

GET TO KNOW YOUR RIGHTS 2

Rights and Duties of Male and Female Inmates

(2008G-1429H)

Rights of Male and Female Inmates

Do you know that male detainees and prisoners have rights while female detainees and prisoners have different rights determined by Islamic Law, and Laws, Bylaws, and Instructions in force in the country?

First: Rights of male and female detainees

- 1. Your right to be informed by the detention and investigation authority about the reasons of your detention as soon as you are arrested.**¹
- 2. Your right that you shall not be detained except in the places designated for that purpose by the law:** It is not authorized to arrest or imprison any individual except in prisons or detention houses designated by the law.²
- 3. Your right not to be arrested except by the concerned authority:** In cases other than flagrante delecto, you shall not be arrested or detained except by a decision from the concerned authority.³
- 4. Your right that the Prison Administration or Detention House shall not accept to arrest you except through a precise and signed decision by the concerned authority,** and you shall not remain therein after the indicated date.⁴
- 5. Your right to be categorized, subject to available possibilities in prison, within the suitable category according to sex, age, kind of detainees and prisoners, and their respective culture.**⁵
- 6. Your right to be mandatorily treated humanely by not being tortured:** You shall be treated in case of arrest or detention in such a

¹ Article (35) of the Code of Criminal Procedure.

² Article (36) of the Code of Criminal Procedure and Article (1) of Prison and Detention Law.

³ Article (35) of the Code of Criminal Procedure and Article (1) of Prison and Detention Law.

⁴ Article (36) of the Code of Criminal Procedure and Article (7) of Prison and Detention Law.

⁵ The case of female detainees and prisoners has been organized by a provisional bylaw issued by a decision of the Director of the General Administration of Prisons number 2192 dated 2/6/1404H, and the bylaw of the Houses of Social Observation issued by a Council of Ministers' decision number 725 dated 22/12/1380H, and the General Administration of Prisons' Circulars number 11/1441 dated 20/11/1410H and number 11/682 dated 10/4/1414H.

way that your dignity is preserved, and you shall not be harmed physically or morally.⁶

7. **Your right to contact whoever you deem to be informed about your arrest and detention.**⁷
8. **Your right to keep the money you have and valuable belongings, and deposit them in the detention house or prison's safe, which belongings are then restored to you upon your release or handed over to whoever you designate.**⁸
9. **Your right to complain and notify specialists:** Each inmate or detainee shall have the right to put forward at any time to the prison warden or detention house a written or oral complaint, and ask him to report it to the member of the Bureau of Investigation and Prosecution. The officer shall accept the complaint and promptly communicate it after registering it in a special book and provide you with an acknowledgement of receipt. The administration of the prison or detention center shall designate a separate office for the member of the Bureau of Investigation and Prosecution as may enable him to follow up the case of prisoners or detainees.⁹
10. **Your right to contact the member of the Bureau of Investigation and Prosecution** to put forward a complaint to him. Specialists from the Bureau of Investigation and Prosecution should pay visits, at any time and without regard to official hours, to the prisons and other places of detention falling within their jurisdictional areas to ensure that you are not unlawfully imprisoned or detained. They shall have access to the relevant files of the prisons and detention centers and communicate with you as a prisoner or detainee, and receive what complaints they submit therewith. The prison wardens and detention centers shall provide the members of the Bureau of Investigation and Prosecution with all the assistance they may need for the discharge of their duties.¹⁰
11. Whoever has any information that you are unlawfully or improperly imprisoned or detained, or imprisoned or detained in a place not intended for imprisonment or detention, shall notify the Bureau of Investigation and Prosecution. Upon notification, the competent member of the Bureau of Investigation and Prosecution shall immediately proceed to the place where you are kept as prisoner or detainee, and shall conduct the necessary investigation. If it is found that such imprisonment or detention is unlawful, he shall order your release. A note to that effect shall be entered into the record, and submitted to the competent authority, which shall implement whatever

⁶ Article (35) of the Code of Criminal Procedure, Article (28) of Prison and Detention Law, the Convention against Torture (1984), which has been signed by the Kingdom, and Royal Decree number 43 dated 29/11/1377H.

⁷ Article (35) of the Code of Criminal Procedure.

⁸ Article (35) of the Code of Criminal Procedure.

⁹ Article (38) of the Code of Criminal Procedure.

¹⁰ Article (39) of the Code of Criminal Procedure.

action is required by the law in respect to the persons responsible for this.¹¹

12. **Your right to be interrogated within twenty-four hours:** The period of detention shall not exceed twenty-four hours. On expiry of that period, the detention center officer shall notify the chairman of the relevant department which shall interrogate you promptly, or issue an order for your release.¹²
13. **Your right to seek the assistance of a representative or an attorney to defend you** during investigation and trial stages.¹³
14. **Your right to be arrested only if you are suspected in a major crime, or if it is feared that you would escape, or you have not designated a place of residence convincing enough for the Investigator.**¹⁴
15. **Your right after your interrogation and investigation that your detention shall end within six months from the date of arrest:** If it has transpired after your interrogation or in case you are evading justice, that there is enough evidence against you for a major crime, or it is in the interest of investigation to arrest you or prevent you from escaping or influence the course of investigation, the Investigator shall issue a decision to arrest you for no more than five days, unless the Investigator deems 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 or successive periods of time provided that they do not 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 President 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.¹⁵
16. **Your right, in case of arrest, for the original decision of arrest to be presented** to the warden of the detention house after signing receipt on a copy.¹⁶
17. **Your right for the period of detention to be deduced from the term of imprisonment imposed on you.**¹⁷

¹¹ Article (39) of the Code of Criminal Procedure.

¹² Article (109) of the Code of Criminal Procedure.

¹³ Article (4) of the Code of Criminal Procedure.

¹⁴ Articles (8), (112), and (113) of the Code of Criminal Procedure.

¹⁵ Article (114) of the Code of Criminal Procedure.

¹⁶ Article (115) of the Code of Criminal Procedure.

¹⁷ Article (26) of the Prison and Detention Law.

- 18. Your right not to remain in the detention house or prison after the term of imprisonment has elapsed:**¹⁸ The administrative procedure shall not delay your release from prison and detention.¹⁹

Second: Rights of male inmates

Male inmates enjoy the same foregoing procedural rights of detainees stated in the Code of Criminal Procedure, except for the period of detention, which the law limited to the ceiling of six months. The most important inmates' rights according to the Prison and Detention Law are:

1. **Your right to be protected from contagious diseases:** Inmates undergo a general medical checkup from the moment they are imprisoned to make sure that they are healthy and free from contagious diseases and other. In case they are proved to be contaminated by any contagious diseases, they are quarantined to protect the others, and a medical file shall be opened in their name for their medical state to be continually followed up.²⁰
2. **Your right to be provided with decent clothing while in prison and workshops and other.**²¹ Moreover, each inmate shall be furnished with appropriate bedding.²²
3. **Your right to a financial ration.**
4. **Your right to cooked and healthy food three times a day,** apart from special diets to diabetics and their counterparts according to their state of health.²³
5. **Your right to perform your Islamic religious rites at the house of detention or prison, and your right to the necessary tools to perform them.**²⁴
6. **Your right to culture through the presence of authorized books, newspapers, and magazines at your own expenses:** In each prison

¹⁸ Article (7) of the Prison and Detention Law.

¹⁹ Article (21) of the Prison and Detention Law.

²⁰ Article (22) of the Prison Law, the bylaws and instructions issued through the General Prison Administration's circular number (159) dated 18/10/1397H, and the ministerial decision number 4092 dated 22/10/1398H.

²¹ General Prison Administration's circular number 9/1407 dated 28/8/1417H.

²² General Prison Administration's Director's circular 159/S dated 18/10/1397H.

²³ Articles (12) and (22) of the Prison and Detention Law.

²⁴ Article (17) of the Prison and Detention Law, Articles (1) and (7) of the Governing Statute, the two ministerial circulars number 3921 dated 22/9/1398H and number 1459 dated 1/4/1399H, and the General Prison Administration's circulars number 2450/T dated 25/10/1404H and number 11/222/T dated 6/4/1406H.

or detention house, there exists a library including religious, scientific, and ethical books for inmates and detainees to use in their free time.²⁵

7. **Your right to education and pursuing your studies:** The inmates are allowed to study through legal schools supervised by the Ministry of Instruction and Education. They are found at correctional centers, and enjoy the same advantages as those outside prison. Inmates, males and females, are also authorized to enroll at universities.²⁶
8. **Your right to necessary medical care within prison or public or private hospitals,** dedicating special wards in some hospitals to prisoners that cannot be treated within prison, and allowing inmates to leave for private clinics depending on their state of health.²⁷
9. **Your right not to be assaulted in any way:** Disciplinary measures are taken against civil and military officials that assault an inmate or detainee, penalizing them in case of criminal assault.²⁸
10. **Your right to be spared part of the prison sentence** in case you memorize the Koran: Each inmate who memorizes the Holy Koran in part or in full is spared half of his prison term or part of it corresponding to the amount of memorization. Having done so, each inmate is presented with an encouragement prize by the prison's administration.²⁹ In cases of drug trafficking, inmates who memorize the Holy Koran in full see their sentence reduced by one-quarter as stated in the Royal Decree number 2545/MB dated 24/3/1429H.
11. **Your right, once you memorize the Holy Koran and master techniques of reciting it, to a financial reward from the General Administration of Prisons.**³⁰
12. **Your right to ask to be pardoned for a quarter of your prison term if it has transpired to the prison authority that you pray regularly and respect the prison regulations and if His Highness Minister of Interior agrees to that.**

²⁵ Article (18) of the Prison and Detention Law and the ministerial circulars number 3922 dated 22/9/1398H and number 1459 dated 1/4/1399H.

²⁶ Article (18) of the Prison and Detention Law, the two ministerial circulars number 3922 dated 22/9/1398H and number 1459 dated 6/1/1405H and number 35/T dated 13/1/1407H.

²⁷ Prison health care bylaw issued through the ministerial decisions number 4092 dated 22/10/1398 and number 9816 dated 22/9/1398, and the General Prison Administration's circular number 9/1009 dated 10/6/1415H.

²⁸ Article (28) of the Prison and Detention law.

²⁹ His Royal Highness Interim Minister of Interior's circular number 18/42683 dated 1-2/6/1408H and His Royal Highness Minister of Interior's circular number 18/87971 dated 28/12/1411H based on Royal Decree number 4/2081/M dated 27/11/1411H.

³⁰ Ministerial decision number 3921 dated 22/9/1398H.

13. **Your right to a religious culture:** Talks are organized and sermons are regularly preached by a pool of renowned heralds. Moreover, religious cassettes are distributed to enlighten and advise them religiously.³¹
14. **Your right to be trained and habilitated to do certain jobs:** Inmates are made to join training sessions in mechanics, electricity, plumbing, carpentry, and other professions such as computers, typewriters, and electronics to fill up their free time and prepare them to have a suitable job after their release. Inmates are given accredited certificates from the general institution for technical education and professional training.³²
15. **Your right to do all your transactions such as selling, buying, willing, guarding and other penal-related behaviors and your right to ask for retribution to yourself or to whoever you are entitled to request for retribution** and accept blood money, reconciliation, and give up retribution, and your right to ask the prison administration to fetch a notary to write a delegation of authority or other or to accompany you to the court or to a notary to do that.³³
16. **Your right twice a month to legal privacy with each one of your wives if you are married to more than one according to specific controls** based on the directives of Islamic Law.³⁴
17. **Your right to correspond with your family and friends in writing and through telephone calls.**³⁵
18. **Your right to visits:** You shall be visited by your children, wife or wives, your parents, and other.³⁶
19. **Your right to leave prison to visit your family (your parents, your wife or wives, and your children) for twenty-four hours** according to specific controls (open prison) in case they were unable to visit you in the prison, or leave to take care of your interests such as attending

³¹ Ministerial decisions number 3922 dated 22/9/1398H and number 1459 dated 1399H.

³² The bylaw of professional training and habilitation issued by the ministerial decisions number 4091 dated 22/10/1398H and number 4882 dated 27/10/1413H and the Ministry of Labor and Social Affairs' decision number 85 dated 28//2/1397H.

³³ Royal Decree number 1985M dated 17/6/1404H.

³⁴ Ministerial decisions number 3517 dated 21/7/1406H and number 1745 dated 17/12/1411H. There is a legal privacy within and outside prison to Saudi inmates if they spent half of their prison term that should not be less than one year. If they are within the city, they are entitled to twenty-four hours. If they live outside the city where they are imprisoned, they are entitled to seventy-two hours to spend more time with their families and provide for their needs.

³⁵ His Highness Minister of Interior's decision number 3919 dated 22/9/1398H and His Highness Interim Minister of Interior's decision number 598 dated 21/7/1409H.

³⁶ Article (12) of the Prison and Detention Law and the Ministerial decision number 3517 dated 21/7/1406H.

the funeral of one of yours, the burial ceremony, or the wedding of one of those under your legal guardianship.³⁷

20. **Your right to practice different cultural activities:** Such as reading books, drawing, calligraphy, keeping a wall newspaper poster, competitions, plays, and practicing various kinds of sports.³⁸
21. **Your right to work within prison in jobs suitable to you** under certain conditions and according to certain controls and for a salary that provides for your family outside prison.³⁹
22. **Your right to work outside prison according specific controls and conditions.**⁴⁰
23. **Your right to leave prison to enroll at the university and to sit for a personal interview.**⁴¹
24. **Your right to social and psychological care to assist you in acclimatizing yourself with the incarceration environment and solve the psychological and social problems that might occur to you or your family.**⁴²
25. **Your right for your clothing to be laundered by a special contractor.**⁴³
26. **Your right to be provided with financial aid and aid in kind to you and your needy family by the Ministry of Social Affairs and the National Committee for Inmates and the Released and their Families after your file is investigated by one social worker.**⁴⁴
27. **Your right not to be subjected to solitary confinement within prison and not to be prevented from contacting your fellow inmates within prison except in two cases stated by the law:** If the

³⁷ Ministerial decisions number 3922 dated 22/9/1398H and number 1745 dated 17/12/1411H, circulars 609 dated 24/5/1412, 9/1009 dated 10/6/1415, 9/1105 dated 23/7/1418, and 9/210/11 dated 14/2/1420H.

³⁸ Ministerial decision number 3922 dated 22/9/1398H.

³⁹ Article (16) of the Prison and Detention Law and the General Administration of Prisons' circulars number 425/T dated 12/7/1406H and 119 dated 17/1/1396H.

⁴⁰ General Administration of Prisons' circular number 9/210/11 dated 14/2/1420H.

⁴¹ Ministerial decision number 3922 dated 22/9/1398H and circulars 609 dated 24/5/1412, 9/1009 dated 10/6/1415, 9/1105 dated 23/7/1418, and 9/210/11 dated 14/2/1420H.

⁴² The Social and Psychological Care in Prisons' bylaw issued by the Ministerial Decision number 4308 dated 1/11/1398H.

⁴³ The General Administration of Prisons' circular number 9/1009 dated 10/6/1415H.

⁴⁴ The Social and Psychological Care in Prisons' bylaw issued by the Ministerial Decision number 4308 dated 1/11/1398H.

Investigator deems it in the interest of investigation⁴⁵, and if you have transgressed prison regulations.⁴⁶

28. Your right to be released before noon on the last day of your prison term: if no general pardon on the crime or penalty or part of it. In case of pardon, you shall be released at the time specified in the release decision.⁴⁷

29. Your right in case you are sick to be temporarily released if it has been proven that your recovery depends on your leaving the prison, or be released for good if you have an incurable disease, or a disease threatening your life, or invalidating you totally, or menacing the life and health of other inmates.⁴⁸

30. Your right to be compensated if your imprisonment has been illegal.⁴⁹

31. Your right in case of death for a detailed medical report to be established about you and referred to the concerned authority, and for your family to be informed and handed your corpse as long as it is epidemic-free and its transport is not a threat to public health.⁵⁰

32. Your right to post-release care in order not to relapse in recidivism or delinquency.⁵¹

Three: Female inmate's rights

Apart from the rights determined for detainees and prisoners, the Code of Penal Procedure, the Prison and Detention Law, and directives include rights to each female inmate in correctional institutions (prisons), and have determined several services in conformity with her nature as a woman, such as:

⁴⁵ Article (119) of the Code of Penal Procedure.

⁴⁶ Article (20) of the Prison and Detention Law.

⁴⁷ Articles (7), (21), (23), (25), and (26) of the Prison and Detention Law and Articles (32), (116), and (117) of the Code of Penal Procedure.

⁴⁸ Ministerial Decision number 148 dated 19/1/1400H.

⁴⁹ Articles (38) and (117) of the Code of Penal Procedure, Article (8) of Bureau of Grievances Law, Article 2/8 of Royal Decree number M/42 dated 29/11/1377H, and Article (231) of the Directorate of Public Safety law.

⁵⁰ Ministerial Decision number 4092 dated 22/10/1398H and Article (23) of the Prison and Detention Law.

⁵¹ The Social and Psychological Care in Prisons' bylaw issued by the Ministerial Decision number 4308 dated 1/11/1398H.

1. **Your right to health care:** A female inmate is checked up upon incarceration to make sure that she is healthy and free from any disease. If it transpires that you have a contagious disease, necessary measures are taken to make you checked up by a specialist and quarantined to protect other inmates. If you have been proven to be sick during your incarceration, your state of health will be followed up through the prison's health center.⁵²
2. **Your right to education:** Female inmates are given the opportunity to pursue their education within prison.⁵³
3. **Your right to religious culture:** Circles to memorize the Koran are organized within prison supervised by the Philanthropic Association for the Memorization of the Koran to encourage inmates to have interest in memorizing the Koran owing to its effective effect in straightening up their behavior. Royal Decisions have been issued to reduce by half or part of the prison term of each female inmate according to the amount of memorization. Moreover, encouragement rewards from the prison's administration are granted against attending the circles of memorization of the Koran. Talks are organized and sermons are regularly preached by a pool of renowned female heralds. On the other hand, renowned male heralds are invited to enlighten and advise them religiously through TV close circuits, loudspeakers, and religious cassettes broadcast to inmates.
4. **Your right to financial aid:** The State gives financial aid to each female inmate upon incarceration, apart from the high standard cooked food three times a day as well as a special diet for diabetics or their counterparts as required by their state of health and based upon the doctor's recommendation.
5. **Your right to professional training and habilitation:** There exists in each prison for females a workshop in which training sessions to inmates in sewing are organized to fill up their free time and give them accredited certificates.⁵⁴
6. **Your right to care for your children:** An inmate's child remains with her in the prison up to the age of two. If she does not desire so or the child has reached the age of two, he/she is given to his father's custody or whoever legally has his guardianship after his mother. If the child has no father or relatives to guard him/her, he/she is placed in one of

⁵² Article (5) of the Prisons Law and the Ministerial Decision number 3920 dated 22/9/1398H.

⁵³ The General Administration of Prisons' circular number 35/T dated 13/1/1407H conjoined with the circular of the General Presidency of Girls' Education (currently Ministry of Education) number 1561/2/Q/8 dated 13/1/1407H.

⁵⁴ General Directorate of Prisons' circular number 425/T dated 12/7/1406H.

the child care institutions provided that the mother is informed about where he/she is placed. There exists a nursery for the children of inmates under two. There is also a specialized nursery to supervise them apart from the children's requirements that the State provides such as milk, other food products, and medical items.⁵⁵

7. **Your right to meet with your sons and daughters:** Coordination with the concerned parties should be possible to enable you to meet with sons and daughters and bring them to you to be reassured about them.
8. **Your right for your family and living conditions to be studied to lead you to the right path.**
9. **Your right for your needy family to be assisted:** Coordination with philanthropic parties should be possible to give the inmates' needy families financial aid and aid in kind.
10. **Your right while the procedure of release is being finalized to invite your guardian to the prison orientation and guidance office** in order to begin giving you advice and directives to ensure your assistance in overcoming and defeating your problem and taking the necessary precautions not to relapse in recidivism.
11. **Your right to be provided with your needs and requirements within the limits set up by the law.**
12. **The right of female recidivists for their conditions to be looked into by a specialized committee to eradicate the problems that compel them to be recidivists.**
13. **Your right if you are pregnant and starting from the appearance of the symptoms of pregnancy to be treated in a special way** in terms of food and work until forty days elapse after childbirth. You will be checked up by a doctor weekly in order to decide about your diet and treatment, and you will not be entrusted with tiring tasks that would harm your health or that of your fetus.⁵⁶
14. **Your right if you are pregnant to be taken to hospital when childbirth comes near, and remain there till you give birth to your baby, and the doctor authorizes you to leave it.**⁵⁷

Duties of Male Inmates

⁵⁵ Article (15) of the Prison and Detention Law and the Social and Psychological Care in Prisons' bylaw issued by the Ministerial Decision number 4308 dated 1/11/1398H.

⁵⁶ Article (13) of the Prison and Detention Law and the Ministerial Decision number 3920 dated 22/9/1398H.

⁵⁷ Article (14) of the Prison and Detention Law.

- Inmates or detainees shall give all their belongings such as money and other valuable objects to specialists at the prison administration to keep them.
- Inmates shall join training and be present at the circles of memorization of the Koran.
- Inmates shall not assault their fellow inmates and prison workers either verbally or physically.
- Inmates shall refrain from smuggling or trying to smuggle in weapons or instruments liable to disturb safety within the prison.
- Inmates shall perform their religious rites at their prescribed times.
- Inmates shall take care of their personal hygiene and the cleanliness of the place.
- Inmates shall go out into the sun when requested to do so.
- Inmates shall seek to visit the library.
- Inmates shall refrain from misusing their fellow inmates by smuggling in drugs or prohibited substances into the prison.
- Inmates shall refrain from inciting their fellow inmates to make trouble or transgress laws and regulations.