

NATIONAL SOCIETY FOR HUMAN RIGHTS

GET TO KNOW YOUR RIGHTS

RIGHTS OF THE SUSPECT

(During ARREST, INVESTIGATION, SEARCH, TRIAL)

Dear citizen and expatriate

The Code of Criminal Procedure in the Kingdom of Saudi Arabia, issued by Royal Decree number M/39 (28/7/1422H), respects your rights and emphasizes that you should be respected in such a way that your dignity is protected, and your material and moral rights are preserved. Infringing your freedom, and whatever jeopardizes your person, money or reputation, your dwelling, and your privacy, are prohibited as long as you are not a suspect, avoiding suspicion, and abiding by the Shari'a principles and laws.

You may be a suspect, be arrested, and detained in detention places. Owing to the fact that you have rights that you should know about, the National Society for Human Rights wanted to publish these rights through this simple brochure so that you should not be in ignorance, should this happen to you.

The following are the most important rights of the suspect in the Code of Criminal Procedure:

ONE: Your Rights upon your Arrest

1. You shall not be arrested, searched, detained, or imprisoned except in cases specified by the law. Your arrest or your imprisonment shall be carried out only in places designated for such purposes, and shall be for the period prescribed by the competent authority. (Article 2 of the Code of Criminal Procedure).
2. You shall not be subjected to any bodily or moral harm. Similarly, you shall not be subjected to any torture or degrading treatment. (Article 2 of the Code of Criminal Procedure).
3. In cases other than *flagrante delecto*, you shall not be arrested or detained except on the basis of order from the competent authority. You shall be treated decently, and shall not be subjected to any bodily or moral harm. You shall also be advised of the reasons of your detention, and shall be entitled to communicate with any person of your choice to inform him of your arrest. (Article 35 of the Code of Criminal Procedure).
4. You shall have the right to seek the assistance of an attorney or a representative to defend you during the investigation and trial stages. Your representative or attorney may attend all the investigation proceedings, and the Investigator shall not, during the investigation, separate you as a suspect from your accompanying representative or attorney (Articles 4, 64, 69, and 70).
5. You shall be arrested at the crime scene where there is sufficient evidence for your implication. A record of that shall be made, and the Bureau of Investigation and Prosecution shall be immediately notified (Article 33).
6. You shall not be detained for more than twenty-four hours, and shall be interrogated you promptly, or issue an order for your release (Article 109).
7. You shall not be detained for more than twenty-four hours except pursuant to a written order from the Investigator. The criminal investigation officer shall immediately hear your statement as a suspect. If as a suspect you fail to establish your innocence, the officer shall, within twenty-four hours, refer you along with the record of the Investigator who shall within twenty-four hours interrogate you as a suspect under arrest, and shall order either that you be detained or released (Article 34).

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8. If you are arrested or detained, you shall be promptly notified of the reasons for your arrest or detention, and you shall be entitled to communicate with any person of your choice, to inform him (of your arrest or detention), provided that such communication is under the supervision of the criminal investigation officer (Article 116).
9. You shall have the right to submit, at any time, a written or verbal complaint to the prison or detention center officer. The officer shall accept the complaint and promptly communicate it, and provide you with an acknowledgement of receipt (Article 38).

TWO: Your Rights during Search

As a human being, you shall have right to privacy independently of nationality and religion and far from the intervention of others. You shall have the right to bestow secrecy over your privacy, and ensure its inviolability.

For that, search is one of the most important procedures with which the law concerns itself. The law prohibits the search procedure as a rule, and allows it under specific restrictions. Your privacy and the privacy of your dwellings, offices, and vehicles shall be protected. Your privacy protects your body, clothes, property, and belongings. The privacy of your dwellings covers any fenced area or any other place enclosed within barriers or intended to be used as a dwelling (Article 40).

1. A criminal investigation officer may not enter or search any place you inhabit except in cases provided for by the laws, pursuant to a search warrant specifying the reasons of the search, issued by the Bureau of Investigation and Prosecution (Article 41).
2. It is lawful to search you if you are arrest, which may include searching your body, your clothes, and your belongings in case of *flagrante delecto* or in case an order has been issued by the concerned authority to arrest you (Articles 35 and 42).
3. If you are a female suspect, the search shall be conducted by a female assigned by the criminal investigation officer. If you are a suspected woman and there is no other person than you in the dwelling to be searched, the officers carrying out the search shall be accompanied by a woman (Articles 42 and 52).
4. No search shall be conducted except for the purposes for searching for items relevant to the crime being investigated (Article 45).

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5. The Investigator may not search any other person unless it appears on strong grounds that he is concealing certain things that may be useful in determining the truth (Article 81).
6. Your dwelling shall be searched in your presence or the presence of your representative or any adult member of your family residing with you. If no such person is present, the search shall be conducted in the presence of the *Umda* (Chief) of the quarter or any comparable officer or two witnesses. As the owner of the dwelling or your representative, you may peruse the search warrant, and a note to that effect shall be entered into the record.
7. The criminal investigation officer may not open sealed or closed documents found in your dwelling. A statement to this effect shall be entered into the record and be submitted to the competent Investigator. The seals shall not be removed except in your presence or the presence of your representative or the person with whom those items were found, unless they fail to appear before the competent authority within the designated time, after having been duly summoned (Articles 48, 49, and 50).
8. The search shall be conducted during daytime, after sunrise and before sunset in accordance with the powers conferred by law. No access to your dwelling during the night shall be allowed except during the commission of a crime.
9. Your mail, cables, telephone conversations, and other means of communication shall be inviolable, and, as such, shall not be perused or surveiled except pursuant to an order stating the reasons thereof and for a limited period as herein provided for. The Investigator alone may peruse your mail, documents, and any other seized items, and may listen to any recorded material.

THREE: Your Rights during Investigation

1. The Investigator and whoever obtains information about the articles and documents seized shall keep the same undisclosed, and shall not make use thereof in any way or otherwise disclose the same to a third party, except in circumstances required by the law. In case he unlawfully discloses or makes use of the same by whatever means, he shall be held accountable (Articles 60, 67).
2. You shall be notified of the time and place of the investigation proceedings (Article 71).

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3. In case the Investigator seeks the assistance of a specialized expert with respect to any matter relating to the investigation. You may, on sufficient cause, object to the appointment of the expert (Articles 76 and 78).
4. The Investigator shall inform you of the offense of which you are charged, and shall record any statements you express about your accusation. After your statements as a suspect have been read to you, you shall sign them (Article 101).
5. Your will shall not be affected in making your statements. You shall not be asked to take an oath nor shall you be subjected to any coercive measures. You shall not be interrogated outside the location of the investigation bureau except in a necessity (Article 102).
6. Your detention shall end with the passage of five days, unless the Investigator sees fit to extend your detention period. In that case, he shall, prior to expiry of that period, refer your file to the chairman of the branch of the Bureau of Investigation and Prosecution in the relevant province so that he may issue an order for extending the period of your detention for a period of or successive periods provided that they do exceed in their aggregate forty days from the date of your arrest, or otherwise release you. In cases that require your detention for a longer period, the matter shall be referred to the Director of the Bureau of Investigation and Prosecution to issue an order that your detention be extended for a period or successive periods, none of which shall exceed thirty days and their aggregate shall not exceed six months from the date of your arrest as a suspect. Thereafter, you shall be directly transferred to the competent court or be released (Article 114).
7. You may request to be released if the Investigator considers that there is no sufficient justification for your detention, that your release would not impair the investigation, and that there is no fear of your escape or disappearance, provided that you undertake as a suspect to appear when summoned (Article 120).

FOUR: Your Rights during and after Trial

1. You shall be summoned with sufficient time provided for you to appear before the competent court. If you are arrested in *flagrante delecto*, you shall be promptly, without prior notice, brought before the court. If you ask the court to grant you a grace period to prepare your defense, the court must grant you sufficient time (Article 137).
2. You shall not be judged in absentia (Articles 141, 142).

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3. Private right to action shall be initiated against you as a suspect if you are of capacity, or against your guardian or trustee if you lack capacity. If you have no guardian or trustee, the court shall appoint a guardian on your behalf (Article 157).
4. No physical restraints shall be placed on you as a suspect during court hearings. You shall be sufficiently guarded, and shall not be dismissed from any hearing during deliberation of your case unless you give cause thereof. The court shall keep you informed of any action that has been taken during your absence (Article 158).
5. The court shall inform you of the offense of which you are charged during the hearing, and shall read and explain to you the memorandum of the charges and provide you with a copy thereof. The court shall then ask you to respond (Article 161).
6. You may request to call any witness and review evidence. The court may reject such a request if it considers that it is intended for delay, malice, or deception, or that granting such a request is not probative (Article 164).
7. You may provide the court with whatever you have in writing in connection with the case at issue for inclusion in the file thereof (Article 173).
8. You shall be the last during the trial to address the court (Article 174).
9. You shall be entitled to appeal any judgment, be it in relation to conviction, acquittal, or lack of jurisdiction. The court shall notify you of such a right upon reading of the judgment (Article 193).
10. You shall have the right to appeal your case thirty days starting from the receipt of a copy of your judgment (Article 194).
11. You shall have the right to file an appeal memorandum with the trial court, stating your requests and the reasons supporting your appeal (Article 196).
12. You shall be promptly released in case of acquittal or if not sentenced to a term of imprisonment or if the term of imprisonment passed against you has expired while you were in detention (Article 216).
13. You have the right to include the period you have already served while being detained in connection with the case before trial as part of the implementation of the judgment.

These are most of your rights in the Code of Criminal Procedure. Whoever pays attention to the articles of the Code feels the extent to which the rights of the suspect are respected at all the stages of criminal procedure, from the

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stage of searching for evidence, arrest, investigation, and ending at the trial stage, appeal and reconsideration of the judgment. These rights have to be implemented on the ground for justice to be victorious and quietude and peace to be realized. The National Society for Human Rights wishes that God gave us peace and stability for the nation and immunity from all evil to all.

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