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### **Prisoner Rights in Saudi System and International Conventions**

**Amal Khalaf Safhan Alhabashneh**

Assistant Professor at the College of Sharia and Regulations, University of Tabuk, Saudi Arabia

Corresponding author

Email: [aalhabashneh@ut.edu.sa](mailto:aalhabashneh@ut.edu.sa)

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#### **Abstract**

The study seeks to identify the rights of the prisoner in the Saudi system, given that the prisoner has rights and duties. The study dealt with the rights of the prisoner in the relevant international conventions, in addition to the rights of the prisoner in Islam and the Arab Charter on Human Rights (ACHR). The study also dealt with the initiatives offered by the Saudi prison administrations which contribute to the reduction of the term of imprisonment in specific conditions. In addition to the role played by prisons in the Kingdom and the extent to which the naming of the prison system is compatible with the rehabilitation role it offers. The study adopted the descriptive analytical methodology as one of the most widely used in the study of legal, social, and humanitarian phenomena within prisons in Saudi Arabia, given its realism in dealing with the problem of research. The descriptive method also helps in making comparisons between the nature of social phenomena in more than one place, as well as the analytical legal methodology that tracks the constitutional and legal conditions in Saudi Arabia and analyses texts on the subject of the study and the texts of some conventions. The study reached a set of results and recommendations, stressing that the Saudi prison administration grants prisoners rights in accordance with Islamic Sharia and international human rights instruments. The study recommended that it was necessary to abide by sharia and law, and also indicated the reflection of this matter and its importance to make an amendment in the relevant regulations regarding the designation of the prison system as the reform and rehabilitation center system. It is called this because of the role it actually plays in terms of discipline, reform, and education so that the prisoner becomes a good member and can return to society.

#### **Keywords**

Prisoner Rights, International Conventions, Reform, Rehabilitation.

## **Introduction**

Contemporary societies rely on confronting criminal behavior through the most widely used means, which are freedom-depriving punishments. The perspective of penal legislation on punishment has evolved with the development of societies and various sciences since the penalty is not only for restraint and deterrence but also to contribute to the reform and rehabilitation of the convicted person. Social justice and criminal justice highlighted the need to pay attention to an important group in society and work to integrate them into it. Which is the responsibility of prisons must do so by arriving at modern social and penal legislative frameworks to operationalize sophisticated means appropriate to the stage. As the goals and philosophy of punishment evolve with the development of societies to protect society and control the criminal danger and the risk of returning to commit crimes (recidivism).

A prisoner is a person who has committed a crime, whether intentionally or by mistake, thus entails a punitive responsibility by determining the appropriate punishment for the crime, including freedom-depriving penalties. Thus After the end of his sentence, the original purpose of the punishment was achieved, which is to reform him and return his life to normal and become a valid member of society. Prisoner rights are affirmed by international conventions based on well-established principles that all prisoners shall be treated with dignity. In return, the prisoner shall be rehabilitated and society protected from crime by public deterrence resulting from the application of penalties and its impact on the development of societies.

In the Kingdom of Saudi Arabia, the matter is not much different. There is no doubt that prisoners have guarantees for their rights in penal facilities or so-called prisons. The rights of the prisoner are fixed according to the laws and regulations derived from the provisions of Islamic Sharia. There are even procedural exemptions in Saudi prisons for prisoners who master a certain job. For example, a prisoner is exempted from a quarter of the legal period of his imprisonment if he memorizes the entire Qur'an from prisoners who have committed a drug crime, as stated in the Supreme Order No. 2545/MB on 3/24/1429 AH.

### **Study Problem**

The problem of the study arises in the matter of highlighting the rights of prisoners in the Saudi system, how important is it to put the appropriate name for penal institutions (prisons) and replace them with (correction and rehabilitation centers) given the reform and rehabilitation role presented in the Kingdom's prisons, and the possibility of resorting to alternatives to the deprivation of freedom because of its importance. Because of the importance of the consequences of resorting to it by urging judges to implement emotional conviction in this area according to each nature of the convict and to make appropriate amendments to some of the rules and regulations.

### **Study importance**

The importance of the study emerges in two frameworks: a theoretical and scientific framework, and a practical application framework imposed by the reality in the Saudi penal institutions.

### **Scientific importance**

This study may contribute to the benefit of Arab and Saudi libraries, prison administrations in the Kingdom of Saudi Arabia, and specialists in the Ministry of Interior by suggesting appropriate modifications to the nomenclature, and because of its illustrative importance for the rights of the prisoner, and the necessity of making a legal amendment to the nomenclature of the prison and detention system 1398 and the consequent regulations and regulations, as well as amending the name in prisons.

### **Practical importance**

Where the practical importance is highlighted in the extent of knowledge of the importance of the human rights of the prisoner in Saudi prisons and the statement of the detailed features granted to the prisoner, which are determined in the laws and regulations, and amending the naming of the systems and the penal institution to suit the reform, rehabilitation and integration they offer to prisoners in society.

### **Study objectives**

1. The study aims to demonstrate and identify the following objectives:
2. Recognize prisoners' rights at the international level.
3. Identifying prisoners' rights in the prison system in Saudi Arabia.
4. The study aims to assert that imprisonment is one of the rehabilitation and correctional means in Islamic Sharia and law, to achieve security and justice.

### **Study questions:**

Through the study, the following questions can be answered:

1. What are the rights of the prisoner at the international level?
2. What are the rights of prisons in Saudi Arabia, and is the role of prisons limited to the execution of punishment only?
3. What are the initiatives offered to prisoners in the Kingdom of Saudi Arabia?
4. What is the appropriate name given to the system of prisons and penal institutions in the Kingdom of Saudi Arabia?
5. What is the role of systems in reform and rehabilitation?
6. Are there modern means of reform and rehabilitation that take the place of

prisons?

### **Study Methodology:**

The study relied on the legal descriptive-analytical method.

**First:** the descriptive-analytical approach: The study adopted the descriptive-analytical approach as it is one of the most widely used approaches in studying human social phenomena due to its flexibility and great comprehensiveness. The study is based on employing this method to know the rights of the prisoner in the Saudi system. Where, through the descriptive-analytical approach, it is possible to analyze what was shaped by the external environment represented in the rights of the prisoner in international instruments and human rights organizations.

**Second:** Legal Approach: This method is considered one of the most important, oldest, and most widely used scientific research methods, especially in the study of social and legal phenomena based on the constitutional and legal conditions in the state. This is demonstrated by reviewing the most important laws and regulations in which the Saudi Prison Service operates, especially the Saudi prison and detention system, according to Royal Decree No. M/31 dated 6/21/1398.

### **Study plan**

First topic: the concept of the prisoner and his rights

The first requirement: the concept of the prisoner, linguistically and idiomatically

The second requirement: is the rights of the prisoner in international conventions

Second topic: the rights of the prisoner in the Kingdom of Saudi Arabia

The first requirement: is the legal frameworks for the rights of the prisoner in the Saudi regimes

The second requirement: Aspects of reform and rehabilitation in Saudi prisons and specialized institutions.

### **First topic: the concept of the prisoner and his rights**

The criminal case goes through four stages, which are the inference stage, the preliminary investigation stage, the trial stage, and the execution stage of the criminal judgment<sup>1</sup>. However, traditional jurisprudence does not consider the stage of execution of punishment a stage of the criminal case, as it limits it to the stage of investigation and trial<sup>2</sup>.

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1 Dr. Hoda Hamed Qashqoush, *The Origins of the Science of Criminology and Punishment*, Dar Al-Nahda Al-Arabiya for Publishing and Distribution, Cairo, 2013, page 393.

2 Dr. Mahmoud Najib Hosni: *Explanation of the Code of Criminal Procedure*, 2nd Edition, Dar Al-Nahda Al-Arabiya, 1988 AD, p. 60 and beyond. Our Professor, Dr. Abdel-Raouf Mahdi: *Explanation of the General Rules of Criminal Procedure*, Dar Al-Nahda Al-Arabiya, 2002, p. 179 and beyond. Our professor, Dr. Ahmed Fathi Sorour: *Mediator in the Criminal Procedure Code*, 7th edition, Dar Al-Nahda Al-Arabiya,

One of the most important stages of the criminal case is the stage of implementing the judgment issued by the criminal courts (penalty), to achieve justice and achieve the satisfaction of the victim, his relatives and public opinion and work to reintegrate the prisoner to return to a good person through the success of the purpose for which the prison was legislated.

The criminal penalty takes place in two forms. The first is the penal penalty, which is considered a penalty that has a moral meaning that aims to hurt the offender in order to achieve deterrence and non-recurrence, on the other hand, it aims to highlight the aspect of intimidation of members of society. The second form relates to precautionary measures and its goal is a rehabilitative treatment that does not involve intended pain in order to control the criminal danger<sup>3</sup>.

The stage of execution of sentences passed through several stages, the first of which was in ancient times the physical execution of punishment in various forms such as killing, burning, or burying alive, and it has evolved until it has now become among the most important purposes of modern punishment to reform the convict to integrate him into society after reforming and rehabilitating him. As one of the most famous penalties applied in most penal legislation is the penalty of deprivation of liberty, and problems of implementing penal provisions have begun to appear, with regard to aspects of prisoner care, human rights, and other claims<sup>4</sup>.

### **First requirement: is the concept of the prisoner**

First: language and terminology

Prison language: Fath Al-Seen, a source of prison, meaning imprisonment, and from it is said: his imprisonment imprisoned him, prison: that is, his imprisonment<sup>5</sup>.

The prison: KasrAl-Seen: the mahbas /detainee, any place of detention/imprisonment, and its owner is a prisoner/jailer, and the combination is the branch's prison<sup>6</sup>.

Prison Language: Prison material i.e. Seen, Gem and noon indicates imprisonment. Ibn Faris said: It is one root, which is imprisonment, and imprisonment by Kasr AL-seen is the place in which a person is imprisoned, and from it is the Almighty's saying (The Lord of prison is more beloved to me than what they call me to) (Yusuf: 33). Prison may come with the Fath of the source, it is said his imprisonment, imprisoned him in prison, that is, his imprisonment<sup>7</sup>

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1993, p. 66 and beyond. Dr.. Muhammad Eid Al-Gharib: Explanation of the Code of Criminal Procedure, 2nd Edition, 1996-97, p. 27 and beyond.

3 Dr.. Ahmed Abd al-Lah al-Maraghi: Crimes of torture and arrest, a comparative study, the National Center for Legal References, first edition, Cairo, 2015 AD - 1435 p. 6.

4 Dr.. Ahmed Abd al-Lah al-Maraghi: Crimes of torture and arrest, a comparative study, the National Center for Legal References, first edition, Cairo, 2015 - 1435, p. 7.

5 Ibn Manzur, Lisan Al-Arab, Vol. 12, p. 203 Al-Razi, Mukhtar Al-Sahah, 121.

6 Al-Fayrouzabadi, Al-Muheet Dictionary, p. 1554, Ibn Manzur, Lisan Al-Arab, 13th c., pg. 293 by Anis and his companions, Al-Mu'jam Al-Wasit, Vol. 1 p. 418.

7 Lisan al-Arab, Ibn Manzur, Beirut Dar al-Sadr, vol. 13, p. 203. The Ocean Dictionary of Al-Fayrouzabadi, Vol. 4, p. 233, Dar Al-Mamoun, 4th edition, Vol. 4, P.233.

Punitive institutions mean the places designated by the state to implement penalties and precautionary measures. Prison is the common image of these institutions, and it is the oldest image of institutions in the world. The success or failure of the deprivation of liberty as a punishment depends above all on the type of prison, the treatment that the prisoner receives therein, and the type of preparation that allows him<sup>8</sup>.

**Wisdom of prison:** Imprisonment is legislated for ruling and great goals whose interests depend on the individual and society, including<sup>9</sup>:

1. Reprimand and discipline the offender
2. Correcting and disciplining the offender.
3. It is also intended to deter other people.
4. Paying harm on behalf of Muslims

**Among the definitions of imprisonment in the terminology: It is the confinement of a person in a place, and preventing him from acting himself, until his condition is revealed to fulfill the penalty<sup>10</sup>. Imprisonment is also the obstruction of a person and preventing him from disposing of himself<sup>11</sup> and going out to his religious and social tasks and duties<sup>12</sup>.**

**The Muslim rulers singled out special buildings for confinement, and they considered that as one of the sent interests.**

**Imprisonment has many benefits and reform goals for the offender and for society, and among these goals are security and interest, safety from injustice when angry, discipline and reform<sup>13</sup>.**

**A prisoner can be defined as a person who has been deprived of his freedom and is kept in prison as a punishment for a crime he committed and is proven to be until the end of the prescribed period.**

### **Prison and other terms**

First: pretrial detention

What is meant by the arrest and detention according to the people of the law: they are the prisoners whose judgments have not been decided by the judiciary because they did not go beyond the stage of accusation.

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8 Dr. Salwa Tawfiq Bakir: Principles of Punishment, previous reference, p. 129.

9 Dr.. Didaan Al-Rashidi, Prison Service in Islamic Jurisprudence, 2015, p. 1305

10 The rule of imprisonment in Islamic law: by Muhammad bin Abdullah Al-Ahmadi, 1st edition in 1403 AH, publisher Al-Rushd Library for Publishing and Distribution, Riyadh. p. 50

11 Total Fatwas of Ibn Taymiyyah. 358-35, and the ways of wisdom, by Ibn Al-Qayyim, p. 102

12 Al-Din Abu Bakr bin Masoud Ahmed Al-Kasani Badaa' Al-Sana'i in the Order of the Laws, Alaa, Alaa Al-Din, who died in 587 AH, vol. 7, p. 174

13 Ibra Haim bin Ali bin Muhammad bin Farhoun Burhan Al-Din Al-Bajmari, the rulers' insight into the origins of the judiciary and the methods of rulings: , who died in the year 799 AH, vol. Muniriya Printing Department, Volume 8, p. 316

## **Second requirement: is the rights of the prisoner in international conventions**

Significant human rights efforts have been directed toward penal institutions, which are the places where criminals are punished to improve the different methods of punitive treatment<sup>14</sup>.

The concept of prisoners' rights is included in many international declarations and national constitutions, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the United Nations Standard Minimum, rules for the Treatment of Prisoners, the European Convention for the Prevention of Torture, Inhuman or degrading treatment or punishment, the United Nations Basic Principles for the Treatment of Prisoners<sup>15</sup>, etc. The most important provisions contained in these international instruments about the rights and treatment of prisoners separately were highlighted as follows:

In general, the Charter of the United Nations is the primary source of authority for United Nations bodies to issue human rights standards in the Charter itself. The eighth preambular paragraph declares that one of the primary objectives of the United Nations is: (To reaffirm our belief in fundamental human rights, in the dignity and worth of the individual, men, women, and nations, big and small have equal rights)<sup>16</sup>.

### **First: the Universal Declaration of Human Rights<sup>17</sup>**

The United Nations General Assembly adopted the Universal Declaration of Human Rights on December 10, 1948 to promote human rights in the world.

### **Second: The International Covenant on Civil and Political Rights<sup>18</sup>**

Regarding the treatment of prisoners, provisions are contained in the

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14 Salwa Tawfiq Bakir, *Principles of Punishment*, previous reference, page 129.

15 Al-Maraghi. Ahmed Abdellah (2015) *Human Rights in the Punitive Execution Phase A comparative study between positive law and Islamic law*, National Center for Legal Publications, Faculty of Law, Helwan University, September 11, Egypt.

16 *Human Rights and Prisons, Training Manual for Prison Staff on Human Rights*, Vocational Training Series No. 1, United Nations Office of the United Nations High Commissioner for Human Rights, United Nations New York and Geneva, 2004, United Nations Publication A.04.XIV.1 Sales No. KISBN 92-1-654014-1 ISSN 1020-1688. Paix, CH-1211 Geneva 10, Switzerland. (la de avenue 14-8, Nations des Palais).

17 The Universal Declaration of Human Rights—an important historical document in the history of human rights—was drafted by representatives from various legal and cultural backgrounds from all over the world, the General Assembly adopted the Universal Declaration of Human Rights in Paris on December 10, 1948, by resolution 217 A, as the common standard that all peoples and nations should target. It defines for the first time, fundamental human rights to be universally protected. Those rights have been translated into 500 languages of the world. It is widely recognized that the Universal Declaration of Human Rights inspired and paved the way for the adoption of more than seventy human rights treaties, applicable today on a permanent basis at the global and regional levels (all of which contain references in their preamble)

18 Adopted and offered for signature, ratification and accession pursuant to United Nations General Assembly Resolution 2200 A (D-21) of 16 December 1966 Entry into force: 23 March 1976, in accordance with the provisions of Article 49

International Covenant on Civil and Political Rights (ICCPR) which was adopted by the United Nations General Assembly on December 16, 1966 and entered into force on March 23, 1976.

**Third: The United Nations Standard Minimum Rules for the Treatment of Prisoners<sup>19</sup>**

It was adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955 and approved by the Economic and Social Council. The United Nations Standard Minimum Rules for the Treatment of Prisoners contain many rules relating to the rights and treatment of prisoners.

**Fourth: European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment<sup>20</sup>**

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment entered into force on March 1, 2002.

**Fifth: The United Nations Basic Principles for the Treatment of Prisoners**

Apart from these international instruments mentioned above on the rights and treatment of prisoners, there are the United Nations Basic Principles for the Treatment of Prisoners which were adopted by the General Assembly on 14 December 1990.

**Sixth: Basic Principles for the Treatment of Prisoners**

Adopted and proclaimed by General Assembly resolution 45/111 of December 14, 1990<sup>21</sup>.

**Seventh: The Universal Islamic Declaration of Human Rights<sup>22</sup>**

In the twenty-five articles, the member states of the Organization of the

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19 Recommended for adoption by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, and endorsed by the Economic and Social Council by its resolutions 663 C (D-24) of 31 July 1957 and 2076 (D-62) of 13 May 1977

20 Bassiouni, Mahmoud Sharif (2003). *International Documents on Human Rights, Volume Two*, Dar Al-Shorouk, Cairo, Egypt.

21 Human Rights Library (1990). *Basic Principles for the Treatment of Prisoners*, adopted and publicly published by United Nations General Assembly Resolution 45/111 of December 14, 1990, University of Minnesota, United States of America.

22 This Declaration emerged from the Eleventh Conference of Foreign Ministers of the Organization of the Islamic Conference, and some of its articles were discussed at the Third Islamic Summit Conference, and it was finalized at the Nineteenth Conference of Foreign Ministers of the Organization of the Islamic Conference in Tehran in 1989.

Turan, Kyaoglu (2020). *The OIC Declaration on Human Rights: Promises and Perils*, The Brooklyn Institute, Monday, September 28, Washington.



Islamic Conference announced a number of provisions.

### **Eighth: The Council of the League of Arab States, the Arab Charter on Human Rights<sup>23</sup>**

The charter entered into force on March 15, 2008, after it was ratified by 7 countries, which is the number required according to its chapter 49 to enter into force. This charter consists of a preamble and 53 Articles.

### **Second topic: the rights of the prisoner in the Kingdom of Saudi Arabia**

The prison as a penal and reform institution must implement correctional programs that do not violate human rights at the national and international levels, to achieve the goal of reform, which is to integrate the prisoner into society to deal with prisoners.

The Kingdom of Saudi Arabia is distinguished by its constitution and the regulations relating to prisons that include aspects of humane care and mercy based on the provisions of Islamic Sharia, as it is necessary to show the distinct aspects of this aspect.

Islamic jurisprudence has known since the earliest Islamic times that the prisoner has rights and guarantees that take into account his humanity, remove harm, and begins to fix that mistake. One of these rights is not to hit the prisoner, not to chain the prisoner to restraint, to support the prisoner, to visit the prisoner, to leave the prisoner out of a relative's illness or death, and not to strip the prisoner of his clothes.<sup>24</sup>

### **First requirement: is the legal frameworks for the rights of the prisoner in the Saudi regimes**

Among the most prominent rights that are established for prisoners in most penal institutions is the right to education, the right to discipline, the right to work inside prisons, the right to care inside prisons, the right to calm and rewards inside prisons<sup>25</sup>

Punitive institutions in Saudi Arabia have been affected by the nature of their work with the provisions of the constitution, regulations, charters, and agreements related to how to deal with the prisoner and grant him rights and guarantees.

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<sup>23</sup> The decision of the Council of the League of Arab States to ratify the Arab Charter on Human Rights, The Council of the League is at the summit level, after reviewing: The report of the Secretary-General dealing with the various fields of joint Arab action, and the decision of the regular session (121) of the Council of the League at the ministerial level No. 6405 dated 4/3/2004

<sup>24</sup>- Ismail Muhammad al-Barishi, Prisoner Rulings in Islamic Jurisprudence, "A Comparative Study with Modern Laws", Studies of Sharia and Law Sciences, Volume 36 (Supplement) 2009

<sup>25</sup>Ahmed Al - Maraghi. Human rights at the stage of punitive execution: A comparative study between positive law and Islamic law. National Center for Legal Publications 2015

Therefore, prisoners have guarantees for their rights in penal facilities, and they are rights that every prisoner can claim, given that a prisoner in Saudi Arabia is not considered to have lost his rights, given that the Qur'an and Sunnah have given the prisoner rights that he has the right to use, the most important of which are the following:

**First: The rights of the prisoner in the Saudi constitution are derived from the provisions of Islamic Sharia**

**In Article 1:** the Kingdom of Saudi Arabia is an Arab Islamic state with complete sovereignty, its religion is Islam, and its constitution is the Book of God Almighty and the Sunnah of His Messenger, may God's prayers and peace be upon him. Its language is Arabic, and Riyadh is its capital.

**Article 7:** Governance in the Kingdom of Saudi Arabia derives its authority from the Book of God Almighty and the Sunnah of His Messenger. They are the rulers of this system and all the systems of the state.

**Article 26:** The state protects human rights, in accordance with Islamic law.

**Second:** The system of imprisonment and detention 1398 AH according to Royal Decree No. M/31 dated 06/21/1398 and the Law of Criminal Procedures and Royal Decrees:

- 1- The right to claim an exemption under Article 25 of the Prison and Detention Regulations, which stipulates that: "Paragraph (B) has been added to this article by Royal Decree No. (M/45) and the date of 11/9/1430 E. The basic Article is called paragraph (A).
  - a. The Minister of Interior may decide to release on parole any convict with a prison sentence if he has spent in prison three-quarters of the sentence and his behavior while in prison calls for confidence in his self-correction. This is unless the release of him constitutes a threat to public security, and the period the parolee has spent in prison must not be less than nine months. Conditional release may not be granted unless the convict fulfills all the financial obligations arising from the crime for which he was sentenced.
  - b. The Minister of Interior may decide on an additional period of amnesty within the limit of fifteen percent (15%) of the sentence of a prisoner who passes education or vocational training programs after joining them and continuing them in prison. If his behavior while serving his sentence calls for confidence in correcting himself, and in his release, there was no danger to public security, and the regulation shall specify the appropriate mechanism for implementation.
- 2- Whoever memorizes the entire Qur'an among prisoners in drug cases is exempted from a quarter of the period, as stated in the Royal Decree No.

- 2545/MB dated 3/24/1429 AH<sup>26</sup>.
- 3- The Royal Decree No. 1985/AD dated 6/17/1404 AH specified the prisoner the right to conduct all his transactions, including buying and selling, even from outside the prison, such as a plot of land or a car and the like, the right to enter into the marriage contract (marriage) and he has the right to visit his family outside the prison if it is proven that they cannot visit him for a period of any less than 24 hours for his family inside the city, or a period of no less than 72 hours for his family outside the city in which the prisoner is located so that he can spend more time with his family and fulfill their needs. This is for Saudi prisoners only if they have served half of their sentence.
  - 4- The prisoner has the right to demand financial assistance for himself and his family if it is proven that his imprisonment has caused hardship in his life and that of his family, and also if the prisoner is terminally ill. If his stay in prison threatens his life, he has the right to demand permanent release, and whoever is imprisoned illegally or has spent more than the specified period, even one day, has the right to claim financial compensation as stipulated in Articles 207 and 215 of the Code of Criminal Procedures.
  - 5- According to Article 36 of the Law of Criminal Procedures and Articles 1 and 7 of the Prison Law, the prisoner is not accepted without a reasoned order from the competent authority.
  - 6- According to Article 35 of the Law of Criminal Procedures, Article 28 of the Prison System, and Royal Decree No. 43 dated 11/29/1377 AH, the right to humane treatment and non-aggression against prisoners.
  - 7- The right to keep and recover money under Article 8 of the prison system.
  - 8- The right to file a complaint with members of the Public Prosecution Office

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<sup>26</sup> The text of the royal order: "We have received a copy of the Royal Decree No. 2545 / MB, dated 3/24/1429 AH, originally addressed to His Royal Highness, the Minister of Interior, the text of which is: "We return to Your Highness the affidavits of your telegram No. 1/5/5/58430/2u on 11/9/1428 AH, which referred to Order No. 10208/MB on 16/8/1426 AH, to study the proposal to reconsider the exemption from half the sentence for those who memorized the Holy Qur'an Completely from drug smugglers and the like, as well as reconsidering the exemption from a quarter of the sentence for those who had previously been exempted from half of the sentence from that category in return for memorizing the Holy Qur'an and then re-committing to another crime, this was done by a committee headed by Your Highness and the membership of His Excellency the Minister of Justice, His Excellency the Minister of Social Affairs and His Excellency the President of the Supreme Judicial Council, and what you explained that the committee took its minutes containing its views on the following: 1 - Supporting the proposal that includes reducing the benefit of drug smugglers and those who are like them - with the exception of khat - from half of the sentence to one-fourth, provided that they memorize the entire Holy Qur'an, 2- Whoever returns from this category to commit a crime after being included in the amnesty for memorizing the Holy Qur'an, he should not consider whether he is exempted and included in the pardon mentioned in Order No. 4/261/AD on 4/2/1415 AH. 3- Inmates are tested by a committee consisting of a representative from the emirate of the region, a judge from the court, a representative from the Ministry of Islamic Affairs, Endowments, Call and Guidance, a representative from the Commission for the Promotion of Virtue and the Prevention of Vice, and a representative from the Ministry of Social Affairs. The prison administration is handled by the secretariat of the committee, 4- This organization includes prisoners sentenced in public prisons, social observation homes, and the Girls' Care Institution. We inform you of our acceptance of the aforementioned recommendations. They completed what was required of it."

- who inspect prisons under Article 38 of the Criminal Procedures.
- 9- Deduction of the period that the detainee spends in the detention center from the period sentenced under Article 26 of the prison and detention system.
  - 10- The right not to remain in prison after the expiry of the specified period, according to Article 7 of the Prison and Detention Law.
  - 11- The right to social and health care for prisoners under Article 22 of imprisonment and detention.
  - 12- The right to provide appropriate clothing during the stay in prison according to the circular of the General Administration of Prisons No. 9/1407 for the year 1417.
  - 13- The right to a cooked, healthy subsistence at the rate of three meals per day under Articles 22 and 21 of the prison and detention regulations.
  - 14- Under Article 18 of the Prison and Detention Law, the prisoner has the right to education, and prisoners and detainees are allowed to bring books, newspapers, or magazines at their own expense.
  - 15- The right of the prisoner to be rewarded when memorizing the Qur'an according to Ministerial Resolution No. 3921 dated 9/22/1398 AH.
  - 16- The right to training and qualification for some professions according to the Regulations on Vocational Training and Qualification issued by Ministerial Resolution No. 4091 dated 10/22/1398 AH, Ministerial Resolution No. 4882 dated 10/27/1413 AH, and Ministry of Labor and Social Affairs Resolution No. 85 dated 28/2/1397 AH.
  - 17- The right to legal seclusion according to Ministerial Resolution No. 3517, dated 7/21/1406 AH, and No. 1745, dated 16/17/1411 AH.
  - 18- The right to correspondence and telephone communications under the decision of His Royal Highness the Minister of Interior No. 3919 dated 9/22/1398 AH, and the circular of His Royal Highness the Acting Minister of Interior No. 598 dated 7/21/1409 AH.
  - 19- The right to visit according to Article 12 of the Prison and Detention Law, and Ministerial Resolution No. 3517 dated 7/21/1406 AH.
  - 20- The right to engage in various cultural activities under Ministerial Resolution No. 3922 dated 9/22/1398 AH.

Therefore, it can be noted from the above that the prisoner has rights and is entitled to claim, which contributes to reducing the legal period of imprisonment, as well as the emotional conviction of the criminal judge in his view of the prisoner that he has become valid in society.

**Third:** The Public Prosecution System and its role in protecting the rights of the prisoner. Article 3 stipulates<sup>27</sup>:  
The Public Prosecution Office, in accordance with the regulations, shall have the following jurisdiction:

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<sup>27</sup> <https://laws.boe.gov.sa/BoeLaws/Laws/Viewer/5ef7ccf0-48ab-4ae6-95fe-abbe0157cc29?attachmentTitle=> , Cabinet General Secretariat

- a. Investigation of crimes.
- b. Disposing of verification by filing or saving a lawsuit.
- c. Public Prosecution before the judicial authorities.
- d. Request to appeal or set aside judgments.
- e. Supervising the implementation of penal judgments.

This means that the public prosecutor's oversight of prisons embodies the law's recognition of the prisoner to protect his rights and entitlement to grievance.

**Fourth:** The Human Rights Commission was organized according to Council of Ministers Decision No. 207 dated 8/8/1426.

The concern for human rights is in light of the tendency of most countries of the world to provide guarantees of a decent human life for their citizens in light of the international trend towards the universality of human rights. In the Kingdom, the trend toward human rights emerged in the Basic Law of Governance and many systems derived from the provisions of Islamic Sharia, as the organization of the Human Rights Commission was issued under Council of Ministers Decision No. 207 dated 8/8/1426.

Where the first Article stipulates:

"The organization hereby establishes a body called the Human Rights Commission directly linked to the Prime Minister, which aims to protect and promote human rights in accordance with international human rights standards in all areas, to raise awareness of them, and to contribute to ensuring their application in the light of the provisions of the Islamic sharia. It shall be the governmental authority competent to express an opinion and advice on human rights issues".

This article was amended by Council of Ministers Decision No. 237 of 5/6/1437 A.H. to read as follows:

"The Commission is directly linked to the King and aims to protect and promote human rights... etc.

The text of the fifth Article outlines the authority's functions, as the fifth Article states: The authority's board is the dominant authority over the affairs of the authority and the conduct of its affairs, and it takes all the necessary means to achieve its purposes within the limits of this regulation, and it has, in particular, the following:

1. Ensuring the implementation of the laws and regulations in force concerning human rights by the concerned government agencies, detecting violations of the laws in force in the Kingdom that constitute a violation of human rights, and taking the necessary legal measures in this regard.
2. Expressing an opinion on draft regulations related to human rights, reviewing existing regulations, and proposing amendments to them under legal procedures.
3. Follow-up government agencies to implement the relevant international human rights instruments to which the Kingdom has acceded, and ensure that those agencies take the necessary measures to implement them.
4. Expressing an opinion on international human rights instruments,



to run the work of the committee. Its objectives are:

- Participate in the development of programs within correctional institutions and prisons.
- Take the necessary means to take care of the inmates and their families.
- Taking the necessary means to take care of the released and their families to prevent their return to crime
- Contribute to conducting specialized scientific studies concerned with the affairs of inmates and the released and the care of their families.

### **Second requirement: Aspects of reform and rehabilitation in Saudi prisons and specialized institutions**

The commitment of states in general and the Kingdom of Saudi Arabia in particular to international law and international instruments and their commitment to the Universal Declaration of Human Rights and related conventions, and the laws and regulations issued, thus emphasizing that human rights are the main pillar, and one of the aspects of human rights is a concern for the category of prisoners, as prisons are no longer subject to the monitoring procedures that are carried out by them, multiple systems stipulate monitoring by government agencies and Saudi human rights institutions, a fortiori, to improve the service of their children, and international human rights bodies specialized in their visits to determine the extent to which human rights guarantees have been achieved in the Saudi region, which is what it seeks fundamentally based on the teachings of the true religion.

### **Prisons in Saudi Arabia**

The General Directorate of Prisons is responsible for organizing and managing prisons' work and creating an environment that contributes to transforming the prison into a rehabilitation school. In the Kingdom of Saudi Arabia, and under Article 2 of the prison and detention system, there are a group of prisons distributed geographically and demographically on the territory of the Kingdom of Saudi Arabia, namely<sup>31</sup>:

1. Al-Ahsa Eastern Prison.
2. Buraidah main prison, Qassim
3. Abha main prison, Asir
4. Al-Baha main prison
5. Altayf main Altayf prison
6. Tabuk main prison in Tabuk
7. Jazan main prison Jazan
8. Jeddah's main prison, Jeddah
9. Hail main prison

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31 Al-Riyadh newspaper (2020). The Kingdom is the land of justice and there is no discrimination between prisoners in terms of rights and duties, 800 resident prisoners from 26 countries benefited from the Farajat initiative



10. Makkah main prison

Several parties contribute to reforming, educating, and guiding prison inmates to return to their families and society, healthy, healthy, and afflicted, and urging them to use their talents and energies for the benefit and benefit of themselves, their families and society and the following has been reached<sup>32</sup>:

1. The Department of Education in each region nominates a number of qualified workers with competence and long experience in the following disciplines (correctional education - psychology - social service - social sciences), and they choose carefully to organize seminars and lectures for prison inmates in each region in various religious, health, psychological, social and literary sciences, each in his field of competence.
2. The Student Guidance and Guidance Section of the Education Department, in coordination with the prisons in the region, prepares a general plan containing the programs and topics for those seminars and lectures, and the timetable for their implementation and supervision.
3. The instructors of Islamic education and the teachers of intermediate colleges, if any, in the region contribute to achieving this noble goal.

Saudi prisons offer encouraging initiatives that contribute to changing prisoners' moral and material behavior. The initiatives include sums of money in exchange for the prisoner to provide an intellectual effort that is summed up in memorizing parts of the Qur'an or hadiths or any knowledge that contributes to reforming the inmate's thinking and even contributes to reducing the sentence period.

Good treatment inside prisons is carried out according to one standard, which is the extent to which the inmate abides by the regulations and regulations set by prison administrations, there is not any differentiation or discrimination between the detainees because of their nationality, religion, race, or any other considerations. The Directorate General of Prisons also deals with detainees under international regulations and standards that are related to international law, international humanitarian law, international courts, and what is consistent with human rights.

## **Conclusion**

## **Results and recommendations**

The study concluded that the prisoner's rights in the Saudi system comply with the standards of international instruments that are summarized in the rules of international law, the Universal Declaration of Human Rights, human rights organizations, and international courts with jurisdiction, not to mention the prisoner's rights in Islam, which distinguishes the Kingdom of Saudi Arabia in this field. As well as the Arab Charter on Human Rights, as well as the applicable regulations and laws, especially the Saudi prison and detention system, according

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32 General Directorate of Prisons (2017) Cultural Programs, Ministry of Interior, Kingdom of Saudi Arabia © 1438 AH - 2017 AD



to Royal Decree No. M/31 dated 6/21/1398.

**Study results:** Through the study, the study confirmed the following:

1. The study confirmed that the regulations and laws in the Kingdom of Saudi Arabia are derived from the provisions of Islamic Sharia and therefore the punitive thought in Islamic Sharia is based on reforming and rehabilitating the prisoner to integrate him after the execution of his sentence to contribute to building society, not destroy it.
2. The study confirmed that the prison administration in Saudi Arabia grants prisoners rights under Islamic law.
3. The study showed that there are terms to which the rule of a prisoner applies within certain limits, such as the detainee.
4. The study confirmed that the prisoner's rights in the Saudi system are in line with international standards, international law, and the Universal Declaration of Human Rights, and the inadmissibility of assaulting a prisoner in a way that humiliates his dignity and wastes his humanity.
5. The study confirmed that the prisoner's rights in Saudi Arabia are by the provisions of a just judiciary that preserves human dignity and preserves his humanity within the framework of Islamic teachings.
6. The study showed that the Saudi leadership has a major role in giving prisons and inmates by providing grants and contributions to prison administrations and families in preserving the preservation and dignity of human beings and prisoners.
7. The study showed that the concept of the prisoner in the Saudi system differs from the rest of the terms that may be combined with the prisoner in terms of the detention of freedom, such as the arrested, the precautionary detained, and others.
8. The study confirmed that the principle of objective and procedural legitimacy is derived from the provisions of the tolerant Sharia, which distinguishes the Saudi system from other man-made laws.
9. The study confirmed that Saudi Arabia, under its application of Islamic law, embodies the fact that it is a country of equality and justice and where the prisoner is not oppressed.
10. The study proved that the in-kind and material initiatives are part of the social, behavioral, and psychological reform, which contribute to reducing the prisoner's sentence if the prisoner is able to fulfill its conditions.
11. The study demonstrated the importance of applying alternatives to prison, as most countries have begun to implement them, which brings good results to the convict, society, and prisons by relieving pressure on them and providing the prisoners with food, medicine, health care, and other services provided to the prisoner.

### **Recommendations**

1. The necessity of adopting international standards for naming the prison a

- reform and rehabilitation center in view of what prisons in the Kingdom offer and their distinction in this matter, and launching the name of the system and regulation of the role or reform and rehabilitation centers on the prison system, so that the system of correction and rehabilitation centers and prisons becomes the correction and rehabilitation centers.
2. The necessity of adhering to what is stipulated in the regulations and derived from the provisions of Sharia, the Qur'an and Sunnah, and the opinion of Islamic jurists, in the treatment of prisoners.
  3. The necessity of adopting a written penal code in accordance with the provisions of Islamic Sharia and international standards.
  4. Issue instructions to prosecutors and judges to dismiss cases or to annul sentences in the event of serious violations of due process and fair trial procedures for detainees that establish some of the prisoner's rights.
  5. Activating access to lawyers for incapable prisoners.
  6. Activating clear and transparent rules to implement the royal pardon orders for prisoners.
  7. The study recommends urging judges to replace imprisonment for non-serious crimes with alternatives such as stay of execution, electronic bracelet, and community service.
  8. The study recommends activating the role of civil society institutions in addition to prisons through effective partnerships.
  9. The study recommends researchers from academics, science students, and research institutions to give research attention to prison and prison affairs, whether legally, socially, or psychologically, and to activate what is appropriate from these studies on the ground.
  10. The study recommends the relevant authorities from prisons and civil society in the world in general and the Arab world, in particular, to take into account the privacy of Islamic Sharia and its special provisions, taking into account the issue of prisoners from various aspects to reform, rehabilitate and educate them.
  11. The study recommends training law enforcement personnel in prisons on everything that would preserve the rights of prisoners to mitigate abuses and breaches.
  12. The study recommends activating audio-visual media and social media to highlight the services and initiatives provided by prisoners to prisoners and the correctional and rehabilitation role.
  13. The study recommends educating prison staff about their special role in promoting and protecting human rights, with the need for continuous training.