



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture Fifty-seventh session

### Summary record of the 1405th meeting

Held at the Palais Wilson, Geneva, on Monday, 25 April 2016, at 3 p.m.

Chair: Mr. Modvig

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** (*continued*)

*Second periodic report of Saudi Arabia* (continued) (CAT/C/SAU/2; CAT/C/SAU/Q/2 and Add.1 and Add.2)

1. *At the invitation of the Chair, the delegation of Saudi Arabia took places at the Committee table.*
2. **The Chair** invited the members of the delegation of Saudi Arabia to reply to the questions put by Committee members at the 1402nd meeting
3. **Mr. Al-Shahrani** (Saudi Arabia) said that his country remained fully committed to upholding its obligations under the Convention and had recently launched the Vision 2030 Plan with the aim of protecting and promoting human rights.
4. **Mr. Niga Khaled Alotaibi** (Saudi Arabia) said that State officials found guilty of torture or cruel treatment were subject to 10 years' imprisonment and victims were eligible for compensation. The definition of torture contained in domestic legislation complied with article 1 of the Convention and a complaints mechanism for victims had been introduced. Efforts were also under way to strengthen the sanctions applied to State officials found guilty of abuse of power or excessive use of force and to bring the definition of cruel, degrading and inhuman treatment contained in domestic legislation into line with the Convention. Detailed information regarding the investigation, prosecution and punishment of State officials found guilty of torture had been provided in the annexes to the report and additional data would be supplied as it became available.
5. The Human Rights Commission held regular training and awareness-raising workshops for judges and State officials to disseminate the provisions of the Convention, in partnership with civil society organizations. The Convention could be invoked before the courts and steps had been taken to implement the recommendations made by the Special Rapporteur on the independence of judges and lawyers following his 2002 visit to the country. In addition, the State had published a statement condemning torture and ill-treatment and had signed a Memorandum of Understanding with the Office of the United Nations High Commissioner for Human Rights (OHCHR) aimed at enhancing national capabilities for the promotion and protection of human rights.
6. **Mr. Al Moghim** (Saudi Arabia) said that a committee tasked with preparing a compendium of judicial provisions on legal topics relevant to the judiciary, classified in accordance with the categories of Islamic jurisprudence, had been established by Royal Decree. The committee was nearing the end of its mandate and had established a clear definition of torture within the draft compendium.
7. Article 46 of the Basic Law stated that judges had to be independent and subject to no authority save that of the Islamic sharia. The minister of justice no longer held any judicial authority. The Judiciary Act also provided for the independence of the judiciary and set forth the powers of the Supreme Council of the Judiciary, granting it authority over courts and judges. Similarly, the Act stipulated that judges could only be dismissed under very specific circumstances and could only be transferred to other jobs with their consent or by reason of promotion. Appointment and promotion at the various levels of the judiciary was made by royal order, pursuant to a decision of the Supreme Council of the Judiciary.
8. As to confessions obtained under torture, article 187 of the Code of Criminal Procedure expressly stated that evidence obtained in that manner constituted a violation of the Islamic sharia and was to be deemed null and void.

9. **Mr. Fahad Mohammed Alosaimi** (Saudi Arabia) said that detainees had the right to consult a lawyer from the moment of their arrest and investigating police officers were duty-bound to inform detainees of their rights. All information and evidence at the disposal of the police was readily made available to the lawyers of detainees.
10. **Mr. Al-Shahrani** (Saudi Arabia) said that the specific reports of torture referred to by the Committee at the previous meeting had been thoroughly reviewed by independent national bodies and it had emerged that some of the allegations had proven unfounded. The State would continue to fully cooperate with the Committee to provide it with all relevant information as it became available.
11. **Mr. Alzouman** (Saudi Arabia) said that the Code of Criminal Procedure set forth the right of victims of torture to lodge complaints. Such claims were duly investigated in a prompt and effective fashion by the competent authorities with the support of forensic experts, where necessary, and in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).
12. **Mr. Al-Shahrani** (Saudi Arabia) said that information on those detained by the General Intelligence Service (*Mabahith*) was available on a website accessible to anyone in any location.
13. **Mr. Fahad Abdullah Alotaibi** (Saudi Arabia) said that the website provided anonymized information on the detainees held by the *Mabahith*. Their nationalities were not included, ensuring that foreigners were treated on an equal footing with Saudis, and users were required to provide their name and surname before being granted access to confidential information. The website also provided a range of services to detainees, for example allowing them to submit visit requests and applications for financial assistance for their families. It also enabled them to contact friends and family through a mobile telephone service.
14. Approximately 5,200 persons were being detained by the *Mabahith*, of whom around 1,700 had been sentenced. Measures to accelerate proceedings against the remainder had been adopted. Since its entry into force, around 200 persons had been convicted under the Penal Law for Crimes of Terrorism and its Financing; their families had received financial assistance as part of the State party's anti-terrorism strategy.
15. **Mr. Alonizi** (Saudi Arabia) said that prison overcrowding had been eradicated in Saudi Arabia through several measures, including the release of prisoners who had completed 75 per cent of their sentence or on medical grounds, a general amnesty and prisoner exchange programmes with other countries. A bill on alternative sentences was being considered which would provide a definitive solution to the problem. Prison conditions had been improved, and living quarters measured more than 4 square metres per prisoner. Some cells had been adapted to the needs of prisoners with disabilities, and prison facilities included telephone areas, canteens and outside spaces that prisoners could use without seeking prior permission.
16. **Mr. Alzouman** (Saudi Arabia) said that prisons and detention facilities were monitored by the competent authorities, which received complaints directly from prisoners and detainees in a confidential manner. The high number of complaints was explained by the fact that monitoring was undertaken by more than 200 public officials, who worked in all parts of the country and on every day of the year. They could undertake announced and unannounced visits to places of detention. The decision by interrogators to prohibit detainees from contacting their families must be justified and was subject to monitoring. Detainees could not be prevented from meeting and communicating with their lawyers.

17. **Mr. Al Ruwaily** (Saudi Arabia) said that forensic medical examinations were carried out by male and female forensic medical officials, who were trained through a four-year course that complied with international standards and was run by the Ministry of Health. In-service training was also provided. Guidelines on examinations had been modelled on those of other countries and were updated according to the latest medical research. If torture, bodily harm, violence or ill-treatment was suspected, the authorities could request an examination of the detainee, in line with the Istanbul Protocol. All examinations were documented through the taking of photographs and complied fully with ethical standards. Victims' rights were explained to them, including their right to stop the examination at any time, their informed consent was always sought before and after examinations, and they could choose the gender of each staff member involved. If necessary, an additional team of forensic medical experts could be formed to produce a report for the competent authorities.

18. **Mr. Al-Shahrani** (Saudi Arabia) said that only officials from the Bureau of Investigation and Public Prosecution could be present during the interrogation of suspects.

19. **Mr. Alzouman** (Saudi Arabia) said that investigations were documented in writing and electronically; the Bureau of Investigation and Public Prosecution had recently completed the first phase of installing cameras that would record proceedings. Footage would be used only when necessary, including when ill-treatment or torture was suspected.

20. **Mr. Alonizi** (Saudi Arabia) said that male and female detainees were housed in separate detention facilities. Only those given a custodial sentence were detained in prisons and those subject to pretrial detention were housed separately from those who had been convicted. Both Muslim and non-Muslim detainees were free to practise their religion.

21. **Mr. Naif Molla Alotaibi** (Saudi Arabia) said that the Human Rights Commission had recently been granted full independence. It issued annual reports containing recommendations on human rights in the country. The most recent report had been considered by a committee of Government officials and its recommendations adopted by the King, who was in charge of their implementation.

22. **Ms. Baali** (Saudi Arabia) said that rape and domestic violence were deemed serious crimes and criminalized under sharia law. Protection, rehabilitation and shelter were provided to victims, and a centre staffed by women had recently been opened to receive complaints of domestic violence. Complaints could also be submitted via a telephone hotline and local protection teams, and to date more than 4,700 had been received. Complaints were referred to local social protection units for verification, after which criminal investigations were launched.

23. **Ms. Alosaimi** (Saudi Arabia), turning to the matter of the rehabilitation of victims of violence and ill-treatment, said that the provisions of the Health Act ensured that all citizens had the right to comprehensive medical care.

24. **Mr. Khorayef** (Saudi Arabia) said that diplomatic missions could visit their citizens detained in Saudi prisons and meet with them in private. Those visits were not merely a courtesy, and delegations would not hesitate to report suspected acts of torture. However, no such reports had been received.

25. **Mr. Alonizi** (Saudi Arabia) said that when a person died in detention, a medical examination was always performed to identify cause of death. The family was notified of the death and was entitled to receive a copy of the medical report. The body was transferred to a hospital until it could be released to the family. When the deceased was a foreign national, the relevant embassy was notified and the relatives were given the choice of having the body repatriated or buried in Saudi Arabia.

26. The General Directorate of Prisons was responsible for general prison policy, including the monitoring and improvement of conditions and the training of prison staff, in coordination with the competent authorities. The Council worked to enhance the rehabilitative and disciplinary role of prisons in order to ensure that sanctions yielded the desired results.

27. **Mr. Al-Shahrani** (Saudi Arabia) added that families had a right to a copy of the medical report and, in some cases, even received the original.

28. **Mr. Alzouman** (Saudi Arabia) said that monitoring authorities and lawyers had a right to see a detainee's file, which contained information on the date and duration of arrest, the authority that had issued the arrest warrant, the legal grounds for arrest, the detainee's health and the measures taken in his or her regard, including the name of the investigator.

29. **Mr. Al-Shahrani** (Saudi Arabia) said that disciplinary proceedings against law enforcement officers did not preclude the authorities from also initiating criminal proceedings against them.

30. **Mr. Almansouri** (Saudi Arabia) said that measures were in place to determine responsibility and gather evidence in cases where criminal allegations were made against an official.

31. **Mr. Naif Molla Alotaibi** (Saudi Arabia) said that the human rights commission reported to the King and was authorized to conduct unannounced visits to places of deprivation of liberty. Drawing the Committee's attention to paragraph 65 of the list of issues, he said that over 1,000 visits had been carried out to all detention centres and prisons during the reporting period.

32. **Mr. Al-Shahrani** (Saudi Arabia) said that all allegations of torture were subject to a thorough investigation and that the human rights commission was involved throughout the process, from the beginning of the investigation to the final outcome.

33. **Ms. Gaer** (Country Rapporteur), stressing the importance of statistics, asked why the number of persons held in *Mabahith* prisons had increased so markedly since 2014. She also asked how long individuals were held without charges and whether the law set the maximum length of time a person could be held before being brought before a judge. Referring to the Penal Law for Crimes of Terrorism and its Financing and to the specific cases she had raised in the first half of the dialogue (CAT/C/SR.1402), she wished to know whether the State party considered the defence and monitoring of human rights as a threat to its security and stability. She requested an update on the drafting of a bill on juvenile justice and enquired about the availability of reports on the visits conducted by diplomatic staff and international delegations. She asked how confidentiality was maintained given that prison wardens were responsible for receiving complaints from prisoners and how the State party reconciled the fact that the King could appoint and terminate judges with the principle of judicial independence.

34. Quoting from correspondence between various special mandate holders and the State party, in particular regarding the case of Raef Badawi, she asked how the State party could claim that it cooperated with the United Nations when in fact it denied all allegations, provided no information on how it protected the human rights of detainees and summarily dismissed the requests of respected international figures.

35. **Mr. Bruni** asked whether the State party might consider withdrawing its reservations to the Convention, making the declaration under articles 20 and 22 and ratifying the Optional Protocol. He also asked whether *Mabahith* prisons were monitored, whether any visits had taken place there and whether the subsequent reports and recommendations were made public.

36. **Mr. Touzé** asked whether a person sentenced to corporal punishment could invoke the Convention before the courts.

37. **Mr. Hani** asked when the ban on flogging would be adopted and whether the State party was considering a moratorium on certain penalties, as recommended by non-governmental organizations (NGOs). Pointing out that corporal punishment was incompatible with the Convention, especially when used against minors, he asked whether the State party intended to take into account the relevant recommendations of other treaty bodies in the reform of the Code of Criminal Procedure and to request technical assistance from the Office of the United Nations High Commissioner for Human Rights in order to ensure that domestic law was in line with international standards. He noted that Saudi Arabia did not contribute to the United Nations Voluntary Fund for Victims of Torture in any way.

38. **The Chair** asked whether medical doctors trained in the early identification of torture were involved in prison visits and the monitoring of places of detention. He said he hoped that, as part of the universal periodic review process, NGOs would be authorized to document human rights violations and take part in the monitoring of places of detention.

39. **Ms. Gaer** asked how many complaints had been filed since domestic violence had become an offence and how many people had been prosecuted for such acts. She also asked whether it was accurate that the hotline had received nearly 5,000 complaints since its establishment a month earlier and what action had been taken in follow-up to the calls. She wished to know whether the law on the Commission for the Promotion of Virtue and the Prevention of Vice had been published and, if not, when that would occur.

40. It would be helpful to know how many of the 1,533 sentences handed down for acts involving ill-treatment committed by persons holding public office, abuse of authority, influence peddling or the use of violence in investigations related specifically to torture or ill-treatment. The refusal of the Specialized Criminal Court to call for investigations into the allegations of a number of defendants who had said that they had been forced to confess through torture and ill-treatment did not inspire confidence, not least because it was unclear that their allegations had even been investigated.

41. The broad definition of terrorism was a problem not only because it enabled the authorities to prosecute human rights defenders but also because it increased the risk that reprisals would be taken against anyone who criticized the State. Only days earlier, for example, human rights activist Issa al Hamid had been sentenced to prison for inciting people to breach public order, insulting the authorities by describing Saudi Arabia as a police State and providing false information about the country to foreign organizations, actions that did not appear to be terrorist crimes. Could the delegation confirm that those charges had not been brought in reprisal for al Hamid's human rights activism?

42. In view of the large number of complaints brought against the State party, she encouraged the authorities to engage more fully with relevant United Nations mechanisms. Lastly, she would welcome a comment from the delegation on the *kafalah* or sponsorship system evidently in place in the State party.

43. **Ms. Belmir** said that she was particularly alarmed by a report that Ali Mohammed Baqir al-Nimr had been beheaded for acts that he had committed when he was 17 years old and that his body had been left on display until his flesh had rotted.

44. **Mr. Al-Shahrani** (Saudi Arabia) said that the report referred to by Ms. Belmir was incorrect. The sentence had not yet been carried out. Committee members would do well to rely on credible sources of information rather than on what appeared to be little other than baseless slander.

45. The website containing detailed information on persons in detention was updated weekly, and the information was accurate. Anyone who maintained otherwise should be prosecuted. The definition of terrorism had been developed after considerable study by the country's legal specialists and included in a law that had been adopted and published in the Official Gazette.

46. Security measures had not been the State's sole response to the terrorist attacks it had faced. It had also developed a counter-terrorism strategy, led outreach campaigns, exchanged information with other countries and introduced reforms. All persons accused under the Penal Law for Crimes of Terrorism and its Financing were entitled to a fair hearing, and no one had been kept in detention without judgment or tried by a military court. The measures that such persons were subject to were duly recorded in the case files, and all accused persons had the right to counsel from the outset of their detention.

47. The authorities welcomed the efforts of the country's human rights defenders. Nonetheless, anyone who used the defence of human rights as a pretext for violating the country's laws would be prosecuted. The persons referred to by Ms. Gaer had received fair trials. The death penalty did not apply to persons under 18 years of age. A bill on child protection, which would address such issues as juvenile criminal responsibility, was currently being reviewed by the Shura Council. Information on the number of convictions under the Anti-Trafficking in Persons Act had been provided in the replies to the list of issues (CAT/C/SAU/Q/2/Add.2).

48. The Saudi authorities were not opposed to any international human rights instruments. The process of deciding to ratify a given instrument, such as the Optional Protocol to the Convention, or withdraw a reservation was nonetheless a lengthy one.

49. The conditions and treatment in the prisons mentioned by Mr. Bruni, with the exception of Ulaysha Prison, which had been closed, were monitored. The public prosecution service had offices in the country's prisons, and all measures taken against detainees were properly documented. All prisoners were given a booklet that explained their rights to them.

50. International instruments to which Saudi Arabia was a party had the force of law in the country. The provisions of those instruments could therefore be invoked in domestic proceedings. As a rule, Saudi law did not condone flogging. Prisoners, for instance, could not be lawfully flogged. The public execution of sentences was regulated, and the practice was related to the rights of the victims of the crime, who could pardon the perpetrator if they so chose, in which case the sentence could be reviewed. In connection with corporal punishment, he referred Committee members to the replies to the list of issues.

51. Saudi Arabia cooperated willingly with United Nations bodies. It had signed a memorandum of understanding with the Office of the United Nations High Commissioner for Human Rights and took into consideration all the advice and guidance it received. The country's vision for the future covered not only economic progress but also the promotion of social, political, civil and cultural rights. Torture had been criminalized in Saudi Arabia since 1958. Allegations of torture could not be investigated without appropriate medical expertise. Doctors therefore visited prisons and produced comprehensive reports on their findings. Their work was carried out to international and domestic standards. All such allegations were properly investigated.

52. In the past, NGOs with fewer than 60 members had not been authorized, but the rules had been loosened, and it was now possible to register an NGO with as few as 10 members. Civil society organizations were a cornerstone of the country's recently announced Vision 2030. The 75 recommendations made by the Human Rights Commission, which had been posted to the Commission's website, related to a broad range of issues. A mechanism had been set up to ensure that they were adopted. The large number of

complaints of domestic violence since the establishment of call centres in March 2016 could be attributed to the size of the country. The call centres could be reached by a toll-free telephone number. Local committees intervened to combat domestic violence in each of the country's 13 regions.

53. A mechanism had been put in place to manage the relations between the Commission for the Promotion of Virtue and the Prevention of Vice and the police. Saudi Arabia had contributed \$50,000 a year to the Special Fund established by the Optional Protocol from 2007 to 2009. Other contributions had also been made. Lastly, employers and employees in Saudi Arabia were bound by contractual ties, not by arrangements made under the *kafalah* system.

54. **The Chair** said that it was normal practice for Committee members to raise allegations that had been made against States parties and to ask delegation members to comment on the accuracy of those allegations. He encouraged the delegation to take advantage of the 48-hour window to submit written information on the many individual cases referred to by Committee members.

*The meeting rose at 6.05 p.m.*