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List of issues prior to the submission of the second periodic report of SAUDI ARABIA (CAT/C/SAU/2)¹

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee previous recommendations

Article 1 and 4

1. With reference to the Committee's previous concluding observations,² please provide detailed information on the measures taken to enact laws with a specific offence of torture, including a definition fully consistent with article 1 of the Convention, and which also includes appropriate penalties taking into account the gravity of the offence. In particular, please indicate whether the State party intends to adopt a penal code. Please also provide information on the legal provisions currently used to prohibit and prosecute acts of torture.

2. Please describe the fundamental safeguards contained in the State party's Code of criminal procedure of 2002. How does the State party ensure that the code is applied in criminal proceedings with a view to ensure the basic rights of defendants are ensured?³ Has the State party carried out any programs of awareness rising regarding this Code?⁴

¹ The present list of issues was adopted by the Committee at its forty-second session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

² CAT/C/CR/28/5, paras. 4 (a) and 8(a).

³ CAT/C/CR/28/5, paras. 3 (b).

⁴ E/CN.4/2003/65/Add.3, para. 47.

3. According to information before the Committee, the State party set up and maintains secret detention facilities. Please clarify whether any measures have been adopted to ensure the closure of such places. Please describe the steps taken to ensure that all places of detention are subject to judicial control.

Article 2

4. Please provide information on the steps taken to ensure the compatibility of the State party's obligations under the Convention, such as the prohibition of ill-treatment, even if inflicted as a consequence of judicial punishment, such as flogging, and the State party's domestic legislation and jurisprudence based on its own interpretation of certain religious principles.⁵

5. With regard to the Committee's concern in relation to the different regimes applicable to nationals and non-nationals concerning their rights under the Convention, including their right to complain about conduct that violates provisions of Convention,⁶ please provide information on the steps taken to amend the State party's legislation with a view to extend the protection of the Convention to all persons in its territory. Please also indicate what measures have been taken to ensure that the State party's laws are in practice applied to all persons, regardless of nationality, sex, religion or other distinction.

6. Please provide detailed information on the programmes and activities of the human rights commission with respect to prevention of torture and other cruel, inhuman or degrading treatment and punishment, including information on the availability of human and financial resources and its independence. In particular, please indicate whether the mandate of the commission includes the duty to investigate complaints on reported violations of the Convention.⁷ What types of judicial recourses are available to the human rights commission or the petitioner in case the commission finds a violation of the Convention? Please also indicate whether the commission represents a national human rights institution in accordance with the Paris Principles.

7. Are all persons arrested or detained by public bodies registered and if so, is this register publicly accessible? With reference to the Committee's recommendations of 2002,⁸ please indicate the measures taken to avoid protracted pre-trial detentions and to ensure sufficient judicial supervision of such detention. How long may a person be legally held in pre-trial detention? Please provide the Committee with statistics on the duration of cases of pre-trial detention. (E/CN.4/2003/65/Add.3, para. 57).

8. Please explain what types of mechanisms exist in detention facilities, if any, to ensure that torture or other forms of cruel, degrading, or inhuman treatment or punishment are not practiced by prison guards or other staff from the Ministry of Interior and that all reported cases are duly investigated. In particular, please include detailed information on the investigation and prosecution regarding the incidents of torture in al-Hayer prison in Riyadh. Which entity had been charged with the investigation and if there have been any prosecutions and convictions of perpetrators, please indicate under what specific charges? Please also indicate which national and

⁵ A/HRC/7/6/Add.1, paras. 449-452.

⁶ CAT/C/CR/28/5, paras. 4 (c) and 8(c).

⁷ A/HRC/WG.6/3/SAU/2, para. 7.

⁸ CAT/C/CR/28/5, para. 4(d).

international institutions and organizations have the right to conduct visits and meet the detainees in detention facilities?

9. According to information before the Committee, detainees held by the General Intelligence Service (*Mabahith*) cannot exercise the right to counsel or representative and to be heard before a court, and are denied contact with their families. Please provide information on persons detained by the General Intelligence Service, in particular Mr. Walid Lamri, Mr. Fayçal al Majed, Mr. Fouad Ahmed Al Farhan, Dr. Saoud Mukthar Al Hashmini, Mr. Mahmoud Hozbor, Mr. Abdulrahim Al Murbati, and Mr. Khaled Gharmallah Ouda Al Zahrani. In how far are detention and arrests carried out by the General Intelligence Service subject to judicial oversight?

10. Please indicate whether the State party legislation includes the fundamental principle of *habeas corpus*, and if so, how it is applied in practice.

11. In light of the Committee's concern regarding reports of incommunicado detention,⁹ please provide the Committee with information regarding measures taken in practice to implement the right of detainees to notify a relative or other person when a person is deprived of his/her liberty, in particular in cases of detainees under the age of 18. Please also explain the extent to which other safeguards such as access to an independent medical doctor or lawyer, as well as access to consular assistance, are guaranteed in law and practice to persons in police custody. What is the procedure in place to investigate allegations by a detainee to have been subjected to torture or ill treatment? What progress has been made in providing such safeguards since the review of the initial report? Are such guarantees provided to Saudi and non-Saudi nationals on equal footing?

12. With reference to the Committee's previous concluding observations,¹⁰ please indicate whether the laws regulating the authority and power of the officials of the "Commission for Propagation of Virtue and the Prevention of Vice" have been amended with a view to ensure that their conduct does not lead to violations of the Convention. Please provide information on the newly established Presidency Council charged with monitoring the activities of the Commission. Please also indicate to which Ministry they report and whether their activities are subject to administrative and/or judicial review.

13. With reference to the Committee's previous concluding observations,¹¹ please inform the Committee on the measures taken to ensure that the composition of the judiciary fully conforms to the provisions of the Basic Principles on the Independence of the Judiciary, endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.¹² Please indicate which measures have been taken to facilitate access of women to legal professions such as lawyers, judges and prosecutors? How many women currently hold such positions? Please describe in detail the supervisory powers of the Ministries of Justice and of the Interior with regard to the judiciary, especially pre-trial detention. Does the State party's guarantee public trials for all penal procedures and if so, which laws guarantee this provision?

⁹ CAT/C/CR/28/5, paras. 4 (e) and 8(h).

¹⁰ CAT/C/CR/28/5, paras. 4 (h) and 8(g).

¹¹ CAT/C/CR/28/5, para. 8(i).

¹² Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985.

14. Please indicate whether the State party has created a program of legal aid or an office of public defenders, available to men and women equally across the territory of the State party.¹³ Please also provide information as to how the State party ensures that the laws establishing the rights of persons under investigation to legal counsel and a public trial are implemented in practice. Please include relevant statistical information.

15. Please provide information on the recent reforms in the judicial system.

Article 3

16. In light of the Committee's concerns regarding reports of deportations of persons to countries where there are substantial grounds for believing that they would be in danger of being subjected to torture,¹⁴ please provide information on the steps taken to ensure the implementation of legislation which prohibits such deportations. Please provide statistical information regarding expulsions, including the number of appeals and their outcomes and the countries of expulsions.

17. Does the State party intend to adopt a national asylum regime, including legislative and administrative provisions, and ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol?¹⁵ How is refugee status currently determined? Please also provide statistical data on the number of migrants, asylum-seekers, and refugees in the State party.

Articles 5, 6, and 7

18. Please indicate whether the domestic legislation of the State party includes provisions establishing universal jurisdiction for acts of torture. Has the State party exercised such jurisdiction and brought charges or initiated any proceedings to give effect to this provision of the Convention, regardless of the nationality of the perpetrator or the victim?

Article 10

19. With reference to the Committee's previous concluding observations,¹⁶ please provide information of mandatory training programs in relation to the rights established by the Convention, including the Istanbul Protocol, for law enforcement officials as well as medical personnel, in particular on the recognition of the physical consequences of torture.

Article 11

20. As requested by the Committee in its previous recommendations,¹⁷ please provide data on persons deprived of their liberty in prisons and other detention facilities, including pre-trial detainees, or who are otherwise sanctioned, disaggregated, inter alia, by age, gender, ethnicity, nationality, geography, and other status.

21. With reference to the Committee's concern regarding article 100 of the Statute of the Directorate of Public Security in its previous recommendations,¹⁸ please indicate whether investigating officers continue to be required to endeavor to uncover "by judicious means" the

¹³ E/CN.4/2003/65/Add.3, paras. 41, 109(d).

¹⁴ CAT/C/CR/28/5, paras. 4 (g) and 8(e).

¹⁵ CAT/C/CR/28/5, para. 3 (a).

¹⁶ CAT/C/CR/28/5, para. 8(j).

¹⁷ CAT/C/CR/28/5, para. 8 (l).

¹⁸ CAT/C/CR/28/5, para. 4 (f).

reasons for an individual's silence. If so, please also indicate how the State party ensures, in practice, that this requirement does not lead to torture or ill-treatment of detainees.

22. Please indicate the steps taken to implement the recommendations contained in paragraph 111 of the report on the visit to Saudi Arabia of the Special Rapporteur on the Independence of the Judiciary, Administration of Justice, Impunity with regard to the introduction of tape/video recording of all interrogations in their entirety as well as well as a legal amendment safeguarding confidentiality of communication between an accused and his lawyer.¹⁹

23. Please provide the Committee with all the interrogation rules, instructions and methods currently applicable in the State party. Please also provide information as to how the implementation of these rules is monitored, in particular by what institution. Does the State party provide law enforcement officials with manuals on interrogation techniques?

Articles 12 and 13

24. Pursuant to the Committee's previous concluding observations,²⁰ please provide the Committee with detailed information on the measures taken to establish effective mechanisms or institutions for the prompt, impartial, and full investigation of complaints of violations of the Convention. Please also provide statistical data, disaggregated by crime, region, ethnicity, nationality and sex, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials, including officials of the "Commission for Propagation of Virtue and the Prevention of Vice", as well as related investigations, prosecutions, and sentences. Please also provide information on the number of officials that have been suspended from duty during investigations of torture or ill-treatment.

25. Please provide detailed information on the Law of the Judiciary and the Law of the Board of Grievances, including as to how their implementation is guaranteed.²¹ Can the Board of Grievances hear complaints about violations regarding any provision of the Convention? Please indicate whether special juvenile courts have been identified or established?

26. Please indicate the steps taken to implement the recommendations contained in paragraph 108 of the report of the Special Rapporteur on the Independence of the Judiciary, Administration of Justice, Impunity with regard to the separation of the prosecution from the law enforcement agencies.²²

Article 14

27. With reference to the Committee's previous concluding observations,²³ please provide detailed information on the measures taken to ensure that victims of torture and ill-treatment have effective access to compensation, including the amounts awarded, and rehabilitation. Please also provide relevant statistical data, disaggregated by age, nationality, ethnicity and sex.

¹⁹ E/CN.4/2003/65/Add.3, para. 111(d) and (e).

²⁰ CAT/C/CR/28/5, para. 4 (i).

²¹ CAT/C/CR/28/5, para. 3(d).

²² E/CN.4/2003/65/Add.3.

²³ CAT/C/CR/28/5, paras. 4 (j) and 8(f).

Article 15

28. Please provide information on the steps taken to ensure that statements obtained under torture cannot be used as evidence in any proceedings.²⁴

Article 16

29. Please indicate the steps taken to implement the Committee's previous recommendation on improving the conditions of all places of detention and imprisonment.²⁵

30. In light of its previous concluding observations, please inform the Committee whether the State party has adopted legislative measures to prohibit all forms of corporal punishment, including in the family and in schools. Please indicate whether flogging and amputation of limbs are lawful punishments and the number of sentences carried out since 2002 (with disaggregated data by age, nationality, ethnicity and gender). Also indicate if such sentences can be imposed on persons under the age of 18?²⁶ Has the State party carried out public education campaigns about the negative consequences of corporal punishment on children?

31. Please comment on reports according to which the criminal sanction of amputation of limbs disproportionately affects the most vulnerable groups of society, including refugees and young persons. Please also provide statistics on the number of amputations carried out in the past five years, disaggregated by nationality, ethnic group, sex, and age. How does the State party take care of persons thus rendered disabled, with a view to ensure that they are not left in destitution.

32. Please indicate whether the bill concerning the protection of children from abuse and neglect has been adopted and what steps have been taken to ensure its effective implementation.²⁷ Has the State party carried out a study to assess the nature and extent of ill-treatment and abuse of children and accordingly designed a comprehensive strategy to create a mechanism to address child abuse? Please also clarify what measures exist to prevent ill-treatment in schools and in institutions that care for children, in particular girls.

33. Please indicate whether the State party has adopted a domestic violence law,²⁸ as well as the measures taken to combat all forms of violence against women and girls. Are rape and other forms of sexual violence, as well as domestic violence, considered specific criminal offences, and if so, under which laws? If not, on which legal basis are such cases currently investigated and prosecuted? Please also provide statistical data concerning the prevalence of violence against women in the State party, in particular domestic violence, trafficking of women and girls, and violence against female migrant workers. Do women need their guardian's permission to file criminal complaints, even if these are directed against their guardian? Please also indicate whether the State party has initiated any awareness-raising programs regarding domestic violence.

34. Please provide information on the steps taken to address the persistence of human trafficking in the State party, in particular whether a specific and comprehensive law on

²⁴ State report, para. 44, CAT/C/CR/28/5, para. 3(c).

²⁵ CAT/C/CR/28/5, para. 8(d).

²⁶ CAT/C/CR/28/5, paras. 3(c), 4 (b) and 8(b), CRC/C/SAU/CO/2, paras. 42-45, 73-74.

²⁷ CRC/C/SAU/CO/2, paras. 3(b), 50-51.

²⁸ CEDAW/C/SAU/CO/2, para. 21-22.

trafficking has been enacted. Has the State party carried out research and gathered data on the phenomenon of trafficking and sexual exploitation? Please provide data on the number of trafficking victims identified, and on the number of prosecutions and convictions for the crime of trafficking during the reporting period. Please also indicate whether a national action plan has been developed²⁹ and whether there is a rehabilitation programme in place for victims of trafficking.

35. Does the State party intend to abolish capital punishment for persons who committed a crime when under 18 years of age? Please indicate for which crimes capital punishment is prescribed by law. Please also provide information on the methods of execution and statistical data on the number of persons executed since the submission of the initial report to the Committee, including on age, nationality, ethnicity and sex.³⁰ How is the application of international fair trial standards ensured in practice?³¹

36. Please indicate the measures taken to prevent exploitation, mistreatment, forced labor, and slavery-like conditions of female migrant workers, including forced confinement in the workplace, food deprivation, severe psychological, physical, and sexual abuse, and to ensure that all cases of physical and sexual violence against migrant workers, including domestic workers, are investigated and prosecuted, and that the victims can claim and receive compensation. In this regard, is the State party re-considering its system of visa sponsorship, which ties migrant workers to their employer?³²

37. Please provide detailed information in the follow-up to the case of the then 19-year-old Shiite woman from Al-Qatif who was gang-raped and consequently sentenced to prison and corporal punishment in 2006. Has the victim following her being pardoned by the King received rehabilitation and compensation?³³

Other issues

38. With reference to the Committee's previous concluding observations and recommendations,³⁴ please provide detailed information on the measures adopted to permit the establishment of independent non-governmental organizations.

39. Please indicate the concrete measures that have been taken to widely disseminate the Convention as well as the previous conclusions and recommendations of the Committee, including through the media.³⁵ Please indicate whether and how civil society organizations have been involved in the preparation of the report.

40. Please indicate whether the State party intends to withdraw its reservations to the Convention. Moreover, does the State party intend to ratify the Optional Protocol to the Convention? If so, has the State party taken the necessary steps to set up or designate a national mechanism to be tasked with the conduct of periodic visits to places of detention in order to prevent torture or other cruel, inhuman or degrading treatment?

²⁹ CEDAW/C/SAU/CO/2, para. 23-24, CRC/C/SAU/CO/2, paras. 71-72.

³⁰ CRC/C/SAU/CO/2, paras. 73-75.

³¹ A/HRC/WG.6/3/SAU/2, para. 24.

³² A/HRC/WG.6/4/SAU/3, para. 37.

³³ A/HRC/7/6/Add.1, paras. 449-452.

³⁴ CAT/C/CR/28/5, para. 8 (k).

³⁵ CAT/C/CR/28/5, para. 8 (n).

41. With reference to the Committee's previous concluding observations,³⁶ please indicate whether the State party intends to make the declaration under article 22 of the Convention, and if so, when.

42. Please provide information on the legislative, administrative and other measures the State Party has taken to respond to the threat of terrorist acts, and please describe if, and how these measures have affected human rights safeguards in law and practice. In this respect, the Committee would like to recall Security Council Resolutions 1456 (2003), 1535 (2004), 1566 (2004), and 1624 (2005) all of which reiterate that States must "ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law." Please describe the relevant training given to law enforcement officers, the number and types of convictions under such legislation, the legal remedies available to persons subjected to anti-terrorist measures, whether there are complaints of non-observance of international standards, and the outcome of these complaints. Please confirm that there are no secret detention facilities in the State party.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

43. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the initial report, including any relevant jurisprudential decisions and statistical data.

44. Please provide detailed relevant information on any new political, administrative and other measures that have been taken to promote and protect human rights at the national level since the initial report, including on any national human rights plans or programs, and the resources allocated to it, its means, objectives and results.

45. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the initial report in 2002, including the necessary statistical data, as well as on any events that occurred in the State party and that are relevant under the Convention.

³⁶ CAT/C/CR/28/5, para. 8(m).