Kingdom of Saudi Arabia

123rd session (15–19 February 2021)

On 10 August 2020, the Government replied to the general allegation transmitted after the 121st session (A/HRC/WGEID/121/1 para 112, annex I).

In response to the request to provide any additional information or comment on the allegations

1. The allegations and claims are untrue, based as they are on unfounded and uncorroborated information.

2. In the context of its cooperation with international human rights mechanisms, Saudi Arabia wishes to point out that its domestic law, which is derived from Islamic sharia and complies with the country's international obligations, includes provision for the respect and promotion of human rights. The law sets forth a number of statutory rights and safeguards, pursuant to which a judge is required to adjudicate fairly. Many of these principles are enshrined in the Basic Law of Governance, article 26 of which requires the State to protect human rights in accordance with Islamic sharia. Article 36 of the Basic Law of Governance stipulates that: "The State shall ensure the security of all its citizens and residents. The movement of individuals may not be restricted, nor may they be detained or imprisoned save in accordance with the law."

3. Under article 7 of the Basic Law of Governance, governance in Saudi Arabia derives from the principles of Islamic sharia. Moreover, as per article 8 of the Basic Law, governance rests upon justice, consultation and equality, likewise in accordance with Islamic sharia. For its part, article 44 of the Basic Law defines the authorities of the State as: the judiciary, the executive and the regulatory authority. Each of the three has a specific mandate and they cooperate with one another in the exercise of their functions.

4. The judiciary in Saudi Arabia enjoys complete independence in the exercise of its functions meaning that it operates impartially and without external influence. No one, in fact, may interfere in its work. The judiciary derives its authority and principles from Islamic sharia, which enshrines the principle of justice as the basis of governance. Judicial independence is guaranteed under article 46 of the Basic Law of Governance, which reads: "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)."

5. It should be noted that no one may be arrested, detained or restricted in his or her freedom of movement save as provided for by law, in accordance with article 36 of the Basic Law of Governance. Article 38 of the Basic Law enshrines the principles of the individual nature of punishment and the non-retroactive nature of laws. It states: "Penalties are personal and there can be no offence and no penalty save with reference to the provisions of sharia or statutory law. Penalties can be imposed only for actions subsequent to the enactment of a law." For its part, article 3 of the Code of Criminal Procedure stipulates: "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." The laws of Saudi Arabia envisage a number of 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 of other laws relevant to the nature of the proceedings.

6. 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. Saudi domestic laws 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 states: "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 likewise 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.

7. 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.

8. 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. Moreover, 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, as explained above. Investigators have the right to prevent an accused person from communicating with others for a limited period if that is in the interests of the investigation, without prejudice to the person's right to contact a legal representative or lawyer. This is a legal provision enshrined in article 119 of the Code of Criminal Procedure.

9. When accused persons make confessions of their own free will before the investigating authority, they must then endorse those confessions before the courts, in accordance with article 101 of the Code of Criminal Procedure. In making a judgment, the judge does not rely on confessions but on factual and presumptive evidence, arrest and search reports, witness testimonies, and cross-examinations and statements heard during the trial proceedings. Measures taken by the judge in that context may comprise hearing witnesses, visiting and inspecting the scene of the offence and seeking the assistance of experts, including forensic medical examiners. The trial, in fact, serves as the final investigation and therefore necessitates safeguards and protection for the parties involved. Article 161 of the Code of Criminal Procedure provides that if at any time accused persons confess to the charges against them, the court must hear their statements and question them on the details. It is a violation of Islamic sharia and domestic law to obtain evidence through torture and, under article 187 of the Code, any course of action that is contrary to Islamic sharia and applicable statutory law is invalid.

10. The Presidency of State Security is a government agency that concerns itself with all matters related to national security. Its functions, mandate and duties are not discretionary but are defined in domestic law, and it does not conduct trials. Like a number of other government agencies, it is associated with the Prime Minister. The presidency was established in order to enhance the capacities of security agencies, improve security-related decision-making and formulate security policies.

11. As regards the Public Prosecution Service, it is part of the Saudi judiciary and is entirely independent in the performance of its duties, meaning that it operates with full impartiality and without being swayed or influenced, and no one has the right to interfere in its work, in accordance with the Public Prosecution Act.

12. 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. They are subject to certain conditions and are incorporated into the judiciary in accordance with articles 31 to 42 of the above-mentioned Statutes.

13. The functions of the judiciary and those of the executive are separate, each having its own specific mandate and remit. The judiciary enjoys complete independence in the exercise of its functions, as explained earlier.

14. With regard to the case involving the citizen Khaled al-Omair, the reply from Saudi Arabia made clear the reasons for his detention, the steps taken in his case at that time and the fact that they bore no relation to his complaint that he had suffered torture in the previous case. The reply also indicated the date and place of his detention.

15. The laws of Saudi Arabia are consistent with articles 2, 3, 4, 7, 9, 10, 12, 13 and 14 of the International Convention for the Protection of All Persons from Enforced Disappearance.

In response to the request to provide information about safeguards against enforced disappearance

16. Domestic law in Saudi Arabia provides adequate human rights safeguards, including protection against enforced disappearance and other abuses. There are no secret detention centres in the country and, in accordance with article 26 of the Code of Criminal Procedure, persons may be arrested only by a law enforcement agency 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."

17. The placement, transfer and release of prisoners and detainees is to be recorded in special registers, as per article 7 of the Prison and Detention Act. For its part, article 114 of the Code of Criminal Procedure states: "Detention shall end after 5 days unless an investigator sees fit to extend the period of detention in which case he shall, prior to expiry of that period, refer the file to the director of the Public Prosecution Service in the relevant province – or the person deputized to act for him from among the heads of the departments within his jurisdiction – so that he may issue an order, either to release the detainee or to extend the detention for a further period or successive periods, provided that the total does not exceed 40 days from the date of arrest. In cases requiring detention for a longer period, the matter shall be referred to the director of the Public Prosecution Service – or the person deputized to act for him – so that he may issue an order to extend the detention for a further period or successive periods, provided that each period does not exceed 30 days. Following that time, the accused must either be referred to the competent court or released. In exceptional cases that require detention for a longer period, the court may approve an application to extend the detention for a further period or successive periods as it sees fit, issuing a reasoned judicial ruling to that effect."

18. All detention centres and prisons in Saudi Arabia are subject to judicial, administrative, health and social inspections in accordance with article 5 of the Prison and Detention Act. Moreover, under article 7 of the Act, no one may be placed in, transferred to or released from a prison or detention centre without a written order from the competent authority. The Public Prosecution Service carries out its oversight duties in line with its own Statutes, article 3 (f) of which grants prosecutors the authority to supervise and inspect prisons, detention centres and any other location in which criminal sentences are enforced, to receive complaints from prisoners and detainees, verify the legitimacy of their imprisonment or detention, check whether any persons are being held beyond the expiry of the specified term, take the steps to secure the release of persons imprisoned or detained without legitimate reason and launch legal proceedings against the persons responsible. For its part, the Human Rights Commission is authorized to visit prisons and detention centres at any time and without official permission, pursuant to article 5 (6) of its Statutes. In accordance with articles 5 and 11 of the Statutes, it verifies any potential violations that might have occurred and refers them to the competent authorities for them to take the necessary legal measures.

19. The National Society for Human Rights, which is a civil society association, also visits prisons and detention facilities, interviews inmates and detainees, receives complaints, monitors any violations that might have occurred and follows up with the competent authorities.

20. Offices have been allocated inside prisons for the Public Prosecution Service, the Human Rights Commission and the National Society for Human Rights. This helps to facilitate the exercise of their oversight mandate, which includes receiving complaints from prisoners and detainees, ascertaining their veracity and addressing them promptly and directly.

21. Accused persons are to be referred to the investigating authorities within 24 hours of arrest, according to article 34 of the Code of Criminal Procedure, which stipulates: “A law enforcement official must immediately take the statement of the arrested person. If there appears to be sufficient evidence to charge that person, he must be referred to the investigating judge, along with the police report, within 24 hours. The investigating judge must interrogate the arrested person within 24 hours then order either his arrest or release.” Accused persons are to be questioned as soon as they have been arrested and, if this is not possible, they are to be placed in detention for a period not exceeding 24 hours. Once that period has passed, the director of the place of detention must inform the head of the department to which the investigator in question belongs, and the department must then proceed to investigate the accused person or order his release. This provision is enshrined in article 109 of the Code while, under article 118, law enforcement officials may not interview or communicate with a detainee without written authorization for the investigator. The article reads: “The director of a prison or detention centre may not authorize a law enforcement official to communicate with a detainee without written authorization for the investigator. In such a case, the name of the person so authorized, the time of the interview and the date and content of the authorization are to be recorded in the register.”

In response to the request concerning the right to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty

22. Under domestic law, 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 human rights safeguards within a reasonable time frame, in accordance with the law. These include the courts and governmental and non-governmental human rights institutions.

23. 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."

24. One of the safeguards consists in the obligation to make accused persons aware of their legal rights at the moment of arrest or detention, in accordance with article 22 of the implementing regulation to the Code of Criminal Procedure, 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.

25. Accused persons are required to sign to acknowledge that they have been made aware of those rights. Any refusal to sign shall be noted in the record."

26. The safeguards also include the right to seek the assistance of a defence lawyer or legal representative. In fact, article 4 (1) of the Code of Criminal Procedure reads: "Accused persons have the right to avail themselves of the services of a legal representative or lawyer during the investigation." Article 70 of the Code states: "The investigator may not separate an accused person from his legal representative or lawyer during the investigation." For its part, article 139 of the Code stipulates: "If persons lack the financial means to seek the assistance of a lawyer, they may ask the court to appoint one to defend them, at State expense, as set forth in the regulations." Under article 19 of the Act regulating the legal profession, 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 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 response to the request concerning rules and procedures to ensure that families, lawyers or any other person with a legitimate interest are informed immediately and precisely as to the whereabouts of persons deprived of their liberty

27. Anyone who has been arrested and detained may communicate with a person of their choice to inform them of the situation, in accordance 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. This shall take place under the supervision of a law enforcement official." Moreover, following arrest or detention, accused persons are made aware of their right to communicate with an individual of their choice, pursuant to article 22 of the implementing regulation to the Code of Criminal Procedure, as indicated in the reply to No. 3 above.

In response to the request concerning safeguards to prevent torture and other forms of ill-treatment against persons deprived of their liberty, and how personnel of national security agencies are trained in article 6 (3) of the Declaration

28. The laws of Saudi Arabia prohibit and punish torture and 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 no person may be arrested, searched, detained or imprisoned except where provided for by law, and that a person may be detained or imprisoned only in a location designated for such purposes and for the period prescribed by the competent authority. Moreover, arrested persons may not be subjected to physical or mental harm or to torture or ill- or degrading treatment. Article 36 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. Under article 102 of the Code, the interrogation of accused persons is 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 be subjected to coercive measures. Nor may they be interrogated outside the premises of the investigating authority unless the investigator deems such action to be necessary.

29. Under article 118 of the Internal Security Forces Act, the offences provided for in Royal Decree No. 43 are prohibited for officers, non-commissioned officers and personnel, and entail an investigation, a disciplinary court-martial and a criminal trial. Article 28 of the Prison and Detention Act prohibits the use of violence of any kind against

prisoners or detainees and envisages disciplinary measures against civilian or military officials who perpetrate such acts, without prejudice to any criminal penalty they may also incur. Pursuant to article 2 (8) of Royal Decree No. 43 of A.H. 1377 (A.D. 1958), public officials who, in the course of their duties, inflict ill-treatment or use coercion such as torture, cruelty, confiscation of property or denial of personal liberties – including exemplary punishment, imposition of fines, imprisonment, exile or mandatory residence in a certain place and illegal entry into private dwellings – face imprisonment for up to 10 years.

30. Saudi Arabia remains bound by the human rights treaties to which it is a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which are considered to be part of domestic law.

31. Members of the Public Prosecution Service supervise the conduct of law enforcement officers pursuant to article 25 of the Code of Criminal Procedure, which stipulates: "Law enforcement officials – in the discharge of their law enforcement duties as envisaged in the present Act – are under the supervision of the Public Prosecution Service. The Service may ask the competent authority to look into cases involving persons responsible for violations or shortcomings in the discharge of their duties, and it may request that disciplinary proceedings be launched, without prejudice to the right also to bring criminal charges." Thus, all the actions of law enforcement officials are monitored and supervised by the Public Prosecution Service. This is to prevent any violation of the rights, safeguards and rules enshrined in law in general and in the Code of Criminal Procedure in particular, and to hold to account persons responsible for violating such provisions. Anyone may, without legal retribution, refuse to obey orders or instructions that are at variance with the law. Provisions that conflict with Islamic sharia, or with statutory laws deriving from Islamic sharia, are considered null and void, in accordance with article 187 of the Code, which reads: "Any action that is inconsistent with the provisions of Islamic sharia and the legislation derived therefrom shall be deemed null and void." Law enforcement officials are given specialized training courses on the application of the law while, for its part, the Human Rights Commission organizes courses, lectures, seminars and workshops to give human rights workers (governmental and non□governmental) the technical skills necessary to enable them to carry out their duties, on the basis of international human rights standards and in the light of the provisions of Islamic sharia.

In response to the question regarding how the Government ensures that anyone with knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent authority. What guarantees exist to ensure that complaints are investigated by the authorities promptly, thoroughly and impartially? What measures are taken to protect complainants from reprisals?

32. Saudi domestic laws provide protection for informants and witnesses in criminal cases, including cases of enforced disappearance. People are encouraged to denounce such crimes and reports are dealt with seriously even when made anonymously. Under the

provisions of article 27 of the Code of Criminal Procedure, law enforcement officials are required to accept all reports and complaints they receive. The article reads: “Law enforcement officials, each within their jurisdiction, are required to accept all reports and complaints they may receive regarding offences. They – and the subordinates under their supervision – are to examine those reports and complaints, gather relevant information to be noted in records that they are required to sign, summarize and date that information in a register held for that purpose and promptly notify the Public Prosecution Service. Law enforcement officials are required, moreover, to go to the scene of an incident, secure the area, take possession of any items that may have a bearing upon the offence, safeguard evidence and take such measures as the situation might require. All the measures taken in that regard are to be noted in a special register which is to be signed by the law enforcement officials and his assistants.” Under article 40 of the Code of Criminal Procedure, anyone who is aware that a prisoner or detainee is being held unlawfully, or in a place not intended for imprisonment or detention, is required to notify the Public Prosecution Service. The article states: “Anyone who knows that a person is being imprisoned or detained unlawfully, or in a place not intended for imprisonment or detention, must notify the Public Prosecution Service. The competent official from the Service must go immediately to the place where the prisoner or detainee is located, conduct an investigation and order the person’s release if he is being unlawfully imprisoned or detained. The official shall write a report to that effect for submission to the competent authority so that it may launch legal proceedings against the persons responsible.” Reports of a prisoner or detainee being held unlawfully, or in a place not intended for imprisonment or detention, are to be accepted even if the party making the report has no legitimate interest in the matter. The competent official from the Public Prosecution Service then goes to the place in question and takes the necessary steps, as per article 27 of the implementing regulation to the Code of Criminal Procedure, which reads: “(a) Oral or written reports concerning a prisoner or detainee being held unlawfully, or in a place not intended for imprisonment or detention, are to be accepted under article 40 of the Code, even if the party making the report has no legitimate interest in the matter. A record is to be drawn up that contains the personal information of the party making the report and the contents of the report itself; (b) The head of the branch or of the competent department is to inform the Public Prosecution Service of the existence of a prisoner or detainee being held unlawfully, or in a place not intended for imprisonment or detention. The party thus informed must immediately assign an official from the Service to go to the place where the prisoner or detainee is located and take the measures required under article 40 of the Code.” Investigators may conceal the identity of a witness if they believe that the interests of the investigation or of the witness himself so require. This possibility is enshrined in article 69 (3) of the implementing regulation, which stipulates: “Investigators may conceal the identity of a witness and not confront the witness with the parties to the case or with other witnesses, if they believe that the interests of the investigation or of the witness himself so require.” Anyone who seeks to intimidate or interfere with a witness is liable to be imprisoned for up to 24 hours, by order of the courts. Such an order is definitive, in accordance with article 119 of the implementing regulation, which reads: “Persons who are at the origin of any attempt to intimidate or interfere with witnesses while they are making their testimony shall be dealt with in

accordance with article 142 of the Code and article 100 of the implementing regulation." For their part, the courts protect witnesses against any attempted intimidation or interference in accordance with article 168 of the Code of Criminal Procedure, which stipulates: "Testimony shall be given at the court session, and each witness shall be heard separately. Where necessary, witnesses may be kept apart or confronted with each other. The court shall refuse to raise any question that is intended to influence the witness, or any leading question. The court shall not permit the raising of indecent questions unless they relate to material facts conducive to a ruling in the case. The court shall protect witnesses against any attempt to intimidate or confuse them during the delivery of testimony." The Public Prosecution Service supervises and oversees prisons, detention centres and any other location in which criminal sentences are enforced. It receives complaints from prisoners and detainees, takes steps to secure the release of persons imprisoned or detained without legitimate reason, and launches legal proceedings against the persons responsible, as explained under No. 2 above. As article 68 of the Code of Criminal Procedure makes clear, such complaints are not to be disclosed: "The proceedings of the investigation and its outcomes are considered to be confidential and must not be disclosed, either by investigators or by their assistants, such as clerks, experts or others who, by virtue of their professional duties, are associated with the investigation. Persons who violate this provision will be held liable." The party making the report may choose whether or not to disclose his own name. The misuse or abuse of authority on the part of public servants is prohibited under 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 – as well as 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.

In response to the question regarding which State authority is responsible for receiving and investigating such complaints and whether that authority is able to access all places where persons deprived of their liberty are being held and each part of those places, as well as any place in which there are grounds to believe that such persons may be found

33. The Public Prosecution Service, which exercises its functions with complete independence, supervises, oversees and inspects prisons, detention centres and any other location in which criminal sentences are enforced, as explained in Nos. 2 and 6 above. In fact, article 38 of the Code of Criminal Procedure states: "Competent members of the Public Prosecution Service shall, at any time and without regard to official hours, visit prisons and detention centres within their jurisdictional areas to ascertain that no one is being unlawfully imprisoned or detained. They shall examine

the records of such prisons and detention centres, have access to prisoners and detainees, hear their complaints and accept any submissions they make in that connection. The wardens of prisons and detention centres shall provide the members of the Public Prosecution Service with everything they need to perform their duties." According to article 39 of the Code: "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."

34. Moreover, as explained under No. 2 above, the Human Rights Commission can visit prisons and detention centres at any time and without official permission. It receives human rights-related complaints and verifies any potential violations that might have occurred, which it refers to the competent authorities for them to take the necessary legal measures. For its part, the National Society for Human Rights, which is a civil society association, also visits prisons and detention facilities, interviews inmates and detainees, receives complaints, monitors any violations that might have occurred and follows up with the competent authorities. Moreover, offices have been allocated inside prisons for the Public Prosecution Service, the Human Rights Commission and the National Society for Human Rights. This helps to facilitate the exercise of their oversight mandate, which includes receiving complaints from prisoners and detainees, ascertaining their veracity and addressing them promptly and directly.

In response to the question regarding the means available to ensure access to effective legal remedies for victims of enforced disappearance, including the families of disappeared persons

35. Under the Basic Law of Governance, all persons have the right to seek legal redress on an equal footing and without discrimination. Article 47 of the Basic Law states: "All citizens and residents of the Kingdom of Saudi Arabia have an equal right to take legal action." Any victim, or that victim's heirs, can always bring private criminal case, in accordance with article 16 of the Code of Criminal Procedure, which reads: "The victim or his representatives or heirs may initiate a criminal action in respect of all cases involving a private right of action and pursue such proceedings before the competent court; in such circumstances, the court must summon the public prosecutor to attend." Any person who has suffered harm as the consequence of a crime, or that person's heirs, may pursue private action even if the request in that regard was not accepted during the investigation. This is enshrined in article 147 of the Code, which reads: "Any person – or his heirs – who has suffered detriment as a result of an offence shall be entitled to pursue a private action before the court that is hearing the criminal case, at any stage of the proceedings, even if the request was not deemed admissible during the investigation." If the person who has suffered harm as the consequence of a crime does not have legal capacity and has no legal or testamentary guardian, the courts must

appoint a guardian to pursue that person's private action. This is set forth in article 148 of the Code, which stipulates: "If the victim of an offence has neither legal capacity nor a legal or testamentary guardian, the court before which the criminal case is being brought shall appoint a representative to pursue the victim's private action." Article 17 of the Code reads: "In cases where a private right of action is envisaged, no criminal proceedings or investigation may be initiated other than on the basis of a complaint filed by the victim or his representatives or heirs, unless the Public Prosecution Service considers it to be in the public interest to institute proceedings and investigate those offences."