



Ref. No. 413/ 89562

20 January 2025

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 Office of the High Commissioner for Human Rights, the Office of the Special Procedures Branch, and would like to refer to the joint communication from Special Procedures **Ref. AL SAU 4/2024 dated** 28 November 2024. The Permanent Mission has the honor to attach herewith the reply of the Saudi Government on the aforementioned communication.

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and Other International Organizations avails itself of this opportunity to renew to The Office of the High Commissioner for Human Rights; the Office of the 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**

Ref. No. 413/89562

Subject

Allegations and inquiries regarding the situation of Saudi citizen Manahel bint Nasser Khalaf al-Otaibi contained in a joint communication from the following special procedure mandate holders of the Human Rights Council: the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on violence against women and girls, its causes and consequences; and the Working Group on discrimination against women and girls. The joint communication, which has the reference number AL SAU 4/2024, is dated 28 November 2024.

Review and opinion

1. 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.
2. The Government wishes to reiterate the information provided in its previous reply to joint communication No. AL SAU 10/2023, dated 21 January 2023, which was submitted by a number of thematic mandate holders – including the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Working Group on Discrimination against Women and Girls – and which also concerned the case of Saudi citizen Manahel bint Nasser al-Otaibi, which is currently under consideration.
3. That reply sought to clarify the facts of the matter and to refute the allegations and errors contained in the joint communication. It reviewed the accusations made in that communication and explained all the relevant facts in detail. It also illustrated the applicable national laws and the procedures taken in the case of the person concerned, all of which are consistent with international human rights principles and standards. Furthermore, the reply made it clear that the information contained in the communication was inaccurate, that the claims being made were untrue and that the text included unfounded and uncorroborated allegations from the source. This matter needs to be

reviewed. The mandate holders, cosignatories of the present communication, are therefore requested to examine the previous reply, which explains the situation of the individual in question. The present reply will include an update on developments in her case, despite the fact that the same allegations and claims, which have already been explained and refuted, are being repeated. In this context, the following response can be given.

4. The laws of Saudi Arabia uphold 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.

5. 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).”

6. No person is held in detention in Saudi Arabia for exercising their rights and freedoms. 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 name or 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. In fact, State institutions have a legal obligation to ensure that all individuals are treated fairly irrespective of their religion, race, sex 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.

7. 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.

8. 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 and financing 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, appointment of legal counsel, provisional release 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.

9. "Legal certainty" is a fundamental principle that national legislators have integrated into criminal law, including the Terrorist Crimes and Terrorism Financing Act.

10. The Saudi Criminal Code clearly and precisely defines criminal acts and their prescribed penalties. The purpose of this lucidity is to ensure that individuals are aware of the law and thus able to avoid committing criminal offences due to a lack of clear understanding. The purpose of this is to achieve justice as, in fact, national law prohibits the punishment of any individual for committing an act that was not previously defined and forbidden by law. In general, legal texts must be understandable to the public at large, and this itself promotes the principle of "legal certainty" and upholds the rights of accused persons while avoiding any possibility of ambiguity that may result in unfair applications of the law. All of this is a reflection of the commitment of Saudi Arabia to achieve criminal justice and to uphold individual rights.

11. National laws are designed to promote and protect human rights in general and the rights of accused persons in particular thanks to numerous safeguards, including the right to obtain legal aid from the moment of arrest and throughout the investigation and the trial. This right is enshrined in article 4 (1) of the Code of Criminal Procedure, which stipulates that all accused persons have the

right to avail themselves of the services of a legal representative or lawyer to defend them during the investigation and trial stages.

12. The Specialized Criminal Court, which is a key pillar of the Saudi judicial system, was established to hear cases relating to national security and terrorism. The Court operates within the framework of an integrated legal system that guarantees its independence and impartiality, and it relies on key elements of national legislation including the Statutes of the Judiciary, the Code of Criminal Procedure, the Code of Sharia Procedure and the Terrorist Crimes and Terrorism Financing Act. These laws contain precise definitions of the rules and procedures that must be followed to ensure a fair and transparent trial, and they describe the penalties intended to combat crimes of terrorism. The legal framework within which the Court operates is consistent with international judicial standards and upholds the rights of accused persons at every stage of the proceedings.

13. The presumption of innocence and the guarantee of a defence are among the basic principles of justice under which the courts in Saudi Arabia operate. This is particularly true for the Specialized Criminal Court, which upholds the presumption of the innocence of accused persons, as described in paragraph 5 of this document, above.

14. The case of the individual in question was heard by an independent and impartial court – the Specialized Criminal Court – in a fair and open trial. The Specialized Criminal Court was established by the Supreme Judicial Council under article 6 of the Statutes of the Judiciary, which grants the Council authority to establish courts, determine the type and geographical extent of their jurisdiction, merge them or abolish them. The Specialized Criminal Court – the creation of which has strengthened the administration of justice – is part of the country’s ordinary system of justice, it follows the same judicial procedures as those applied in other criminal courts, in accordance with the Statutes of the Judiciary, the Code of Criminal Procedure and the Code of Sharia Procedure. Judges in Saudi Arabia are appointed by decree of the Supreme Judicial Council, endorsed by royal order, in accordance with article 47 of the 2007 Statutes of the Judiciary, which stipulates: “Appointment and promotion in the judiciary shall be by royal order, pursuant to a decree of the Supreme Judicial Council setting forth the formal requirements applicable in each individual case.” Judges are not appointed unless in possession of accredited diplomas, and they are subject to certain conditions and are incorporated into the judiciary in accordance with articles 31 to 42 of the above-mentioned Statutes.

15. *A request was made to provide details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the allegations contained in the joint communication*

16. The person in question was not subjected to torture or ill-treatment. On the contrary, like other detainees and inmates, she was treated well and in a way that preserved her dignity and guaranteed her rights. Saudi Arabia remains committed to the human rights instruments to which it is a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which are part of its own national law. This is consistent with the country's human rights obligations.

17. The laws of Saudi Arabia contain a series of guarantees and measures aimed at ensuring that no detainee or prisoner is subjected to torture, ill-treatment or other cruel, inhuman or degrading treatment. Article 2 of the Code of Criminal Procedure stipulates that arrested persons may not be subjected to physical or mental harm or to torture or ill or degrading treatment. Article 36 (1) of the Code also requires that arrested persons be treated in a manner that preserves their dignity and that they should not be subjected to physical or mental harm.

18. Saudi Arabia fully understands the seriousness of the crime of torture and takes effective measures to prevent it. Legislation prescribes severe penalties for perpetrators, regardless of their status. If a court has any suspicion or has good reason to believe that a crime of torture has been committed against an accused person, it arranges forthwith for investigations even in the absence of allegations by the person concerned. If it then emerges that a crime of torture has effectively been committed, criminal proceedings are instituted against the suspects in order to impose the requisite penalties and to provide justice for victims and compensation for the harm they have suffered.

19. 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.

20. With a view to enhancing oversight mechanisms and safeguarding the rights of prisoners and detainees, the Human Rights Commission, pursuant to article 5 (6) and (7) of its Statutes, can visit prisons and detention centres at any time and without official permission, to receive and verify complaints of human rights abuses and to take the corresponding legal steps. The National Society for Human Rights (a civil society organization) also visits prisons and detention centres and receives complaints. Offices have been allocated inside prisons for the Public Prosecution Service and, in some prisons, also for the Human Rights Commission and the National Society for Human Rights so that they can monitor inmates' conditions of detention and receive complaints in situ. Domestic legislation requires State institutions to ensure that all individuals are treated fairly, regardless of their religion, race, gender or nationality, as explained in paragraph 7 of the present document, above.

21. It is important to reiterate – as already stated in the previous reply – that there is no truth in the allegation that the person in question was placed in solitary confinement because she filed a complaint that she had suffered physical and mental abuse from another inmate. In fact, she was placed in solitary confinement – for the statutory period envisaged in the Prison and Detention Act – because she had committed infractions inside the prison. In this context, it is important to note that solitary confinement is applied – under specific conditions and for pre-set periods – if an inmate causes a disturbance inside a prison or detention facility. Moreover, it is used only within the narrowest limits, on the basis of an order issued by the prison administration and in a manner consistent with international standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

22. The quarrel between the individual concerned and another inmate in the women’s prison occurred on [REDACTED] following a verbal dispute between the two. The prison authorities intervened immediately to break up the altercation. While the two women were in the dispensary to undergo a medical examination following the fight, Manahel al-Otaibi proceeded to beat the other inmate and to oppose resistance to female members of the team. She also destroyed certain medications. Once the medical examination of Manahel al-Otaibi had been completed and she had received the necessary treatment, a medical report was issued stating that she had an injury to her face with a prognosis of three days, while the other inmate had an injury to her hand. The prison administration decided to place both inmates in solitary confinement for a period of five days as a penalty for having been involved in a fight inside the prison. This is consistent with the statutory period envisaged in the Prison and Detention Act.

23. The prison administration prepared a report on the incident, which was submitted to the police.

24. Once the police had finished gathering evidence, the casefiles of the two women were referred to the Public Prosecution Service for it to complete its investigations.

25. The investigation involving the two women concluded with the levelling of charges for having engaged in a fight following a dispute between them inside the prison, in which Manahel al-Otaibi had used a stapler and the other inmate a sharp object (a pen). Manahel al-Otaibi had also destroyed certain medications and resisted prison supervisors one of whom she had also verbally abused.

26. There is no truth to the claim made in the joint communication that the person in question was [REDACTED]

27. On [REDACTED] the Public Prosecution Service referred the case to the competent court (the Riyadh criminal court) accusing [REDACTED], on the basis of evidence, of having engaged in criminal acts.

28. A preliminary court ruling was issued against the two. It envisaged a term of imprisonment of 8 months, suspended for 2 months, for Manahel al-Otaibi, to begin from the date of her arrest in the case in question. The sentence was handed down after she had been convicted of having been involved in a fight with another prison inmate, during which she had used a stapler causing injuries to herself and the other inmate, provoked a disturbance inside the prison, failed to abide by prison regulations and deliberately destroyed certain medications inside the dispensary. There was insufficient evidence to establish that she had opposed resistance to prison supervisors or verbally abused one of them. She was not required to pay for what she had destroyed. The other inmate was sentenced to a term of imprisonment of 6 months, suspended for 2 months after she had been convicted of being involved in a fight with the individual in question.

29. The Human Rights Commission is monitoring the case of the individual concerned and has visited her on several occasions, most recently on [REDACTED]. The Commission has concluded that the proper procedures have been followed, the relevant laws and regulations in regard to human rights have been observed and no laws have been infringed. It has not identified any violations in relation to its mandate, which is to ensure the availability of rights and safeguards and the implementation of human rights law. The Commission is continuing to monitor the case.

30. *A request was made to provide information on the rights and guarantees enjoyed by Manahel al-Otaibi while in prison, particularly as regards communication with her family, with a legal counsel of her choice and with doctors*

31. The individual in question is able to exercise her right to receive visits and make calls with her family members and her lawyer, on a regular basis and like any other prisoner or detainee. In fact, all prisoners and detainees can receive regular visits, at the request of their visitor. However, no member of her family has applied to visit her. She is also able to make whatever calls she wishes, at any time, as each wing has its own callbox which is available to anyone throughout the day. In point of fact, she has made several calls, including on [REDACTED]

[REDACTED] She has refused to make further calls.

32. The person concerned, at her own request, availed herself of the services of a defence lawyer of her own choosing and at State expense. 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 article 139 of the Code, moreover, if accused persons do not have the financial wherewithal to seek the services of a defence lawyer, they have the right to ask the court to appoint one on their behalf. From her place of detention, she was able to communicate with and meet her lawyer for interviews and advice, and the lawyer was given the necessary facilities and time to prepare defence arguments to contest the charges.

33. Prisoners and detainees undergo a medical examination immediately after they are admitted to prison and periodic medical tests thereafter, 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. The person in question has undergone a number of medical examinations and visited specialized medical clinics inside prison. She has also made 37 visits to the medical centre at King Saud Medical City and 7 visits to external hospitals. She refused to leave for two visits.

34. Her health is stable, although she consistently rejects medical care and refuses to undergo examinations in the dispensary or to attend clinical appointments in external hospitals.

35. 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. 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.”

36. *A request was made to indicate the factual and legal grounds for the arrest, detention and prosecution of Manahel al-Otaibi*

37. The individual in question was arrested under an arrest warrant issued against her by the competent authority. She was then detained under a detention order, subsequently extended, at the women’s prison in Riyadh, which is run by the Ministry of the Interior. She was arrested on charges of having committed terrorist offence. The arrest took place in accordance with the law under a legally valid warrant, as the offences involved constitute serious crimes that necessitate detention under the law.

38. On the day of her arrest, the individual in question was immediately made aware of the reasons for her arrest and detention. She was informed of her legal rights and signed in acknowledgment of the fact that she had been so informed. Those rights include the right to appoint a lawyer or representative, to be informed of the charges against her and to communicate with a person of her choice to inform them of her 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.” It is also in line with article 116 of the Code, which reads: “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”, and with article 22 of the implementing regulations of the Code, which states: “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.”

39. She was placed in detention in a wing set aside for pretrial detainees whose cases were similar to her own, separate from facilities where convicted inmates are held. This is consistent with the classification of inmates under international norms, including the Nelson Mandela Rules.

40. Female inmates are detained in designated areas and are classified into mutually compatible categories on the basis of age, physical and mental health and the nature of the crime committed, while always upholding the principle of individual treatment. The classification of inmates is thus regulated by a flexible system and the different categories are distributed in separate wings.

41. Once the investigating authority (the Public Prosecution Service) had completed its own procedures, prosecutors referred her casefile to the competent court having first levelled criminal charges against her on the basis of the existing evidence, her own confession, the arrest and search records and the technical reports.

42. She was present in court during her trial hearings, in the company of a defence lawyer whom she had chosen and who was appointed at State expense. Also present at the trial was the prosecutor and representatives from the Human Rights Commission. At the first sitting, the prosecution charges were read out to her and she was given a written copy thereof. Then the

prosecution presented its evidence showing that she had committed serious terrorist offences; that evidence included her confession before the court, statements, the arrest and search records and the technical reports.

43. The trial continued, and the defendant and her lawyer submitted their defence against the charges and evidence presented by the prosecution. Once the parties in the case had deliberated and discussed the matter, once the statements had been heard and the evidence reviewed, the court was adjourned for study and reflection.

44. On the basis of the evidence, cross-examinations and statements made during the trial, the court found the defendant guilty of having committed terrorist offences punishable under articles 43 and 44 of the Terrorist Crimes and Terrorism Financing Act, and a preliminary ruling (subject to appeal) was handed down sentencing her to a term of imprisonment of 11 years, to be calculated from the date of her arrest.

45. The court verified all the evidence against her, while fully respecting the international obligations of Saudi Arabia. The facts and evidence, and the crimes she was accused of having committed, were fairly evaluated.

46. The accused person and her lawyers were given copies of the judgment and were informed of her right to challenge the judgment within the legally prescribed period, as per article 194 of the Code of Criminal Procedure.

47. A challenge against the court ruling was filed by the accused person and her lawyers, who submitted the casefile to the Specialized Criminal Court of Appeal.

48. The Court of Appeal met in the presence of the individual concerned, her lawyer and the public prosecutor.

49. The Court ruled to uphold the sentence handed down against the accused by the court of first instance.

50. The accused person and her lawyers were given copies of the judgment and were informed of her right to challenge the judgment within the legally prescribed period, as per article 199 of the Code of Criminal Procedure.

51. A challenge against the appeal ruling was filed by the accused person and her lawyer before the Supreme Court, where the case is still pending.

52. The individual in question is still being held in the women's prison ██████████ pending the outcome of the case.

53. The prison sentence she received was for terrorist offenses. She was not convicted for committing acts that violate public morals or social values or for appearing in public wearing inappropriate clothing.

54. It is important to reiterate, as stated in the previous reply, that the person in question was convicted for having committed terrorist offences and not for having participated in the collection of funds for the organizations mentioned in the joint communication. Terror crimes cannot be justified under any circumstances, whatever considerations of a political, philosophical, religious or any other nature may be invoked to explain them, in accordance with paragraph 3 of the Declaration on Measures to Eliminate International Terrorism.

55. The verdict handed down against her was based on there being sufficient evidence to convict her of having committed a number of terrorist offences. Her trial hearings are continuing within reasonable time frames, in view of the gravity of the offences with which she was charged and the severity of the punishment, and she has enjoyed all her rights, including the right to defend herself against the charges, in line with national laws which provide adequate and necessary protection of human rights, pursuant to international standards.

56. The Terrorist Crimes and Terrorism Financing Act enjoins action to combat such crimes and punish the perpetrators, in order to preserve domestic and international peace and security, in line with relevant international norms and the United Nations Global Counter-Terrorism Strategy.

(a) Security Council resolution 1566 (2004), dated 8 October 2004, states that acts of terrorism seriously impair the enjoyment of human rights, threaten the social and economic development of all States and undermine global stability and prosperity.

(b) Terrorist crimes constitute a violation of public and private rights and of human rights and dignity; foremost among these is the right to life, the right to physical integrity and the right to security. Security Council resolution 1566 expresses concern about the increasing number of victims, including children, caused by acts of terrorism motivated by intolerance or extremism in various regions of the world.

(c) Saudi Arabia considers all forms and manifestations of terrorism, whoever commits them, wherever they are committed and whatever the motive behind them, to be among the gravest threats to international peace and security. The same point is made in international treaties, instruments and resolutions, including General Assembly resolution 60/288 of 8 September 2006.

(d) In seeking to address and combat terrorism, Saudi Arabia acts on the basis of its own national laws, which are consistent with international standards to the effect that under no circumstances can terrorist offences be justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, as stated in Security Council resolution 1566 (2004), dated 8 October 2004.

(e) According to Security Council resolution 1377 (2001) of 12 November 2001, acts of international terrorism constitute a challenge to all States and to all of humanity. Such acts or their

financing, planning or preparation, or other form of support, are also contrary to the purposes and principles of the Charter of the United Nations.

(f) Terrorists and their supporters are increasingly turning to the use of communications technology, including the Internet, to spread extremist ideology and to recruit and incite others to commit acts of terrorism. This matter is raised in Security Council resolution 2178 (2014) dated 24 September 2014, which underlines the need for Member States to act cooperatively to prevent terrorists from exploiting technology, communications and resources to incite support for terrorist acts.

57. 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.

58. *A request was made to indicate the steps taken to amend the Terrorist Crimes and Terrorism Financing Act to ensure that it complies with international human rights law, including the principle of legality and the right to freedom of expression and opinion*

59. 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. National laws criminalize acts of terrorism and envisage condign punishment for those responsible.

60. Saudi Arabia protects and upholds human rights through its application of the principle of legality. In fact, penalties are applicable to individuals 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 and no person may suffer a criminal penalty until after they have been convicted of committing an act that is prohibited under sharia or statutory law.

61. Necessity and proportionality are the two basic principles legislators in Saudi Arabia use when drafting criminal legislation, in such a way that the penalty is proportional to the gravity of the offence committed and reflects the necessity to protect human rights and to maintain the security and stability of society.

62. 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 relative international standards, including article 29 (2) of the Universal Declaration of Human Rights, which stipulates: “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare.” It is also consistent with 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.

63. From all 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 and with the country’s obligations under international human rights law.

64. It can be stated in conclusion that Saudi Arabia replies to the letters, appeals and communications it receives and clarifies all relevant facts, in a spirit of cooperation with international human rights mechanisms. Saudi Arabia hopes that its efforts will be met with an appreciation of the measures it has taken, which will further promote the principle of cooperation.

65. Saudi Arabia 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, particularly the allegations received from the sources, 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) 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.

— End —