

*(Translated from Arabic)*

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

**1. Concerning the request to provide any additional information and comment on the allegations:**

The allegations and claims concerning the case of Princess Basmah bint Saud Al-Saud and her daughter Suhoud bint Shuja Al Sharif are untrue, since they are based on unfounded and uncorroborated information from the source. The Kingdom of Saudi Arabia has taken the following steps to investigate the allegations and to clarify all relevant facts, in line with its policy of cooperation with international human rights procedures:

Princess Basmah is accused of criminal offences involving attempting to travel outside the Kingdom illegally, and violating article 6 of the Travel Documents Act, which provides that: “Only those who hold a valid travel document are permitted to leave the Kingdom, and they may only leave or enter the Kingdom through the entry and exit points specified by the Minister of the Interior. The implementing regulations set out the procedures for entry and departure.” She was arrested and detained in accordance with article 107 of the Code of Criminal Procedure, which states that: “If the accused fails to appear after having been duly summoned, and does not have an acceptable excuse, or if it is feared that he or she may flee, or if he or she is caught in flagrante delicto, the investigator may issue a warrant for his or her arrest, even if the incident would not warrant detention of the accused.” Accordingly, she was arrested for having committed criminal offences, and her personal opinions or activities had no bearing on the case.

Her daughter Suhoud was arrested for the offence of assaulting an agent while he was while carrying out his duties and a cybercrime punishable under article 6 of the Anti-Cybercrime Act. She was arrested in accordance with article 33 of the Code of Criminal Procedure, which provides that: “A criminal investigation officer may arrest a suspect apprehended in flagrante delicto at the scene of the crime provided that there is sufficient evidence on which to charge him or her.” She was detained in accordance with article 112 of the Code.

In the joint communication, it is stated that Princess Basmah and her daughter have not been brought before any tribunal, and no trial or any form of proceedings have been announced.

Under article 3 (1) (b) and (c) of the Statute of the Public Prosecution, the Public Prosecution Service has, in accordance with its Statute, the authority to decide whether to institute proceedings or close the case, and must conduct prosecutions before judicial bodies. In accordance with its jurisdiction under article 15 of the Code of Criminal Procedure, the Public Prosecution Service shall, pursuant to its Statute, institute and pursue criminal proceedings before the competent court. Under article 126 of the Code, if the Public Prosecution considers that the evidence against the accused is sufficient, the case shall be brought before the competent court, and the accused shall be ordered to appear before it.

According to the joint communication, their detention may be due to Princess Basmah’s record as an outspoken critic of the alleged human rights abuses in the Kingdom and to a dispute between her and the royal family over the inheritance of her father, the late King Saud bin Abdulaziz.

This is not true. As has already been explained, they were arrested because they committed criminal offences, as outlined above. With regard to personal matters and inheritance, everyone has the right to seek redress before the competent court, which in this case would be the personal status court, in accordance with article 33 of the Code of Sharia Procedure, which provides that: “The personal status courts have jurisdiction over all matters of personal status, including inheritance, and the division of the estate, including the real



estate, if there is a dispute or if the case involves a share of an endowment or will, or a minor, or an absent party.”

**2. Concerning the request to provide information on the factual and legal basis for the arrest and detention of Princess Basmah and her daughter Suhoud Al Sharif and any measures taken to ensure Saudi Arabia’s obligations under international human rights law as stated, inter alia, in the Universal Declaration of Human Rights:**

Princess Basmah was arrested and detained on the basis of an arrest warrant issued against her by the competent authority in accordance with article 2 of the Code of Criminal Procedure, which stipulates that: “No one may be arrested, searched, detained or imprisoned except as provided by law. Persons shall be detained or imprisoned only in the facilities designated for such purpose and for the period prescribed by the competent authority. A person under arrest shall not be subjected to physical or moral harm and shall not be subjected to torture or degrading treatment.” Her daughter Suhoud was arrested and detained in accordance with the Code, as explained in response No. 1 above. Her detention was extended in accordance with article 114 of the Code, which states: “The remand in custody shall terminate after 5 days unless the investigating judge deems it necessary to extend its duration in which case, prior to its expiration, he or she shall refer the file to the head of the regional branch of the Public Prosecution or to a duly delegated head of any of the divisions falling within the scope of the latter’s jurisdiction so that they can either extend the remand in custody for one or more consecutive periods totalling not more than 40 days from the date of the suspect’s arrest or order his or her release. In cases requiring an even longer period of remand in custody, the matter shall be referred to the Director of the Public Prosecution or to any of his or her duly delegated deputies, who may order an extension for one or more consecutive periods of up to 30 days totalling not more than 180 days from the date of the suspect’s arrest. Thereafter, the suspect must be immediately referred to the competent court or released. In exceptional cases that require detention for a longer period, the court may approve an application to extend the detention for a further period or successive periods as it sees fit, issuing a reasoned judicial ruling to that effect.”

The two women were informed of the reasons for their arrest, in accordance with article 36 (1) of the Code, which states that: “Persons who are detained shall be treated in a manner conducive to the preservation of their dignity and shall not be harmed physically or mentally. They shall be informed of the reasons for their detention and shall have the right to contact anyone whom they wish to notify of their detention.” It was also in accordance with article 101 (1) of the Code, which states that: “When the accused appears for the first time for an investigation, the investigator shall take down all his or her personal information and shall inform him or her of the offence with which he or she is charged.” Article 116 of the Code stipulates that: “Persons arrested or detained are to be informed immediately of the reasons for their arrest or detention and shall have the right to contact a person of their choice to notify them. This shall take place under the supervision of a criminal investigation officer.”

The Kingdom complies with the international obligations arising from the human rights agreements to which it is a party. The measures taken against the individuals in question are consistent with the Kingdom’s obligations under international human rights law and the relevant international standards, particularly article 9 of the Universal Declaration of Human Rights, which stipulates that “no one shall be subjected to arbitrary arrest, detention or exile”, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly resolution No. 43/173 of 9 December 1988, principle 2 of which provides that: “Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.” They are also in line with principle 4, which states: “Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.” They are also consistent with rule 7 of the Standard Minimum Rules for the Treatment of Prisoners, which states that “no person shall be received in a prison without a valid commitment order” and article 9 (1) of the International Covenant on Civil and Political Rights, according to which: “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance

with such procedure as are established by law.” In addition, no one shall be arrested without an order from the competent authority, in accordance with article 35 of the Code of Criminal Procedure, which stipulates that: “Except in cases of flagrante delicto, no one shall be arrested or detained except on the basis of an order from the competent authority.” The statements of the accused are to be heard and referred to the investigator within 24 hours, according to article 34 of the Code, which stipulates that: “The criminal investigation officer shall immediately hear the statement by the accused. If there is sufficient evidence to bring charges, the officer shall send them within 24 hours, together with the record, to the investigator, who must question the arrested suspect within 24 hours and then order his or her arrest or release.” Arrested persons must be informed of the reasons for the arrest and have the right to contact the person whom they wish to notify, in accordance with article 36 (1) of the Code, which provides that arrested persons “must be treated in a manner that preserves their dignity, must not be harmed physically or mentally and must be informed of the reasons for their arrest and have the right to contact the person whom they wish to notify”. According to article 116 of the Code, “any person who is arrested or detained shall be promptly notified of the reasons for his or her arrest or detention and shall be entitled to communicate with a person of his or her choice to notify them, provided that such communication is under the supervision of the criminal investigation officer.”

**3. Concerning the request to provide information on investigations conducted into the allegations of enforced disappearance of Princess Basmah and her daughter Suhoud Al Sharif for a period of one month and details on redress and remedies provided to them:**

The two individuals in question have not been subjected to enforced or involuntary disappearance. Immediately after their arrest, they were detained in a designated and known place of detention, subject to supervision by monitoring bodies. All places of detention and prisons are subject to judicial, administrative, health and social inspections in accordance with article 5 of the Prison and Detention Act. They are subject to the control and oversight of the Public Prosecution Service pursuant to its Statute, article 3 (f) of which stipulates that the Service shall have the authority to oversee and inspect prisons, detention centres and any other place in which criminal sentences are served. It also has the authority to hear complaints from prisoners and detainees, to ascertain the legitimacy of their imprisonment or detention and of their remaining in the prison or detention centre after the expiry of the specified term, to take the necessary steps to ensure the release of those imprisoned or detained without lawful cause, and to enforce the law against those responsible. Article 40 of the Code of Criminal Procedure stipulates that: “Anyone who becomes aware of a prisoner or detainee being held illegally or in a location not legally designated for imprisonment or detention may inform the Public Prosecution. Upon being informed of such a case, the competent officer of the Public Prosecution shall visit the location where the prisoner or detainee is being held, conduct an investigation, and order the release of the prisoner or detainee if his or her imprisonment or detention is illegal. The officer of the Public Prosecution shall prepare a report on the incident and submit it to the competent entity in order to pursue any legal action against the persons responsible.”

Pursuant to article 5 (6) of its Charter, the Human Rights Commission may organize visits to prisons and detention centres at any time without the permission of the competent body. Under articles 5 and 11, the Commission receives complaints relating to human rights, investigates possible violations, refers these to the competent bodies for the appropriate statutory measures to be applied and monitors action taken.

The National Society for Human Rights, which is a civil society organization, also visits prisons and detention facilities to meet with prisoners and detainees, receive their complaints, note any violations that might have been committed against them and follow up such matters with the competent authorities. In addition to the offices of Public Prosecution situated inside prisons, offices have been allocated to the Human Rights Commission and National Society for Human Rights in several prisons in order to facilitate the exercise of their oversight mandate, which includes receiving complaints from prisoners and detainees, ascertaining their veracity and addressing them promptly and directly.

It should be noted that there are no secret detention centres in Saudi Arabia. Article 2 of the Code of Criminal Procedure stipulates that no person may be arrested, searched, detained or imprisoned except where provided for by the law. In addition, persons are detained or imprisoned only in locations designated for such purposes and for the period prescribed by the competent authority, in accordance with article 37, which stipulates that: “A person may be detained or imprisoned only in the prisons or detention facilities 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.”

Under the Kingdom’s laws, all State institutions have a legal obligation to ensure that all individuals are treated fairly, regardless of their religion, race, gender or nationality. If any of those institutions or their representatives or anybody else violates a person’s rights, there are a number of mechanisms that provide effective safeguards in accordance with standard procedures. These include the judicial authorities and governmental and non-governmental human rights institutions. The right to seek legal redress is guaranteed equally for all citizens and residents, in accordance with article 47 of the Basic Law of Governance. The possibility to challenge the legality of arrest or detention is a general principle under Saudi Arabian law and is enshrined in article 115 of the Code of Criminal Procedure.

**4. Concerning the request to provide information on the opportunity given to Princess Basmah and her daughter Suhoud Al Sharif to meet with a lawyer and, if not, the reasons for this denial.**

The right to seek the assistance of a lawyer or representative is guaranteed to them both during the investigation and trial stages, in accordance with articles 4 (1) and 65 of the Code of Criminal Procedure. If the accused cannot afford to pay for the services of a lawyer, he or she has the right to request the court to assign a lawyer to defend him or her at the State’s expense, as stipulated in article 139 of the Code.

**5. Concerning the request to provide information about the state of health of Princess Basmah and her daughter, as well as the measures taken to ensure that their physical and mental integrity are protected while in detention, including measures taken to protect their right to receive appropriate health care and especially in view of Princess Basmah’s deteriorating state of health:**

Princess Basmah had a history of illness before her arrest. When they were detained, the two individuals were given a schedule for regular medical examinations at the hospital. Medical reports on the condition of Princess Basmah and her daughter Suhoud, issued on 6 May 2020 and 7 May 2020, respectively, showed that all their vital signs were normal, and that they had both been tested for coronavirus (COVID-19) and the results were negative. Like all other detainees and prisoners, they are provided with the necessary medical care, and underwent medical examinations immediately after being placed in the general prison. Prisoners are periodically examined in accordance with paragraph 5 of the Medical Services Regulations, and medical care is provided to all prisoners and detainees, in accordance with article 22 of the Prison and Detention Act. Like other detainees, they receive appropriate food and meals. All detention centres and prisons are subject to judicial, administrative, health and social inspections, in accordance with article 5 of the Act, which stipulates that “prisons and detention houses are subject to judicial, administrative, health and social inspections in accordance with the provisions of the implementing regulations”.

**6. Concerning the request to provide information about the current conditions of detention of Princess Basmah and her daughter Suhoud Al Sharif, including material conditions in which they continue to be detained, as well as with regard to contact with other prisoners, their family and lawyer, and how these conditions are consistent with the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).**

The two women are detained on criminal charges, as explained in answer No. 1. They are allowed to receive visits, and their family members have visited them several times. They

are also allowed to communicate with their family members, and Princess Basmah calls her children and siblings at the scheduled times for detainees. Her daughter Suhoud also communicates with her family at the scheduled times. With regard to visits, the authorities have introduced appropriate precautionary measures and procedures to ensure the safety of prisoners, detainees and staff in detention centres and prisons during the coronavirus (COVID-19) pandemic.

The Kingdom's laws are in line with the relevant international standards and provide that no one may be arrested, detained or restricted in his or her freedom of movement save as provided for by law, in accordance with article 36 of the Basic Law of Governance, which emphasizes the need for the State to ensure the security of all its citizens and residents living within its territory and provides that no one may be arrested without an order from the competent authority. In addition, no one may be placed in prison without an order from the competent authority, in accordance with article 1 of the Prison and Detention Act, which states that "prison sentences are to be served in prisons, and any person against whom a detention order has been issued by the competent authorities shall be placed in a detention centre in accordance with the provisions of this act and its implementing regulations". Article 7 of the Act provides that "no one may be placed in prison or a detention centre or transferred or released without a written order signed by the competent authority and no prisoner or detainee may remain in the prison or detention centre beyond the period stipulated in the order". Domestic law criminalizes all forms of torture and other cruel, inhuman or degrading treatment. For example, article 2 of the Code of Criminal Procedure provides that a person under arrest may not be subjected to any bodily or moral harm or subjected to any torture or degrading treatment. Article 36 (1) of the Code establishes that arrested persons must be treated in a manner that preserves their dignity, must not be harmed physically or mentally and must be informed of the reasons for their arrest and have the right to contact a person whom they wish to notify. Article 102 of the Act requires that the interrogation must be conducted in a manner that does not affect the voluntary nature of statements made by the suspect, who must neither be required to take an oath nor subjected to any means of coercion; the suspect must not be interrogated outside the offices of the investigating authority unless the investigating judge deems this to be necessary. Article 28 of the Prison and Detention Act prohibits the use of violence of any kind against prisoners or detainees and requires disciplinary measures to be taken against any civilian or military officials who perpetrate such acts, without prejudice to any criminal penalty they may also incur. Pursuant to article 2 (8) of Royal Decree No. 43 of 1958, public officials who, in the course of their duties, inflict ill-treatment or use coercion such as torture, cruelty, confiscation of property or denial of personal liberties, including exemplary punishment, imposition of fines, imprisonment, exile or mandatory residence in a certain place and illegal entry into private dwellings, face imprisonment for up to 10 years. Detainees and prisoners undergo a medical examination immediately after their placement in the general prison. Prisoners undergo periodic medical examinations, in accordance with paragraph 5 of the Medical Services Regulations. Medical care is provided to all prisoners and detainees, in accordance with article 22 of the Prison and Detention Act. All places of detention and prisons are subject to judicial, administrative, health and social inspections in accordance with article 5 of the Act, which stipulates that: "Prisons and places of detention are subject to judicial, administrative, health and social inspection in accordance with the provisions of the implementing regulations." Under article 39 of the Code of Criminal Procedure, all detainees and prisoners have the right to submit a written or verbal complaint to the director of the detention centre or prison at any time and to request that the complaint be communicated to a member of the Public Prosecution. The director is required to receive the complaint and transmit it immediately after recording it in the register maintained to that end and must provide the complainant with an acknowledgement of receipt thereof. The administration of the prison or detention centre is required to designate a separate office for members of the Public Prosecution from which they can monitor the conditions of prisoners and detainees. Under article 12 of the Prison and Detention Act, prisoners and detainees have the right to regular visits and telephone calls.

This is in line with relevant international standards, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 1 of which states that "all prisoners shall be treated with the respect due to their dignity and value as human beings. No prisoner shall be subjected to ... torture and other cruel, inhuman

or degrading treatment or punishment.” It is also consistent with rule 7, which provides that “no person shall be received in a prison without a valid commitment order”, and with rule 24 (1), according to which “the provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community”. It also complies with rule 56 (1), which states that “every prisoner shall have the opportunity each day to make requests or complaints to the prison director or the prison staff member authorized to represent him or her” and with rule 58 (1), which provides that “prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals”.

**7. Concerning the request to provide detailed information as to the specific measures that have been put in place to ensure that those who defend human rights in Saudi Arabia can carry out their legitimate work in a safe and enabling environment without fear of harassment and intimidation from the authorities, along with specific information as to steps taken to support and promote the work of human rights defenders, particularly women human rights defenders, in the country.**

All citizens and residents, men and women, enjoy their rights and exercise their freedoms without discrimination, in accordance with the laws in force in the Kingdom. No group, regardless of the designation or term under which it is known, enjoys preferential treatment in the exercise of those rights and freedoms. Anyone whose rights are violated is entitled to file a complaint in accordance with the procedures for legal redress, and State institutions have a legal obligation to ensure that all individuals are treated fairly, regardless of their religion, race, gender or nationality. If any of those institutions or their representatives or anybody else violates a person’s rights, there are a number of mechanisms that provide effective safeguards in accordance with standard procedures. These include the judicial authorities and governmental and non-governmental human rights institutions. The right to seek legal redress is guaranteed equally for all citizens and residents, in accordance with article 47 of the Basic Law of Governance. Article 43 of the Basic Law provides that “The court of the King and that of the Crown Prince shall be open to all citizens and to anyone who has a complaint or grievance. Each individual shall have a right to address the public authorities in matters that affect him or her.”

The Kingdom’s legislation stipulates, in article 36 of the Basic Law of Governance, that no one may be arrested, detained or restricted in his freedom of movement save as provided for by law, and it guarantees the security of all citizens and persons residing in the Kingdom’s territory.

Accordingly, it is clear from the foregoing that the allegations contained in the joint appeal are incorrect, as the measures taken against the two individuals have been clarified, and they are consistent with international human rights standards.

The Kingdom reminds the special procedures mandate holders of the Human Rights Council involved in this appeal of the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council approved by resolution 5/2 of 18 June 2007. In particular, the mandate-holders should:

1. Give the information provided due consideration in the fulfilment of their mandates, in accordance with article 6 (a) of the Code of Conduct.
2. Take into account in a comprehensive manner the information provided by the Kingdom on the situation, in accordance with article 6 (b) of the above-mentioned Code.
3. Evaluate all information, particularly the allegations received from the sources, in the light of internationally recognized human rights standards relevant to their mandate, and of international conventions to which the State concerned is a party, in accordance with article 6 (c) of the Code.
4. Ensure that the communications submitted regarding the case are not manifestly unfounded or politically motivated, in accordance with article 9 (a) of the Code.
5. Ensure that the person or group of persons submitting the communication are acting in good faith in accordance with principles of human rights, and free from politically motivated stands or contrary to the provisions of the Charter of the United Nations, and

claiming to have direct or reliable knowledge of those violations substantiated by clear information, in accordance with article 9 (d) of the Code.

6. Ensure that the communication is not exclusively based on reports disseminated by mass media, in accordance with article 9 (e) of the Code.

7. Bear in mind the need to ensure that their personal political opinions are without prejudice to the execution of their mission, and base their conclusions and recommendations on objective assessments of human rights situations, in accordance with article 12 (a) of the Code.

8. In implementing their mandate, therefore, show restraint, moderation and discretion so as not to undermine the recognition of the independent nature of their mandate or the environment necessary to properly discharge the said mandate, in accordance with article 12 (b) of the Code.

9. Observe article 13 (a) of the Code, by indicating fairly what responses were given by the Kingdom and not shortening them prejudicially.

10. Ensure that their declarations on the human rights situation in the country concerned are at all times compatible with their mandate and the integrity, independence and impartiality which their status requires, and which is likely to promote a constructive dialogue among stakeholders, as well as cooperation for the promotion and protection of human rights, in accordance with article 13 (b) of the Code.

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