35 and 103 of the Code of Criminal Procedure on a charge of having committed a crime affecting national security and of producing,



disseminating and storing material liable to affect public order, which is punished under article 6 (1) of the Cybercrime Act.

- He was questioned by the Public Prosecution Service under article 3 of its statutes and article 13 of the Code of Criminal Procedure, and he was detained on charges of having committed a major offence meriting detention, in accordance with articles 1, 2 and 5 of the Terrorism and Financing of Terrorism Act. His detention was extended in accordance with article 5 of the same Act. While in detention he was, in the interests of the investigation, prohibited from making calls for the period stipulated in article 6 of the Terrorism and Financing of Terrorism Act. A charge sheet was drawn up on the above-mentioned charges and the case file was referred by the Public Prosecution Service to the competent court, in accordance with articles 15 and 126 of the Code of Criminal Procedure.
- He did not suffer torture or ill-treatment. All his needs were met, he was allowed to receive visits and make calls and he has been kept informed about his case since he entered prison.

2. Question two (please provide information on the fate or whereabouts of Mr. Al-Waleed and Mr. Al-Qasem).

The two men are detained in the General Investigation Directorate prison at Al-Ha'ir. It should be pointed out that there are no secret prisons in Saudi Arabia and, in accordance with article 5 of the Prisons and Detention Act, all prisons and places of detention in the country are inspected by judicial, administrative and health- and social-care authorities. Moreover, under article 2 of the Code of Criminal Procedure, no person may be arrested, searched, detained, or imprisoned except in cases decreed by law, and persons may be detained or imprisoned only in places designated for such purposes and for the period stipulated by the competent authorities. Prisons and detention centres are monitored by the Public Prosecution Service. According to article 3 of its statutes, the Service monitors and inspects prisons, places of detention and any location where criminal sentences are enforced. It listens to the complaints of prisoners and detainees, and determines the legality of their imprisonment or detention and the legality of their remaining in the prison or detention centre beyond the set period. Furthermore, it takes the measures necessary to release anyone who has been imprisoned or detained without lawful cause and to apply the law against the persons responsible. National monitoring mechanisms also promote the rights of prisoners and detainees. The Human Rights Commission, in accordance with article 5 (6) and (7) of its regulations, makes unannounced visits to prisons and detention centres, without seeking prior permission from the relevant authorities, and submits reports on those visits to the King. It also receives and verifies complaints related to human rights and takes the necessary statutory measures. The National Society for Human Rights, which is a civil society organization, also visits prisons and detention centres and receives complaints. Under the auspices of the Ministry of the Interior, the Public Prosecution Service, the Human Rights Commission and the National Society for Human Rights have all opened offices inside prisons to monitor prison conditions and receive prisoners' complaints.

3. Question three (please provide information concerning the legal grounds for the arrest and detention of Mr. Al-Waleed, Mr. Al-Qasem and Mr. Koshak, as well as the legal grounds for depriving them of legal counsel and explain how these measures are compatible with international standards).

A response to this question has already been given in the reply to question one above regarding the legal basis for the arrest and detention of the persons concerned. Moreover, they were not deprived of their right to legal counsel. The law guarantees them the right to seek the assistance of a lawyer or legal representative to defend them, in accordance with article 10 of the Terrorism and Financing of Terrorism Act. Those measures are compatible with international standards.

4. Question four (please provide information on the measures and precautions taken to ensure that the two Sudanese human rights defenders are not facing the risk of being deported to the Sudan, in accordance with intentional human rights obligations and standards, particularly the principle of non-refoulement).

Saudi Arabia received a deportation application from the authorities in their country of origin submitted. That application was examined in the light of domestic law and of the country's commitments under international treaties, including article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On the basis of that assessment, the two men were deported to their country of origin.

5. Question five (please indicate what measures have been taken to ensure that human rights defenders in the Kingdom of Saudi Arabia are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort).

The promotion and protection of human rights is a national priority. As has been stated before, article 26 of the Basic Law of Governance imposes a requirement for the State to protect human rights in accordance with Islamic sharia while, under article 36, the State provides security for all citizens and residents on its territory, and no one may have their movements restricted or be arrested or imprisoned except in accordance with the law. At the same time, according to article 2 of the Code of Criminal Procedure, no person may be arrested, searched, detained, or imprisoned except in cases decreed by law, while article 38 of the Basic Law of Governance states that penalties can only be imposed for actions subsequent to the enactment of a law.

All citizens and residents may enjoy and practise their freedoms under the law, without discrimination, and no category of citizens of whatever description has precedence over others in the enjoyment or practice of rights and freedoms. Anyone whose rights have been violated may submit a complaint and seek redress under the law, and the laws of Saudi Arabia oblige all State agencies to provide redress to persons irrespective of their religion, ethnicity, gender or nationality. If any institution, or the person representing it, violates a person's rights, the victim of that violation may have recourse to a redress mechanism.
