

*(Translated from Arabic)*

**Permanent Mission of the Kingdom of Saudi Arabia  
Geneva**

**1. Response to the request provide any additional information and any comment on the allegations, in particular, where the human rights defenders are currently detained and possible charges against them.**

- It should be noted that the Kingdom of Saudi Arabia cooperates with all the various United Nations human rights mechanisms, responds to their inquiries and requests and fulfils the international obligations arising from its accession to human rights conventions. Its procedures are in line with its obligations under international human rights law and relevant international standards. All allegations received are reviewed and the relevant facts clarified.
- In this regard, we wish to stress that the information contained in the joint appeal is inaccurate and includes false allegations and claims that are based on information received from the source that is devoid of any evidence or proof. We wish to submit the following clarifications:
- The laws of Saudi Arabia guarantee freedom of opinion and expression for all persons unless such acts are deemed to breach or exceed the bounds of public order or the norms applicable to society, its members or its precepts. Such a restriction is consistent with the relevant international standards, including article 29 (2) of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights, according to which all persons have the right to hold opinions without interference and the right to freedom of expression, the latter being subject to certain restrictions such as are necessary for respect of the rights or reputations of others and for the protection of national security or of public order, or of public health or morals.
- Under article 3 of the Code of Criminal Procedure, no one may be sentenced to a criminal penalty except in respect of an act which is prohibited and punishable under the law or regulations and after being convicted in a trial conducted in accordance with due process of law. The Code makes provision for numerous procedural safeguards which regulate criminal proceedings,



guarantee the rights of defendants and ensure that the latter are presumed innocent until found guilty under the terms of a final court judgment handed down in conformity with the legal and statutory requirements set forth in the provisions of the Code and the regulations relevant to the nature of the proceedings.

- It is prohibited under the laws of Saudi Arabia to restrict a person's actions or to arrest or imprison anyone except as provided by law, in accordance with article 36 of the Basic Law of Governance, which states that security shall be provided for all citizens and residents throughout the country.
- **It is alleged in the joint appeal that Mr. Al-Qahtani was sentenced to 10 years' imprisonment for providing false information to outside sources, including United Nations human rights mechanisms, and is currently being held in Al-Ha'ir prison in Riyadh, and in December 2020 and March 2021, he reportedly carried out hunger strikes jointly with other inmates to protest harassment and lack of family contact, access to books and essential medication. He reportedly tested positive for the COVID-19 and since 7 April 2021 has been denied any contact with the outside world.**

He was convicted of a number of offences, including offences prejudicial to national security and offences punishable under the Cybercrime Act. He underwent a fair and public trial before an independent court. He hired legal representatives who attended his trial hearings, filed their legal arguments and objected to the verdict. He remained at liberty during the course of his trial and is currently serving his sentence in Al-Ha'ir prison in Riyadh.

He refrained from eating for a limited time, on 18 December 2020. The reasons for his hunger strike were discussed and addressed by the prison administration in accordance with the relevant laws and instructions. He stopped his hunger strike of his own volition.

He enjoys his right to regular telephone calls and visits, just like other detainees and prisoners. No restrictions have been imposed on his contact with family members, and he has been permitted to communicate with them on a regular basis, including through 127 phone calls made during the period from 1 Jumada al-Awwal 1442 A.H. (16 December 2020 A.D.) to 7 Shaban 1442 A.H. (20 March 2021 A.D.). This demonstrates that the information received from the source is unfounded and that it is made up solely of fabrications and false information that is entirely unsupported by any evidence. It should be noted,

however, that all visits were suspended at that time, as part of the preventive measures taken to limit the spread of the coronavirus disease (COVID-19).

He is permitted to receive items sent to him, since Saudi legislation guarantees the right of detainees and prisoners to receive items unless they are banned or prohibited. For instance, they can receive books, newspapers or magazines, and there is a library in the prison from which all inmates benefit. Inmates are entitled to acquire books and newspapers in accordance with article 18 of the Imprisonment and Detention Act, which stipulates that: “A library shall be established in every prison and detention centre containing books on religious, scientific and ethics-related topics to which prisoners and detainees shall have access in their spare time.”

With regard to Mohammed Al-Qahtani’s COVID-19 infection, he was tested as soon as he started showing symptoms, which confirmed that he had COVID-19 on 7 April 2021. His state of health was monitored by the specialized medical team in the prison health centre. After his recovery, he was returned to his previous wing. The medical team responsible for vaccinations tried to convince him of the need to be vaccinated, but he refused. His health is monitored and he receives the necessary medication on a regular basis, as he has high blood pressure. He is able to communicate with his family on an ongoing basis. Al-Harbi and Al-Nukhaifi, meanwhile, had the two doses of the COVID-19 vaccine, as per their wishes.

It should be pointed out that Saudi Arabia was one of the first States to take steps to counter the spread of COVID-19 in prisons and places of detention. One such step was the issuance of a Royal Order on 7 April 2020 to suspend the enforcement of definitive court sentences for the imprisonment of debtors in private cases. The Order also envisaged the temporary release – with immediate effect – of persons already imprisoned under such sentences. This initiative came in the context of the efforts the State is making to halt the spread of the virus and of its determination to ensure the well-being of everyone in the country, the priority being people’s health. All the persons covered by the Order benefited therefrom.

Preventive steps and precautions have been taken in prisons to prevent the spread of COVID-19, in line with the protocols and guidelines approved by the Ministry of Health for dealing with the pandemic. Prisons now have integrated medical teams working round the clock to ensure that all precautions are followed. Screening units have also been set up at section entrances to check that all personnel are well and safe before coming into contact with inmates. Measures are in place to keep prison surroundings safe from any potential

infection and to verify compliance with personal protection measures, including glove- and mask-wearing and personal sanitization, and all prison buildings and facilities are continually disinfected. Tools developed by the Global Centre for Mass Gathering Medicine, which is part of the Ministry of Health, and the National Centre for Disease Prevention and Control are also deployed for assessing the health risks associated with the spread of COVID-19. All detainees and prisoners are frequently tested, in coordination with the Ministry of Health, to check that they are well. These services are provided free of charge, without discrimination on grounds of legal status.

In cooperation with the Ministry of Health, plans have also been drawn up for implementing precautionary measures in regional prisons to prevent the spread of COVID-19.

The measures taken have included talks given by specialist physicians to increase awareness among personnel and inmates alike and better educate them on health in the face of this pandemic.

With the Ministry of Health, a series of joint ad hoc workshops was organized to provide full safety training for the teams dealing with the situation on the ground.

An online training course on the prevention and control of communicable diseases, including COVID-19, in prison settings was also delivered in conjunction with the Subregional Office for the Gulf Cooperation Council Countries of the United Nations Office on Drugs and Crime.

All family visits to inmates have been reorganized, as have the cultural and sports activities in which groups of inmates normally engage.

Other measures taken to prevent the spread of coronavirus in prisons include:

1. Assigning a specialist medical team to examine new prisoners before they are moved onto a wing, check that they are free of COVID-19, and give out medical masks and gloves.
2. Coordinating with police stations to ensure that no one is moved into a prison without a medical report confirming that they are free of coronavirus.
3. Pardoning more prisoners from serving the remainder of their terms so as to reduce prisoner numbers
4. Introducing visual and temperature screening points at prison gates

5. Organizing remote trials in prisons in conjunction with the courts.
6. Sanitizing and disinfecting prisons on a daily basis.
- **It is stated in the joint appeal that special procedures mandate holders previously raised the case of Al-Harbi and other human rights defenders in communication No. SAU 6/2021, expressing concerns about the alleged arbitrary detention and long prison sentences as well as abuse and torture.**

A response has previously been submitted to joint appeal SAU 6/2021 concerning the case of this individual and the other persons named therein. It has been clarified that the information contained in the communication is inaccurate and includes false allegations and claims that are based on information received from the source that is devoid of any evidence or proof. This clarification is provided in response HRC/NONE/2021/SP/58-21-09890 of 15 July 2021.

- **It is stated in the joint appeal that Issa Al-Nukhaifi received a six-year prison sentence with a six-year travel and social media ban upon release for his cooperation with the Special Rapporteur on extreme poverty during a visit to Saudi Arabia, and that the Working Group on Arbitrary Detention considered his detention arbitrary.**

This individual was convicted of offences punishable under the laws of Saudi Arabia, as was previously explained in response HRC/NONE/2021/SP/58-21-09890 of 15 July 2021. It was not because of his cooperation with the Special Rapporteur on extreme poverty. He underwent a fair and public trial before an independent court. He hired legal representatives who attended his trial hearings, filed their legal arguments and objected to the verdict. Some of his court hearings were also attended by representatives of the European Union delegation. He was sentenced having been found to have committed offences prejudicial to national security and offences punishable under the Cybercrime Act.

A reply to the opinion of the Working Group on Arbitrary Detention was provided, describing it as unsound, since it was based on erroneous arguments. The reply clarified the procedures implemented with respect to this person, including the fair trial guarantees and impartial proceedings that were assured consistent with the country's international human rights obligations. It also refuted the allegations regarding his situation.

- **The joint appeal also states that Khaled Al-Omair was sentenced to eight years in prison for illegally gathering and circulating information on Internet pages.**

He was convicted of a number of offences, including offences prejudicial to national security, offences punishable under the Cybercrime Act and the offence of consuming narcotic drugs banned under the Act on Combating Narcotic Drugs and Psychotropic Substances.

- **It is stated in the joint appeal that it has been reported that Asmaa Al-Subaie was arrested in response to her posts on Twitter, in which she expressed her views in defence of women's rights and in support of women subjected to domestic violence.**

She was arrested pursuant to an arrest warrant issued in accordance with article 5 of the Terrorism and Financing of Terrorism Act, and detained in accordance with articles 2 and 19 of the Act, accused of having committed a number of offences, including:

1. Offences punishable under article 30 of the Terrorism and Financing of Terrorism Act.
2. Support for a terrorist ideology that is criminalized and punishable under article 34 of the Act.
3. Providing aid to a terrorist entity that is criminalized and punishable under article 38 of the Act.
4. Using the information network to commit terrorist crimes criminalized and punishable under article 43 of the Act.
5. Committing offences punishable under article 6 of the Cybercrime Act.

Upon completion of the interrogation procedures, the investigating authority (the Public Prosecution Service) decided that there was sufficient evidence to charge her, in accordance with article 126 of the Code of Criminal Procedure, which stipulates that: "If the Public Prosecution Service is of the opinion, following completion of the investigation, that there is sufficient evidence against the accused, the case shall be referred to the competent court and the accused shall be summoned to appear before it." The Public Prosecution Service referred her case file to the competent court and she was summoned to appear before it, in accordance with article 15 of the Code, which stipulates that "The Public Prosecution Service shall, pursuant to its Statute, institute and

pursue criminal proceedings before the competent court”, and in accordance with article 3 (b) and (c) of the Statute of the Public Prosecution Service, which states that the Public Prosecution Service must, in accordance with its Statute and its implementing regulations, decide whether to institute proceedings or close the case, and must conduct prosecutions before judicial bodies.

When she appeared at her trial, in the presence of the public prosecutor, the case for the prosecution was read out to her and she was provided with a copy of the indictment, in accordance with article 160 of the Code of Criminal Procedure, which reads: “The court shall inform the accused of the charges against him or her, read and explain the memorandum of the charges and provide him or her with a copy thereof, then call on the accused to respond.” She was informed of her right to engage a lawyer, in accordance with article 4 (1) of the Code, and that if she could not afford to hire a lawyer, she could ask the court to appoint one to defend her at the expense of the State, pursuant to article 139 of the Code. She requested time to respond, designated her two sisters as representatives, and asked the court to appoint a lawyer for her at the expense of the State. At another sitting, she attended in the presence of the public prosecutor, her parents, her representative, the lawyer assigned to her at the State’s expense, and a representative from the Human Rights Commission, and she asked to be represented by her parents and the lawyer assigned to her. Her request was granted, and the case is still under judicial consideration.

She is being detained in Al-Ha’ir General Directorate of Investigation prison in the city of Riyadh, enjoys all her legally guaranteed rights and is treated well in order to preserve her dignity. Like all other detainees and prisoners, her rights are guaranteed. She enjoys the right to regular visits and telephone calls. She receives the necessary medical care and is in good health.

- **It is stated in the joint appeal that, according to the information received by the special procedures mandate holders, Maha Al-Rafidi was kept in solitary confinement by the authorities in Sha’ar prison for two months following her arrest, after which she was beaten and subjected to ill-treatment, before being transferred to a general ward without charge.**

The joint appeal does not contain sufficient information and data to identify the person in question and examine her case. We wish to recall that the criteria for taking action set out in paragraph 39 of the Manual of Operations of the Special Procedures of the Human Rights Council include that the allegations should contain clear and concise details regarding the name of individual victims

or other identifying information, such as date of birth, sex and passport number and any steps already taken before local authorities.

- **The joint appeal contains a number of allegations concerning Al-Qahtani's hunger strike on 15 August 2021 in protest against the Al-Ha'ir prison administration's ill-treatment of prisoners, the confiscation of his books and their unwillingness to transfer a number of inmates who suffer from mental illnesses to a hospital for treatment, due to the danger that their presence poses to the other inmates, that Al-Qahtani was joined in his hunger strike by Al-Harbi and Al-Nukhaifi, and a number of prisoners of conscience, who are reportedly in poor health conditions in ward A8, and reportedly information regarding the detention conditions in this ward has been strictly limited by the authorities, through monitoring of phone calls between prisoners and their families and preventing any discussion of matters related to the hunger strikes or their demands.**

This claim is incorrect. The individuals concerned did not go on hunger strike during the period in question. They are treated well in a manner that preserves their dignity and guarantees all their rights, just like other detainees and prisoners. They have the right to regular visits and phone calls and their visitors book a visiting slot directly through the Absher platform without the intervention of the staff. In addition, inmates can request private visits (legal seclusion), but none of the individuals concerned have applied for one. Between March and June 2021, Mohammed Al-Qahtani made 149 calls, Fowzan Al-Harbi made 385 calls, and Issa Al-Nukhaifi made 393 calls. They receive the necessary medical care like other detainees and prisoners. Mohammed Al-Qahtani's state of health is being monitored, as indicated above. Fowzan Al-Harbi and Issa Al-Nukhaifi are in good health. They are all serving their sentences in Al-Ha'ir prison in Riyadh.

Mohammed Al-Qahtani has been provided with the following three books at his request: *Grimms' Fairy Tales*, *A Theory of Justice* and *Baruch: My Own Story*. Fowzan Al-Harbi has also been provided with a number of books: *Passing*, *There is No Compulsion in Religion*, *Islam Theology*, *The Spirit of Modernity*, *The Singapore Story*, *Adrift: How Our World Has Lost Its Way*, *The Future of Civil Society*, *The Fords of Modernity*, *The History of the Children of Israel*, *Treatise on Tolerance*, *The Crusades*, *Abu Al-Ala' Al-Ma'arri*, *My Life with Hunger*, *Love and War*, *Prison Letters*, and an English dictionary. Issa Al-



Nukhaifi has not requested any books.

All detention centres and prisons are subject to judicial, administrative, health and social inspections in accordance with article 5 of the Prison and Detention Act, which stipulates: “Prisons and places of detention are to be subject to judicial, administrative, health and social inspection, in accordance with the provisions of the implementing regulations.” Prisoners are segregated into different categories in accordance with the Prison and Detention Act. They are separated according to their gender, the nature and severity of their crimes, whether they are repeat offenders, the length of their sentence and the bases that facilitate their social rehabilitation.

The allegations concerning the conditions of detention in ward A8 and the monitoring of phone calls between inmates and their families are incorrect. There are telephone booths in the ward available for all inmates to communicate with their families during the permitted contact times.

- **The joint appeal contains a number of allegations about Khaled Al-Omair’s case, including that he was detained without charge, was not informed of the charges against him, was subjected to a murder attempt by another prisoner, and was sentenced by the Court of Appeal to an additional two years’ imprisonment.**

As was already explained in response 413/6/8/000342 of 23 October 2018 to the communication received from a number of special procedures mandate holders, the person in question was arrested pursuant to an arrest warrant issued by the competent authority based on article 5 of the Terrorism and Financing of Terrorism Act. He was accused of offences prejudicial to national security and offences punishable under the Cybercrime Act. He was informed of the reasons for his arrest in accordance with article 36 (1) of the Code of Criminal Procedure, which reads: “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 them of their detention.” Article 116 of the Code states: “Persons arrested or detained are to be informed immediately of the reasons for their arrest or detention and they have the right to communicate with a person of their choice. This shall take place under the supervision of a law enforcement official.” He was informed of the charges against him in accordance with the provisions of domestic law. Article 101 (1) of the Code of Criminal Procedure stipulates: “When accused persons first appear for questioning, the investigator shall take

down all their personal information and inform them of the charges against them. The statements of accused persons in that regard are to be noted in the record. The investigator may confront an accused person with other accused persons or with witnesses. The accused shall then sign the record after it has been read out to him. If the accused refuses, the investigator shall note the refusal to sign and the reason for said refusal in the record.”

Upon completion of the interrogation procedures, the investigating authority (the Public Prosecution Service) decided that there was sufficient evidence to charge him, in accordance with article 126 of the Code of Criminal Procedure, which stipulates that: “If the Public Prosecution Service is of the opinion, following completion of the investigation, that there is sufficient evidence against the accused, the case shall be referred to the competent court and the accused shall be summoned to appear before it.” The Public Prosecution Service referred his case file to the competent court and he was summoned to appear before it, in accordance with article 15 of the Code, which stipulates that “The Public Prosecution Service shall, pursuant to its Statute, institute and pursue criminal proceedings before the competent court”, and in accordance with article 3 (b) and (c) of the Statute of the Public Prosecution Service, which states that the Public Prosecution Service must, in accordance with its Statute and its implementing regulations, decide whether to institute proceedings or close the case, and must conduct prosecutions before judicial bodies.

When he appeared at his trial, in the presence of the public prosecutor, the case for the prosecution was read out to him and he was provided with a copy of the indictment, in accordance with article 160 of the Code of Criminal Procedure, which reads: “The court shall inform the accused of the charges against him, read and explain the memorandum of the charges and provide him with a copy thereof, then call on the accused to respond.” He was informed of his right to engage a lawyer to defend him, in accordance with article 4 (1) of the Code, and that if he could not afford to hire a lawyer, he could ask the court to appoint one to defend him at the expense of the State, pursuant to article 139 of the Code. He requested the appointment of a number of legal representatives and a court-appointed lawyer at the expense of the State and was enabled to do so. Representatives of the Human Rights Commission also attended his trial. The trial continued and the court issued its judgment only after it had heard statements from all the parties, after the submission of all oral and written defence pleas, after the parties had confirmed that they did not wish to make any additions thereto, after the evidence and the evidence-collection records had been examined, after the closing arguments had been presented in his presence, and after all relevant documentation had been scrutinized. This is consistent with

article 172 of the Code of Criminal Procedure, which stipulates that: “Any of the parties may provide the court with written information regarding the case for inclusion in the case file.” It is also consistent with article 173 of the Code, which stipulates that: “The court shall first hear the prosecutor’s indictment and then the response of the defendant or his legal representative or lawyer and shall then hear the petition of the civil party, followed by the response of the accused or his legal representative or lawyer. Each of the parties is entitled to comment on the statements of the other parties, the defendant being the last to address the court. The court shall then deliver its judgment, either of acquittal or of conviction with the imposition of a penalty, and in both instances the court shall also rule on the petition of the civil party.” The court of first instance handed down a 7-year prison sentence and a travel ban for a similar period.

He was given a copy of the judgment in order that he might appeal, in accordance with article 192 (1) of the Code, which states: “The convicted person, the public prosecutor or the civil claimant may, within the legally prescribed time limit, appeal or request scrutiny of judgments rendered by courts of first instance. The courts shall inform them of that right when delivering the judgment.”

He lodged an appeal against the judgment in accordance with article 9 of the Code, which states that: “Judgments in criminal cases may be contested in accordance with the provisions of the present Code”. The memorandum of appeal was examined by the judge, who upheld the original judgment. The entire case file was then submitted to the Court of Appeal, under article 196 of the Code, which stipulates: “The division that rendered the contested judgment shall examine the grounds on which the challenge is based without hearing submissions, unless necessary, and may amend or uphold the judgment as it sees fit. If it upholds the judgment, it shall refer the case, together with copies of all its records and documents, including the memorandum of appeal, to the Court of Appeal. If it amends the judgment, all the parties to the case shall be so informed and the normal procedural rules shall apply.” Several hearings were held at the Court of Appeal, which were attended by the public prosecutor, the defendant and his legal representatives, in accordance with article 197 (1) of the Code of Criminal Procedure, which states that: “The Court of Appeal shall schedule a session to consider the petition for appeal or scrutiny and, if it decides to hear submissions, it shall notify the parties concerned to attend that session.” The Court then examined the case file and heard the statements of all the parties involved, in accordance with article 197 (2) of the Code of Criminal Procedure, which reads: “The Court of Appeal shall consider the petition for appeal or scrutiny on the basis of the documents contained in the case file and on the basis

of new pleadings and information presented by the parties to support their challenge, as per the memorandum of appeal. Having heard from the parties in the petition for appeal or scrutiny (if it has decided to hear submissions), the Court rules either to uphold the judgment or to overturn it, either fully or in part, and it issues its own judgment in that regard.” The Court of Appeal amended the sentence to a prison term of 9 years and a travel ban for a similar period. With that the judicial review process was complete and the judgment became definitive and enforceable, in accordance with article 212 of the Code, which states: “Judgments shall not be enforced until they have become final”. The enforcement order was thus referred to the competent authority, in accordance with article 216 of the Code, which states: “The president of the court shall transmit the enforceable criminal judgment, as handed down by the court, to the administrative authority so that it can be enforced. The administrative authority shall take the necessary action to enforce the judgment immediately.” The individual in question is serving his sentence in the Al-Ha’ir General Directorate of Investigation prison in the city of Riyadh.

The allegation contained in the joint appeal that the individual in question was subjected to a murder attempt by another prisoner is untrue. A disagreement arose between this individual and a detainee, which resulted in an exchange of blows only. The prison administration immediately broke up the fight, took the necessary legal measures against the two men, referred the case to the police and notified the Public Prosecution Service of the incident. The case is still under investigation by the Public Prosecution Service. He enjoys all his legally guaranteed rights and is treated well in a manner that preserves his dignity and guarantees all his rights, just like other detainees and prisoners. He enjoys the right to regular visits and telephone calls. The last telephone call he made was on 13 December 2021 and the last visit he received was on 26 December 2021. He receives the necessary medical care and is in good health.

**2. Response to the request to provide information concerning the legal grounds for the arrest and detention of the abovementioned persons, how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to provide information on whether all detainees have access to family members, legal counsel and medical personnel, and to provide information on the current health of Dr. Al-Qahtani.**

The actions taken against the individuals in question have been explained in response No. 1. With the exception of Asmaa Al-Subaie, whose case is still under judicial consideration, all of them are serving their sentences. These procedures are in line with the international rules and standards set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Any person charged with committing serious offences entailing detention is arrested or summoned for questioning. If the investigating authority considers that there is sufficient evidence against the accused, the case file is referred to the competent court, in accordance with article 126 of the Code of Criminal Procedure. Judgments are handed down only after the person has been proved guilty of the offence. The sentence handed down and the penalties imposed depend on the nature of the offence committed. Criminal proceedings instituted against persons arrested on the charge of committing serious offences entailing detention or acts criminalized under Saudi legislation are conducted in accordance with due process. They are given a fair public trial before an independent court in which they have the right to defend themselves. They benefit from legal counsel and can appeal against the judgments handed down against them, which are subject to judicial review by higher courts. These procedures are consistent with international human rights standards.

Saudi Arabia 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 country'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.”

The individuals concerned enjoy the right to regular visits and telephone calls, just like other detainees and prisoners, as has been explained in reply No. 1 in respect of a number of these visits and calls. They also receive the necessary medical care, and all of them are in good health. Mohammed Al-Qahtani also receives the necessary medical care, his state of health is monitored, and the necessary medications are dispensed to him periodically, as he suffers from high blood pressure, as has already been explained in reply No. 1.

**3. Response to the request to provide information on any investigations which may have been undertaken by the authorities, or which are foreseen, with regard to allegations of enforced disappearance, torture and other cruel, inhuman or degrading treatment or punishment, and if no such investigations have been initiated, to explain how this is compatible with the human rights obligations of Saudi Arabia.**

The individuals in question have not been subjected to enforced disappearance or torture. They were arrested and imprisoned in designated and known places of detention and prisons, as is explained in reply No. 1 above. They are able to receive visits and make telephone calls on a regular basis. It is therefore clear that they have not been subjected to enforced disappearance. They are treated well in a manner that preserves their dignity and guarantees their rights, just like other detainees and prisoners.

Saudi laws provide sufficient and necessary protection of human rights against enforced disappearances. Orders or instructions directing, authorizing or encouraging enforced disappearance are prohibited. 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 a prison or place of detention designated for such purposes by law. The administration of a prison or detention centre shall not admit any person except 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 the order." All prisons and detention centres in Saudi Arabia are subject to judicial, administrative, health and social inspection, 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 must inform the Public Prosecution Service. Upon being informed of such a case, the competent public prosecutor 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 public prosecutor 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.”

Saudi laws also criminalize and punish torture and include a series of guarantees and measures to ensure that no detainee or prisoner is subjected to torture, ill-treatment or other cruel, inhuman or degrading treatment or punishment. Under article 2 of the Code of Criminal Procedure, it is prohibited to inflict physical or mental harm on arrested persons or to subject them to torture or degrading treatment. Article 36 of the Code states that arrested persons must be treated with dignity, not be subjected to any physical or mental harm, be informed of the reasons for their arrest and be permitted to communicate with a person of their choosing. Article 102 of the Code of Criminal Procedure requires the interrogation of accused persons to be conducted in a manner that does not influence their will to make statements. They must not be required to take an oath or subjected to coercive measures, and they may not be interrogated outside the premises of the investigating authority unless the investigator deems such action to be necessary.

Article 28 of the Imprisonment and Detention Act establishes that prisoners and detainees may not be subjected to any form of assault and provides for disciplinary action against civil or military officials who commit such acts, without prejudice to any criminal penalties to which they may be liable. Under article 8 (2) of Royal Decree No. 43 of 1958, it is prohibited for anyone acting in an official capacity to engage in ill-treatment and coercion involving, for example, torture, cruelty, confiscation of assets or denial of personal freedoms. This includes in addition the imposition of exemplary punishment or fines, imprisonment, expulsion, compulsory residence in a specific location, and unlawful entry to homes. The penalty for such acts is imprisonment for a term of up to 10 years.

All prisons and detention facilities in the country are supervised and inspected, and steps are taken in the event of any violation. Moreover, members of the Public Prosecution Service supervise the professional conduct of law enforcement officers pursuant to article 25 of the Code of Criminal Procedure. In the interest of further enhancing oversight and of safeguarding in turn the rights of prisoners and detainees, the Human Rights Commission, pursuant to article 5 (6) and (7) of its Statute, may visit prisons and detention centres at any time



without authorization from the competent authority, receive and verify human rights-related complaints, and take corresponding legal measures. The National Society for Human Rights, which is a civil society association, also visits prisons and detention facilities and receives complaints. Offices of the Public Prosecution Service have been opened in several prisons, together in some cases with offices of the Human Rights Commission and the National Society for Human Rights, so that prison conditions can be closely monitored and complaints received on the spot. 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. These include the courts and governmental and non-governmental human rights institutions.

Saudi Arabia is committed to the human rights treaties that it has ratified, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which are deemed to constitute part of national law. This is in line with the country's human rights obligations.

**4. Response to the request to indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in an enabling environment and can carry out their legitimate activities peacefully without fear of harassment, stigmatization, violence or criminalization of any kind.**

All citizens and residents, men and women, enjoy their rights and exercise their freedoms without discrimination, in accordance with national law. No group, regardless of its designation, is accorded precedence with regard to the exercise of those rights and freedoms. Any person whose rights are violated may lodge a complaint using the available legal remedies. 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. These include the courts and governmental and non-governmental human rights institutions.

With regard to civil society organizations, it should be emphasized that the establishment of associations and non-governmental organizations must be in accordance with the Civil Society Associations and Institutions Act of 2015. The licensing of such associations grants them rights and places them under

obligations. Any entity established outside that framework has no legal existence. The Act includes a set of developmental and social goals designed to regulate, develop and protect non-governmental work with a view to rendering it more effective and beneficial, contributing to national development and promoting citizen participation in the management and advancement of society. Under the Act, an association may be founded by 10 persons and may obtain authorization within 60 days of submission of the application papers.

Saudi Arabia supports societies and institutions that promote and protect human rights in general or particular aspects thereof, and it treats them as key partners in the field of human rights. Examples of this partnership include the promulgation of the Protection against Abuse Act, which was drafted by a civil society organization. A number of non-governmental associations and civil society organizations have also participated in the drafting of the Child Protection Act and the preparation of the reports of Saudi Arabia to treaty and non-treaty bodies.

One of the most prominent civil society institutions in the area of human rights is the National Society for Human Rights, which publishes reports on the human rights situation in Saudi Arabia, in which it highlights shortcomings that impede the full enjoyment of any human rights and their causes, drawing information from complaints received and infringements observed. The reports assess progress achieved and present appropriate conclusions and recommendations. The Society also prepares studies and issues press releases concerning specific cases. Many associations and institutions that are active in areas relating to human rights prepare studies and reports and organize seminars, interactive activities and media events aimed at protecting and promoting the rights that they support, while preserving their independence. The law guarantees unrestricted performance of their functions.

For its part, the Human Rights Commission organizes courses, conferences, seminars and workshops to build the technical skills of (governmental and non-governmental) human rights activists so that they can operate objectively in the area of human rights, basing their work on international human rights norms and the provisions of Islamic sharia

It is clear from the foregoing that the information contained in the joint appeal is inaccurate and includes false allegations and claims. The measures taken against these individuals have been clarified and they are consistent with international human rights standards and the obligations of Saudi Arabia in line with the purposes and principles of the United Nations, in particular international human rights law, including articles 1, 2, 9, 10, 19 and 29 of the

Universal Declaration of Human Rights, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Human Rights Council resolutions, and with the country's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Saudi Arabia wishes to draw the attention of the special procedures mandate holders of the Human Rights Council who authored the joint appeal to the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council adopted by resolution 5/2 on 18 June 2007, in particular the need to abide by the following:

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 comprehensive account of the information Saudi Arabia has provided in relation to the case in question, in line with article 6 (b) of the Code.

3. Evaluate all information, particularly the allegations received from the sources, in the light of internationally recognized human rights standards relevant to the mandate of the special rapporteurs, 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. Give a fair, credible and not prejudicially cursory indication of the replies submitted by Saudi Arabia, in line with article 13 (a) of the Code of Conduct.

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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