



Ref. No. 413/

Geneva, 4 October 2023

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and Other International Organizations at Geneva presents its compliments to the High Commissioner for Human Rights, Special Procedures Branch. In reference to communication dated on 15 August 2023, **REFERENCE: UA SAU7/2023**, the Permanent Mission has the honor to attach herewith the reply of the Saudi Government on the aforementioned case.

The Permanent Mission of the Kingdom of Saudi Arabia avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, Special Procedures Branch, the assurance of its highest consideration.



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

(Reda Hussein)

Comment:

***1. With respect to the request to provide any additional information and any comment on the allegations***

- Saudi Arabia cooperates with all United Nations human rights mechanisms and responds to their inquiries and requests. It complies with its international obligations under the human rights treaties that it has ratified, and its actions are consistent with its obligations under international human rights law and with relevant international norms. It examines the allegations that it receives and clarifies all relevant facts.

- The information contained in the joint communication – ref. UA SAU 7/2023, dated 15 August 2023 – is inaccurate, being based as it is on unfounded and uncorroborated allegations and claims from the source. In the present context, the following response may be given:

- The laws of Saudi Arabia guarantee the right of accused persons to a fair and public trial before an independent court. A number of safeguards are envisaged to this end, including the provisions of article 38 of the Basic Law of Governance, according to which penalties are personal and there can be no offence and no penalty save on the basis of sharia or statutory provisions. No penalty can be imposed save for acts committed subsequent to the enactment of a law. Moreover, according to article 3 of the Code of Criminal Procedure, no one may be sentenced to a criminal penalty save after being convicted for an act that is prohibited by sharia or statutory law. Thus, the laws of Saudi Arabia envisage a number of procedural safeguards which regulate criminal proceedings, guarantee the rights of defendants and ensure that they are presumed innocent until found guilty under the terms of a final court judgment.

- Saudi laws guarantee that all persons receive due process and a fair trial in a public hearing before a just and independent court. In fact, the judiciary in Saudi Arabia derives its authority and principles from Islamic sharia, which enshrines the principle of justice as the basis of governance and the guarantee of judicial independence. According to article 46 of the Basic Law of Governance: “The judiciary is an independent authority and the decisions of judges are subject to no authority other than that of Islamic sharia.” Article 1 of the Statutes of the Judiciary states: “Judges are independent. They are subject to no authority other than Islamic sharia and statutory law, and no one may interfere in the course of justice.” Moreover, according to article 48 of the Basic Law of Governance: “The courts apply the provisions of Islamic sharia to the cases that come

before them in accordance with the Qur'an and the Sunna and with laws decreed by the ruler that do not conflict with the Qur'an and the Sunna." As for article 49 of the Basic Law: "The courts in Saudi Arabia are competent to adjudicate in all crimes and disputes, with the exception of cases that fall under the jurisdiction of the Board of Grievances (the administrative judiciary)."

- Under the laws of Saudi Arabia, all accused persons are guaranteed to have their case examined by a competent and independent court in a fair and public trial during which they are given the possibility of defending themselves, of calling upon the assistance of lawyers and of challenging the court's rulings against them. Those rulings are then subjected to review before courts of a higher level.

- National legislation upholds the principle of the presumption of innocence, and no one may be sentenced to a criminal penalty save for an act that is prohibited by sharia or statutory law and after being convicted in a trial conducted in accordance with due process of law. Thus, the laws of Saudi Arabia envisage a number of procedural safeguards which regulate criminal proceedings, guarantee the rights of defendants and ensure that they are presumed innocent until found guilty under the terms of a final court judgment.

- The laws of Saudi Arabia are formulated with sufficient clarity and accuracy. They contain no ambiguities or equivocal phrases. They are published on governmental and other websites, and anyone can consult them, understand them and regulate their behaviour accordingly. Saudi Arabia remains committed to the human rights treaties to which it is a party, and its laws are continually reviewed and updated in line with developments and changes at the local and international levels. The law provides for the criminalization of terrorism and the prosecution of perpetrators. In fact, the Terrorist Crimes and Terrorism Financing Act contains a clear definition of the crime of terrorism that is consistent with international norms and with the country's international obligations. The Act sets out the procedures for handling such cases, including with regard to arrest, detention, provisional release, appointment of legal counsel and the courts competent to hear terrorism cases. It also defines the relevant crimes and punishments, and includes provision for the establishment of specialized centres for the re-education of persons detained and convicted in relation to terrorist offences and for the creation of correctional and rehabilitation facilities to help integrate such persons back into society. This shows that "legal certainty" is a fundamental principle that national legislators have integrated into criminal law, including into the Terrorist Crimes and Terrorism Financing Act.

**2. *With respect to the request to provide detailed information about the factual and legal grounds for the arrest and detention of Mr. Reda Hussein***

- Reda Ahmad Hussein (a Lebanese national) was arrested on 15 Sha'ban A.H. 1444 (7 March A.D. 2023) under an arrest warrant issued against him by the competent authority. He was then detained under a detention order, subsequently extended, in the prison of the General Directorate of Investigations at Buraydah. These procedures were conducted under articles 2, 5 and 19 of the Terrorist Crimes and Terrorism Financing Act as the party concerned is implicated in a security-related case, which remains under investigation. The detention order issued against this individual was grounded in law as the offence in question constitutes a serious offence that necessitates detention. Under the law, if accused persons spend time in detention in a case in which they are subsequently convicted, the period they spend in detention is calculated as part of the prison term handed down against them.

- On the day the arrest took place, 15 Sha'ban A.H. 1444 (7 March A.D. 2023), the party concerned was immediately informed of the reasons for his arrest and detention. He duly signed a document to acknowledge that he had been informed of his legal rights, which include the right to seek the assistance of a lawyer or legal representative, to be informed of the charges and to make a call to a person of his choice to report his arrest and detention. This is consistent with article 36 (1) of the Code of Criminal Procedure, which stipulates: "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." According to article 22 of the implementing regulations of the Code of Criminal Procedure: "On arrest or detention, accused persons shall be informed of the following: (a) The reasons for the arrest or detention; (b) Their right to seek the assistance of a legal representative or lawyer during investigation and trial; (c) Their right to communicate with a person whom they wish to inform of their arrest or detention. Accused persons are required to sign to acknowledge that they have been made aware of these rights." For its part, article 101 (1) of the Code 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 steps taken in this case are consistent with relevant international standards, including article 9 of the Universal Declaration of Human Rights, which states: "No one shall be subjected to arbitrary arrest, detention or exile." They are also consistent with article 9 (1) and (2) of the International Covenant on Civil and Political Rights, according to which everyone has the right to liberty and security of person and no one may be subjected to arbitrary arrest or detention. No one,

moreover, is to be deprived of liberty except according to law, and persons who have been arrested are to be informed of the reasons for arrest and to be promptly informed of any charges against them.

**3. *With respect to the request to provide information on the steps taken by the relevant authorities to investigate the allegation of enforced disappearance of Reda Hussein and to clarify his fate and whereabouts***

- As explained above, the person in question is being held in detention in the prison of the General Directorate of Investigations at Buraydah, which is a known and designated location. There are no secret detention centres in Saudi Arabia.

- Domestic law in Saudi Arabia provides adequate human rights safeguards, including protection against enforced disappearance and other abuses. In accordance with article 26 of the Code of Criminal Procedure, persons may be arrested only by law enforcement officials and under an arrest order issued by the competent authority. Under article 2 of the Code, persons may be detained or imprisoned only in a location designated for such purposes and for the period prescribed by the authority. According to article 37 of the Code: “No person shall be detained or imprisoned except in places designated for that purpose by the law. The administrator of a prison or detention centre may not admit anyone except pursuant to an order specifying the reasons for and period of detention, duly signed by the competent authority. The inmate shall not remain in custody following the expiry of the period specified in that order”.

- Any orders or instructions that direct, authorize or encourage an act of enforced disappearance are prohibited under national law. This prohibition is upheld in article 12 (a) and (b) of the Civil Service Act, which stipulates: “Public servants are prohibited from misusing their professional mandate or abusing their authority”. Moreover, the duties of public law enforcement officials (civilian and military) are enshrined in the laws that govern and regulate their functions. These include Royal Decree No. 43 – which criminalizes ill-treatment or coercion, such as torture, cruelty, confiscation of property or denial of personal liberties, in the course of discharging public duties – the Code of Criminal Procedure and other laws. Internal instructions and directives rest on the assumption that these laws are an integral part of the duties of public officials, who must abide by such laws and, if they fail to do so, face both criminal and disciplinary action. They cannot evade that responsibility and any transgression of powers or misuse of authority is investigated and punished.

- Accordingly, there is manifestly no truth in the allegation that the person in question was subjected to enforced disappearance, as defined in article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance and paragraph 7 of the methods of work of

the Working Group on Enforced or Involuntary Disappearances (A/HRC/WGEID/102/2) of 2 May 2014.

**4. *With respect to the request to provide detailed information on the current state of health of Reda Hussein and the medical care provided to him***

- The individual in question received the medical care he requires, on an equal footing with other detainees and inmates. His state of health is stable, and he undergoes regular checks at the Central Security Forces Hospital. He has visited a number of clinics – psychiatry, ophthalmology and cardiology – where he has been prescribed the necessary medication and where he returns for regular follow-up. Services are also provided to him in his place of his detention and, like other detainees and inmates, he is treated well and in a way that preserves his dignity and guarantees all his rights.

- All prisoners and detainees undergo a medical examination immediately after they are admitted to a general prison and periodic medical tests thereafter, in accordance with paragraph 5 of the Medical Services Regulations. Medical care is provided to prisoners and detainees, in accordance with article 22 of the Prison and Detention Act, and all detention centres and prisons are subject to judicial, administrative, health and social inspections in accordance with article 5 of the Act. Moreover, all detainees and prisoners have the right to submit complaints under article 39 of the Code of Criminal Procedure, which reads: “Prisoners and detainees have the right to submit, at any time, a written or verbal complaint to the warden of the prison or detention centre and request that it be conveyed to a member of the Public Prosecution Service. The warden must accept the complaint and forward it at once, after recording it in a special register. The prisoner or detainee must receive acknowledgement of receipt. The administration of the prison or detention centre is required to allocate a separate office for members of the Public Prosecution Service from which they can monitor the conditions of prisoners and detainees.”

**5. *With respect to the request to provide detailed information as to why Reda Hussein has allegedly been denied contact with persons associated with him, as well as any access to legal counsel, including a lawyer appointed by the company for which he works***

- The individual in question duly enjoys all the safeguards and rights envisaged in the law, including the right to periodic calls and visits, on an equal footing with other detainees and inmates. His sister ██████ arrived from Australia on 3 Safar A.H. 1445 (19 August A.D. 2023) and was provided with accommodation and transportation. She was able to visit her brother on 4 Safar A.H. 1445 (20 August A.D. 2023); she was then granted an exceptional visit on 5 Safar A.H. 1445 (21 August A.D. 2023) before leaving for Australia on the evening of the same day.

- The accused person was also able to exercise his right to seek the assistance of a lawyer of legal representative to defend him and plead on his behalf. In fact, the right to legal counsel and to the assistance of a legal representative or lawyer during investigation and trial is enshrined in articles 4 (1) and 65 of the Code of Criminal Procedure. Under the Code, moreover, if an accused person does not have the financial wherewithal to seek the services of a lawyer, he has the right to ask the court to appoint a defence lawyer on his behalf, at State expense. The job of lawyers in Saudi Arabia is to contribute to the attainment of justice and to defend the rights and freedoms that are guaranteed by law. Lawyers in the country enjoy independence, legal protection and the freedom to plead on behalf of others with no restrictions other than those envisaged in law. Lawyers may not be held accountable for statements they make in submissions before the court, in accordance with article 13 of the Act regulating the legal profession, which stipulates: “Lawyers may pursue whatever course they deem best in order to defend their clients. They shall not be held responsible for anything stated in written or oral submissions that are necessary to ensure the right to a defence.” Under article 19 of the same Act, all judicial bodies and investigating authorities must provide lawyers with the facilities they need to carry out their duties and must allow them to examine the case documents and to be present during the investigation. Lawyers’ requests, furthermore, may not be refused without a legal justification. Additionally, the Charter of the Saudi Bar Association contains provisions to support the role of lawyers in promoting and protecting human rights.

- In the light of the information given above, it is clear that the rights of the individual in question are consistent with the relevant international standards, including those enshrined in principle 2 of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, in principles 17 and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and in principle 9 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court.

**6. *With respect to the request to provide detailed information concerning the allegations that Reda Hussein is being detained for acts in breach of national security***

- The individual in question is being detained in relation to a security matter, and his case is still under investigation by the competent authority. Procedures related to investigations are considered confidential and may not be disclosed to third parties while the investigation is still underway, as per article 68 of the Code of Criminal Procedure and article 87 of the Terrorist Crimes and Terrorism Financing Act. This is consistent with paragraph 13 (c) of the Guidelines on the Role of Prosecutors and with article 4 of the Code of Conduct for Law Enforcement Officials. At the

same time, the detainee enjoys all the safeguards and rights envisaged in the law. On the day he was arrested, he was immediately informed of the reasons for his arrest and detention. He duly signed a document to acknowledge that he had been informed of his legal rights, which include the right to seek the assistance of a lawyer or legal representative, to be informed of the charges, to make a call to a person of his choice to report his arrest and detention and, for foreign detainees, to contact their embassy or consulate to inform them of the arrest and detention, the reasons for the arrest and the place of detention.

**7. *With respect to the request to provide detailed information on the documentation of Reda Hussein's situation provided to the Lebanese Embassy in the Kingdom of Saudi Arabia***

- The individual in question is still in detention in connection with this case, and he is being held in the prison of the General Directorate of Investigations at Buraydah. The embassy of his country (the Lebanese Republic) has been notified of his arrest and detention, of the reasons behind it and of the place of detention. This is consistent with the Vienna Convention on Diplomatic Relations. Foreign detainees are granted facilities to communicate with the diplomatic and consular representatives of the State to which they belong, in accordance with rule 62.1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

**8. *With respect to the request to provide details of any measures carried out, or which are foreseen to ensure the provision of remedies concerning the arrest and subsequent enforced disappearance of Reda Hussein***

- The individual in question was arrested and detained in accordance with national laws that are consistent with international human rights standards. It should be reiterated, moreover, that he has not been subjected to any form of enforced disappearance and that he is being detained in a known and designated location.

- National laws prohibit any restriction of movement of individuals, detention or imprisonment save in accordance with the law. This is consistent with article 36 of the Basic Law of Governance, which guarantees the security of all citizens and residents on national territory.

- Pursuant to article 47 of the Basic Law of Governance, citizens and residents have equal rights of recourse to law.

- Persons who have suffered a violation of their rights can file a complaint using legal channels of redress. In fact, State institutions have a legal obligation to ensure that all individuals are treated fairly irrespective of their religion, race, gender or nationality. If any of those institutions or their representatives violates a person's rights, there are a number of mechanisms that provide effective human rights safeguards in accordance with standard legal procedures. These include the courts and governmental and non-governmental human rights institutions.

- The right to challenge the legality of arrest or detention is a general principle of Saudi law and is set forth in article 115 of the Code of Criminal Procedure, which stipulates: “When an accused person is detained, the original detention order is to be delivered to the director of the detention centre, who is to sign a copy of the order as an acknowledgement of receipt. Pretrial detainees may lodge a complaint against a detention order or a detention-extension order. The complaint is to be submitted to the head of the investigating body to which the investigator belongs, the head of the branch or the Public Prosecutor, as appropriate, and a decision is to be taken within five days of the date of submission.” The Public Prosecution Service is, according to its own Statutes, an independent body that is part of the judiciary and no one has the right to interfere in its operation.

- Proceedings in the case in question have all been in line with the relevant international standards, including those enshrined in article 8 of the Universal Declaration of Human Rights.

- From the information given above, it is clear that the allegations and claims contained in the joint communication are untrue. Moreover, all the measures taken in this case have been shown to be valid and consistent with international human rights standards, with the country’s obligations under international human rights law and with the human rights treaties to which it is a party.

- In conclusion, Saudi Arabia wishes to state that it replies to communications, appeals and reports, and clarifies all relevant facts in a spirit of cooperation with international human rights mechanisms.

- Saudi Arabia also wishes to remind the thematic special procedures mandate holders of the Human Rights Council, co-signatories of the joint communication, of the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council issued under Human Rights Council resolution 5/2 of 18 June 2007. In particular, it wishes to draw attention to the fact that mandate holders should:

(a) Always seek to establish the facts, based on objective, reliable information emanating from relevant credible sources, that they have duly cross-checked to the best extent possible, in accordance with article 6 (a) of the Code of Conduct;

(b) 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;

(c) 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;

- (d) Ensure that the communications submitted regarding the case are not manifestly unfounded or politically motivated, in accordance with article 9 (a) of the Code;
- (e) 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;
- (f) Ensure that the communication is not exclusively based on reports disseminated by mass media, in accordance with article 9 (e) of the Code;
- (g) 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;
- (h) 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;
- (i) 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;
- (j) 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.