

## The suspension and Guaranteeing Public Rights and Freedoms in the Saudi System

### الاستيقاف وضمان الحقوق والحريات العامة في النظام السعودي

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#### **Abstract:**

The suspension is one of the most dangerous security measures affecting the freedom of movement of persons in their movement from one place to another within the state, in particular, for what it might consequent measures that are more serious to human rights , including what the criminal investigation officer may reveal about a crime flagrante delicto he does not know , Or he would not have disclosed it if he had not made a suspension. As the purpose of this paper is to explain the protection of human freedom in the Saudi texts, to indicate how strong they are in achieving such protection, or whether they need to be amended. .The results of the study revealed the need to amend the text of article 28 of the Procedures Law 1435H, as well as another amendment to article 4 of the Rules of Suspension, because of the shortcomings that guarantee the protection of human rights during the practice of suspension.

**Keywords:** Suspension, Guaranteeing , Public Rights, Freedoms, Saudi System .

#### **الملخص:**

يعد الاستيقاف من أخطر الإجراءات الأمنية التي تمس بحرية الإنسان في تنقله وفي حركته من مكان لآخر داخل الدولة ، بصفة خاصة لما قد يترتب عليه من إجراءات أكثر خطورة على حقوق

الإنسان ومنها ما قد يكشف به مأمور الضبط الجنائي عن جريمة في حالة تلبس لم يكن ليعرفها ،أو يكشف عن وجودها ما لم يتم بإجراء الاستيقاف .وتهدف الورقة هنا إلى بيان ما تضمنته النصوص السعودية من حماية لحرية الإنسان محل الاستيقاف وبيان مدى قوتها في تحقيق تلك الحماية أم أنها بحاجة إلى التعديل . وهو ما كشفته نتائج الدراسة من ضرورة تعديل نص المادة الثامنة والعشرون من نظام الاجراءات 1435 هـ ، وكذلك تعديلا آخر على المادة الرابعة من لائحة أصول الاستيقاف؛ لما فيهما من نواقص تضمن حماية حقوق الإنسان خلال ممارسة الاستيقاف .

**الكلمات المفتاحية:** الاستيقاف ، ضمان ، الحقوق العامة ، الحريات ، النظام السعودي .

## **I. INTRODUCTION:**

In definition, human rights are universal legal processors that guarantee the protection of individuals and groups from the actions of authorities. Human rights are also to protect the basic rights of human beings, regardless of race, color, religion or race. They guarantee the equal treatment between various individuals and groups (Human Rights and Law Enforcement, 2002).

Human rights are values things and moral aspects that are recognized by laws or Islamic Sharia to protect people from aggression. Therefore, humanity in general is a property enjoyed by that creature as mentioned in the Holy Quran as God says, “We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of our creation” (70, Al-Isra).

Today there has been considerable progress in the information available to the judicial authorities, including the police. It is the body that handles the security aspect of the society, from the prevention of crime, through the identification of the perpetrators of crimes, the execution of orders to restrict freedoms, and ultimately the execution of sentences against those found guilty. Despite the efforts made and still being made by the international community to provide adequate criminal protection of human rights, while States have also sought domestically to enact laws and regulations that promote such protection, but there are many violations of human rights during the exercise of security work, so we had to discuss the extent of his aggression on human rights and analysis of the legal position through international documents and local laws and regulations, within the limits of people and procedures of

security work and his human rights aggression on and away from Pure judicial work and its people, such as the investigator and judge.

### **The study problem:**

Despite the efforts made by States and the international community at the international and regional levels and working to unify the legal framework for the protection of human rights, the most important of which are the rights that are prejudiced by the exercise of security work during inference and information gathering, Because of the direct violation of the public and private rights of the human being contained in the freedoms and physical and moral rights , and his physical and moral rights are the subject of the violation as a result of the security work procedures which may end with the acquittal, and does not respond his Rehabilitation for ignorance or otherwise, But these rights are still under strain Prejudice and aggression against it, Through the exercise of security work is indicative of the men of public authority, And magistrate criminal adjust in particular, Which called for its study and discussion of its legal evidence and the legal basis on which security work is based in Saudi Arabia When violating and locally and internationally protected rights and freedoms. Accordingly question arises: What is the scope of guaranteeing the general rights and freedoms of the human being in the Saudi system during the suspension?

### **The importance of studying:**

#### **First: Scientific importance:**

The scientific importance of the study is as follows:

- (i) Discuss the extent to which preventive and evasive security work has been violated despite the international community's refusal to violate it. The importance of preventing human right violations by security forces. International charters, regulations and laws guarantee human rights.
- (ii) Prevention of security violations in order to preserve the human rights guaranteed by the charters, regulations and laws.
- (iii) Discuss the legal mechanisms available to the Saudi system for the protection of human rights from violations of security work during the suspension and devise ways to improve them.

#### **.Second: Practical importance:**

The practical importance of this study lies in:

- (i) Draw the attention of the international community and the Saudi regulator to the importance of continuing the normative efforts to

develop a stronger fence to protect human rights from violations of security Procedures.

- (ii) Educating local and international communities about the dangers of violating human rights as a result of carrying out the security tasks.
- (iii) Calling on legislative and regulatory authorities to review international and domestic legal frameworks to achieve stronger human rights protection against violations of security work.

### **Study Questions:**

- (i) What is suspension as a security measure?
- (ii) What are the rules governing the suspension in the Saudi system?
- (iii) What are the legal mechanisms to ensure the protection of human rights when there are suspicions that require suspension when performing the tasks of the security work?

### **Objectives of the study:**

- (i) Explaining the suspension as a security work indicative.
- (ii) Clarifying the seriousness for the suspension of rights and public freedoms.
- (iii) Discussion of legal mechanisms to guarantee human rights at the practice of collecting information and evidence.

### **Study Approach:**

The theoretical descriptive approach of the extrapolation, analysis and deductive was adopted in this study. This has been followed by drawing conclusions that help to stress the importance of this subject; clarifying the extent to which human beings can be protected by rights as stated in the legal text during the practicing of the inductive security work. This is in the light of the international, regional and local laws and treaties that guarantee human rights during the exercise of security work in accordance with the requirements of this study.

### **Concepts and terminology of the study:**

Security agencies: police and those with judicial control.

Suspect: who was in a suspicious position.

Accused: who is likely to be accused.

Inference: gathering information about the crime and the accused individuals.

Suspension: is a security procedure for questioning the identity of a person who has voluntarily put himself in doubt.

### **Objectivity border:**

#### **First at the international level:**

Selected international human rights instruments which are related to law enforcement in the exercise of indicative security work:

- (i) Universal Declaration of Human Rights.
- (ii) International Covenant on Civil and Political Rights.
- (iii) Code of conduct for law enforcement officials.
- (iv) Basic principles on the use of force and firearms by law enforcement officials.
- (v) Principles for the Protection of all people under any form of detention or imprisonment.

#### **Second, at the local level:**

- (i) All Saudi laws that regulate the security work related to human rights at the same time.
- (ii) Implementation regulations in Saudi Arabia that are suitable for this study.

### **The study plan:**

The first requirement: what is suspension?

The second requirement: suspension guarantees.

### **Pave and divide:**

Suspension is one of the security procedures to safeguard the security and public order of the State. It is also to protect the “security right” of each individual. Therefore, suspension is a security procedure affecting human rights in two ways; (1) it safeguards the public security and (2) it has a physically restriction on the person's freedom and movement. As part of the suspension procedure, there is a need to provide guarantees protecting human freedom from the effects of inductive security work. This has been explored in this study via the following consecutive requirements.

### **First requirement**

#### **What is a suspension?**

1- At the international level, public freedoms are protected from any violations even if they are simple. This includes violations related to dignity, honor or reputation as stated in Article 2 of the International Covenant on Civil and Political Rights states, adopted and opened for signature, ratification and accession by General Assembly resolution 2200 (D-21) of 16 December 1966, entered into force on 23 March

1976, in accordance with article 49, that each State member in the Covenant, has to respect and guarantee the rights all individuals living within its territory without distinction of any kind such as race, color, sex, language, religion, political or non-political opinion, national or social origin, properties, place of birth or other status.

2- In cases that are not included in the existing legislation or other measures, each State member in this Covenant, makes a pledge to undertake the necessary steps, according to its constitutional procedures and the provisions of the present Covenant, to adopt these laws and other measures as may be necessary to enable the rights recognized in the present Covenant.

3- Each Member State in this present Covenant pledges to ensure that:

a. Any person whose rights or freedoms have been violated recognized in the present Covenant, shall have an effective remedy, even if the violation committed by people acting in their official capacity.

b. Any person claiming such remedy has the right to do so by competent judicial, administrative or legislative authorities or by any other competent authority provided for in the legal system of the state and to develop the possibilities of the judiciary.

c. The competent authorities enforce these remedies when granted.

Suspension asone of security procedures that work to maintain security and protect public order in society by preventing the person from movement until his identity is recognized without being caught)Suleiman(2006 ‘, physically tortured, and prevented from movement for a while as per the arrest procedure(Al-Marsafawi, without), Article 4 of the Cairo Declaration on Human Rights in Islam, adopted by the Council of Ministers of Foreign Affairs of the Organization of the Islamic Conference, Cairo, 5 August 1990, that "every person has the right to dignity and to preserve his reputation in his life and after his death. Government and society have to protect his body after death and guarantee his burying.

Article 12 of the International Covenant on Civil and Political Rights affirmed that public freedoms should not be violated, and in particular “the right of movement”: "1. Everyone who lives in legally in a State, has the right to move freely and to choose his place of residence.

2) Everyone has the right to leave any country, including his own. 3) The above-mentioned rights shall not be subject to any restrictions other than those prescribed by law. This is critical to protect the national security, public order, public health, moral system as well as the rights and freedoms of others. This is in consistence with other rights recognized in the present Covenant. 4) No one shall be arbitrarily deprived of his right to enter his country." For instance, when a person is passing checkpoints, the criminal control officer, or a member of the public authority, has the right to arrest this person if he puts himself in doubt or mistrust. The case of suspension must be lifted immediately, and the person should be allowed to pass through, by the force of the system after checking the safety of his official documents)Justice M .A set of judicial decisions Case No. (34485187) of decision No. (35233487) issued by the Court of Appeal in Makkah on H 1435 1435(

At the local and internal level, the public authority and criminal investigation officer have the right to ask any person, whether they hold legislative immunity or not, to stop at the checkpoints for identity check, ensuring the safety of their documents, and the possession of driving' licenses and vehicle registration documents. The purpose is to ensure compliance with the rule of law. The laws are called suspension, but there is no suspicion here, and its purpose is not achieved, so make sure only the extent of compliance with the traffic control rules.

Because of the suspension, if the suspended person is found guilty, they must be arrested even if they hold immunity or not. Otherwise, this would be an illegal arrest and would invalidates the following steps that have been built on. According to the list of the principles of the arrest, temporary detention and preventive detention issued by the decision of his highness the Minister of Interior No. 233 on 7/1/1404 AH, which stated (Article 1): "Patrol men and other members of the public authority are authorized to stop anyone who is in a case called for suspicion."

At the same time, if the situation is serious and more than just a suspicion of confusion or a simple appearance, that raises suspicion, and which raises suspicion of a crime, then the discretionary officer has no discretion but must seize it and hand it over to the nearest investigation authority. This is according to Article 2 of the list of the suspension procedures, "when there are indicators that somebody has committed an

offense, they must be seized and handed immediately to the investigation authorities. This has to be accompanied with the preparation of a record showing the details of the arresting process such as date, time, who was arrested, and who arrested the suspicion and the reasons behind it".

Article 3 explained that the competent authority should conduct the investigation immediately upon the arrival of the arrested person. In all cases, the arrested person shall be questioned and his defense shall be heard. This has to be confirmed in an official record within less than twenty-four hours of the arresting.

Consequently, the suspension is intended to carry out the preventive security work by providing public security. This is by verifying the suspicions that the arrest officer has against a particular person)Muhammad A(2005 ‘.. This justifies the relationship between the security work carried out by the control officer and the human rights. These mutual rights between the society individuals who need security and a person who puts himself voluntarily in a suspicious position as a security threat that requires suspension. This is an entry point to the violation of human rights because of the suspension consequences:

- (i) The availability of features that raised the suspicion and doubt of the arresting officer, which requires taking the suspect to the nearest police station.
- (ii) Suspension may disclose a flagrant crime.
- (iii) If the suspect did not collaborate with the arresting officer by not sharing his identification documents, or even attempting to be evade the issue. This require the officer to the follow-up of the criminal control officer to identify the suspect.

The suspension is a procedure that can be carried out by any member of the public authority, even if they are not judicial officers; since it is nothing more than a procedure of inference. It is worth noting that the Criminal Procedure System (the royal decree number M/2, 22/01/1435) did not include the suspension, but it was limited to the statement of the right of the judicial officer to direct the inferences necessary for the investigation and the prosecution. This is followed by the occurrence of the crime while the suspension, although there is a possibility of starting it after the crime, but it often happens without



clear evidence of committing a crime(Al-Saifi, 2016),(Al-Marsafawi, without). This is evident by the analysis of Article 32 of the Law. The case of flagrant and the possession of the man of control showed that the persons present in the crime scene were prevented from leaving the place. This means that each of them stops at the place of the crime. On the other hand, the situation is suspicious to the ordinary person who is in the crime scene voluntarily. This is according to the law. If this attendee did not want to share what he saw, this has to be prove in the record of the crime. This restriction mentioned by the legislator with regard to who attended the crime scene and because of being accused. The legislator obliged the control-man to prove that the present refrained from responding to the call of the officer in charge to hear his statements; it means that this attendee put himself or herself in a suspect position. This justifies the ability of the control-man from preventing all of the attendees from leaving, according to the law that “the Criminal Investigation Officer, in the event of flagrante delicto - to prevent those present from leaving the scene, in order to release the necessary record. It may immediately call upon people to obtain information about the incident”.

If one of the attendees rejected the order issued by the Criminal Investigation Officer or if one of the persons called on to attend refused to attend, this must be proved in the record and the violator shall be referred to the competent court to look at.

Undoubtedly, the essence of the suspension is the physical act of restricting the freedom of the suspect partially or completely. This is through restricting the detainee’s movement without the use of force or holding his body and restricting his freedom of movement contrary to his will) Ahmed(2008 ‘. This is a violation of freedom and even aggression against the detainee)Justice M ‘.There is a set of judicial decisions case No. (33609158) of the decision No. (35371078) issued by the Court of Appeal in (28/8/1435) Mecca on 1435H1435 ‘H(. However, in this case this is a legal act aiming to identity verification. On the other hand, of the most serious security measures that may result in a real crime actually occurred when the use of the suspension for investigating another crime for a person who placed himself in doubt and was about to provoke the criminal investigation officer to ask him; Universal Declaration of Human Rights said, "All human beings are born free and

equal in dignity and rights. They have been given intellect capacity and conscience. They must treat each other in the spirit of brotherhood."

### **The second requirement**

#### **Guarantees during the suspension.**

As mentioned in the first requirement about the reality of the suspension that it is an administrative procedure aims to implement law as well as to protect the rights and public freedoms. However)Muhammad A.(2008 ‘., suspension may affect the rights and public freedoms for human beings. This is due to limiting the freedom of movement for some time until the police commander or the public authority officer is able to determine the situation of the suspect. From observing certain aspects, that the commanding officer may sense if the suspect has signs of confusion or not normal movement, unsteady or fast walking on the road, Or rush that may reveal a state of flagrante delicto, and may need ambulance and protection or any of the necessities or adversity that may make a person in a state of confusion or speed in running on the General road)Justice M ‘.a set of judicial decisions case No. (3354123) of the decision No. (35302461) issued by the Court of Appeal in (05/07/1435) Mecca1435 ‘ H(.

As stated in Article 12 of the Cairo Declaration on Human Rights in Islam, which was approved by the Council of Foreign Ministers of the Organization of the Islamic Conference, Cairo, August 5, 1990: “according to the Islamic law (Sharia), every person has the right to , to the freedom of movement and to choose his place of residence inside or outside his country. If a person is prejudiced, he has the right of seeking asylum in another country, which has to protect this person until he is safe unless committing a crime is the reason behind seeking asylum.

This shows that the suspension has two aspects ; (1) the cooperation between the man of public authority and the ordinary citizen to discover an emergency situation, in this case a legal protection for the rights and freedoms would be achieved(Shahrani, 1419) The other essential aspect of the suspension is that the man of public authority will be able to reveal the person in suspension who might have committed a crime.

Consequently, it is believed that suspension has many guarantees, but they are not included in the current law. . Therefore, we

suggest modifying the current law, article 28, to include these guarantees. As a result, the article (28) of the regulation could be:

During the information gathering, the criminal prosecution officers may suspend any suspected person, listen to the statements of those who have information about the crimes and the perpetrators, and question those who have been accused)Ibrahim(2007 ‘this must be recorded officially(Justice M. o., A set of judicial decisions Case No. (34485187) of decision No. (35233487) issued by the Court of Appeal in the Qassim region on 05/05/1435 H, 1435 H). Officers may seek assistance from experts including specialist doctors seeking their opinion in writing(<https://www.boe.gov.sa>, n)

It has been mentioned in A list of the suspension principles , temporary detention and preventive detention issued by the decision of His Highness the Minister of Interior No. 233 on 17/1/1404 AH, through the analysis of the texts of the following articles: "Article 1:" Therefore, guarantees during the suspension must be respected ensuring that the aims of the suspension are achieved, including that the detainee is identified following the official principles of suspension “.which includes objective guarantees and form guarantees:

### **First: Objective Guarantees:**

Suspension should include the suspected person only and should not include any other person who has not shown any suspicious signs; There must be sufficient uncertainty and suspicion in the suspended person so that the authority of public authority officer is not absolute. This is to prevent suspending people without a reasonable justification.

1. The aim of the arresting officer or the public authority officer is to ensure that the suspected person is not guilty )Justice M ‘.Set of Judicial Judgments Case No. (359372) of the Decision No. (35194999) Issued by the Court of Appeal in Makkah Region on 03/04/1435 H( 1435 ‘
2. Suspension has to depend on questioning only without Interrogation(Justice M. , A set of judicial rulings case No. (34417083) of the decision No. (35225854) issued by the Court of Appeal in the Eastern Region on 27/04/1435H, 1435).
3. Suspension does not justify the arrest of the suspected person. The suspension officer is limited to suspension and questioning only, therefore he must not arrest the suspect unless he needs to be taken to the police station)Justice M ‘.set of judicial rulings Case No. (35105887)

of decision No. (35176295) issued by the Court of Appeal in Makkah Region on 13/3/1435 1435 ‘H(

4. The arresting officer should release the detainee if his identity and place of residence are known)Justice M ‘.A set of judicial rulings, case No. (358706) of decision No. (35154084) issued by the Court of Appeal in the Eastern Region on 20/02/1435H 1435 ‘H(.

5. If the control-man has a high level of suspicion, he is allowed to keep the suspect in custody (and his possession) until an arresting decision is issued)Justice M ‘.A set of judicial rulings Case No. (34485187) of the decision No. (35233487) issued by the Court of Appeal in the Eastern Region on 27/04/1435 / H 1435 ‘H(.

6. If the suspended person is unable or does want to prove his identity, the role of the control man is limited to monitoring the detainee without being exposed to him.)Justice M ‘.Judicial judgments Group, Case No359 372. Court of AppealMakkah, Resolution No. 35,194,999, on 03/04 / 1435H(1435 ‘

7. If a person is suspected for a crime with more than minor suspicions such as confusion of speech, he must be arrested according to Article 4 of the principles of suspension list. If it is clear to the officer that the suspicions have not been confirmed, the competent authority have the right to release the suspended person immediately upon the order of the investigator or the police officer)Justice M ‘.set of judicial rulings Case No. (35105887) of decision No. (35176295) issued by the Court of Appeal in Makkah Region on 13/3/1435 1435 ‘H(.

8. There is an important objective guarantee that the suspension procedure is subject to judicial oversight, as criminal investigation officers are subject to the Investigation and Public Prosecution Authority (Public Prosecution) as a judicial body in the Kingdom of Saudi Arabia, and criminal guarantee activities are judicial in nature, which was confirmed by the Saudi criminal procedures system in Article 187, by affirming that every procedure that violates Islamic Sharia is invalid.

9. if the arrest warrant makes a violation dignity and the rights and freedoms protected by Islamic Sharia, which is the constitution, it is void. This guarantee was also affirmed by Article 189 of the same system, whereby judicial oversight and its importance over all procedures,Control procedures that the courtThe court has control over being correct, are stated in the text the court’s authority to correct the invalid procedure if the invalidity returns to a defect in the procedure,

and if it is not possible To correct it, It has to make a nullity, as if the suspension had been an affront to human dignity.

### **Second: Formality Guarantees:**

The origin of these guarantees is based on Article 2 of the Universal Declaration of Human Rights: Article 2 stated that everyone has the right to all the rights and freedoms mentioned in the present Declaration without distinction according to the race, color, sex, language, religion, political opinion, national or social origin, wealth, birth, or any other status. Furthermore, no distinction may be made because of the political, legal or international status of the country or territory to which the individual belongs, whether independent, non-self-governing or under the trusteeship or sovereignty of other countries.

We derive formality guarantees if the suspension is based on evident indicators confirming that a specific person has committed an offense rather than a little doubt. There are formality guarantees of the arrest record that is one of the suspension procedures (Salama, 2008). It is true if the suspension of the previous substantive guarantees and the limits of the previous statement whether the limits associated with the person of the detainee or the person suspended, or justification for suspension and purpose.

1. Defining the authority person or the arresting officer who made the suspension) Seif El-Nasr (2007). This is one of the formality controls mentioned in Article 2 of the principles of suspension list. On the other hand, this officer is a formal guarantee of the validity of the record and. It is also a guarantee to protect the right of the suspended person. Knowing the person who is responsible for the suspension, assists in knowing to which extent he is competent to order the suspension whether his specialty is the area/location in which the suspect is present. This is in addition to whether he is professionally competent to conduct the suspension and his temporal mission by not being able to work or otherwise, which makes him unqualified to protect the delay caused by prejudice against the suspect movement (Justice M. , Set of Judicial Judgments Case No. (34325751) of Decision No. (35233354) Issued by the Court of Appeal in the Eastern Region on 05/05/1435 H, 1435 ).
2. Identification of the person arrested, which is a formality controls (Salama, 2008) which is mentioned in Article 2 of the principles of the suspension list. On the other hand, this officer is considered a

formal guarantee of the validity of the record and the correctness of the control. He is also a guarantee to protect the right of the suspended person. Knowing the suspended person indicates to the validity of the suspension process. For example, if the suspended person is a young man or a child, then he should not be asked for.

3. Mentioning the date of writing the report. It is clear to us that there are several guarantees within this report. The date determines the availability of the suspension officer on this date) Hosni (2009 ' and to be able to suspend the accused person. The date also determines whether the accused person is in age that allows the suspension process to take place.
4. Writing the time of the report writing is one of the formality controls that means several guarantees for the right of the suspect. Time recording is important as it clarifies the place of the officer at that specific time of the day or the night and the validity of this job that may consider prejudice if it was not implemented correctly or a duty if it is completed in a correct way. Time recording determines the extent to which the officer complies with his duties with respect to the accuracy of the report writing and the procedure.
5. It is noted that there is a formality officer who constitutes an objective guarantee as mentioned above. The officer of the reasons and justifications required arresting officer to carry out this procedure from suspension to arrest) Ali (2011 ' ; writing the reasons and justifications in the report is a formal and required step. Moreover, on the other hand, is an objective officer, as stated in the substantive guarantees
6. If a person is suspected of having committed a crime and not just a minor suspicion (e.g. a confusion of speech), he must be arrested according to article 4 of the principles of Suspension list. If the suspicion has been ceased, there is an essential officer which is to challenge the personal scope of his release order, because the investigator should issue the order or the police station officer.
7. If the case contrary to the above and all the suspicions were confirmed an important guarantee must be provided which is reporting. A formal written decision has to be issued stating the detention as a requirement. In order to ensure that all formal checks of all the data contained in the report are completed in a single format, the suspect will be protected from any other procedure that may be prejudicial to their rights and freedom of movement.

- 8.If a written detention order is issued, this order has to be issued by the direct investigating department. This secures a guarantee to protect the rights of the suspended person that the department is a competent authority and shall ensure that it is not issued from an unlawful party.
- 9.In addition to being issued by the competent investigation authority, detention order has to be within three days following its commencing in accordance with Article 5 of the Principles of Suspension list. This is an important guarantee to protect the rights of the person in suspense, as it would not threaten his freedom that might be restricted for a longer time as this person may prove to be innocent ultimately).Justice M ., Compendium of Judicial Judgments, Case No. 3510636 Court of Appeal in Al-Madinah Al-Munawwarah Region, by Resolution No. 35302895, dated 07/05/1435(1435 .

10- The invalidity of the procedure depends on the judge's discretion, as the Saudi system adopted the theory of self-invalidity by not mentioning invalidity exclusively, but the organizer set a general rule for the annulment report.

11- The Law of Criminal Procedures achieved the guarantee of the integrity of the procedure with judicial oversight by the trial court, whereby it obliged the court, according to the text of Article 191, that to rule not to hear the case if it determined that it had a fundamental defect; (Justice M. , set of judicial rulings, case No. (34282041) of decision No. (35316942) issued by the Court of Appeal in the Eastern Region , 15/07/1435)

As a result of analyzing the previous texts (the fourth and fifth) of the Principles of Suspension List, we find that the legislator is right when indicating to the necessity of writing in the detention order and did not require it for the release order. Therefore, we propose amending the text as follows: (Article 4: If the suspicion the investigator or the commanding officer must issue a written order to release the suspended person immediately).

This affirms the position of the international community on the protection of freedoms, in particular freedom of movement, under Article 13 of the Universal Declaration of Human Rights that (1) "Every individual has the right to freedom of movement and residence within the borders of the State. (2) Every individual has the right to leave any country, including his own, and to return to his country. "

To sum up, suspension is the origin of the security work that affects human rights in the case of inference and protection of public order through the protection of public security one of the most important elements of the state public order. Many of the laws have been set to protect those rights. The first right is the freedom of movement and adhering to the origin of the innocence.

### **Conclusion**

This study discussed one of the most important topics (international and local efforts to protect human rights in the security work). The international and local texts analyzed the position of the security officers and the public authority responsible for security tasks that interfere with human right aspects. This study also discussed and analysed some of the international and national texts on guarantees protecting human rights in the pre-inferred stage. This study dealt only with what was detrimental to human rights during the indicative security work only. Therefore, the results of this study are as follows:

1. Suspension is the essential part of the security work that affects human rights. Suspension has guarantees to protect the innocence.
2. Suspension is a precautionary security procedure.
3. The international community prohibited interfering in the individual private affairs by any person with the concept of abuse.
4. Human rights should not be infringed even if by the public authority officers and with the permission of the legislator in accordance with a legal text, unless there is a commitment to the legality and regularity of executing the orders or performing the functions.
5. Members of the security forces and the public authority must not, abandon their moral principles in the exercise of their rights and freedoms.
6. The Saudi legislator provided a strong regulatory framework to ensure freedom of movement. This is to prevent any arbitrarily carried out during the procedures assigned to the public authority officers.

### **Recommendations:**

1. The control officers have to follow the Code of Conduct for Law Enforcement Officials.



2. The Kingdom is advised to issue a general code to contain the general obligations of law enforcement personnel within in accordance with the Saudi criminal justice systems.
3. Further training on human right compliance need to be provided to public officials and law enforcement officials.
4. Establishing an information network for each state that surrounds the intellect with a fence of comprehensive security.

**Proposals to amend and redraft each of the following:**

- (i) Amend the text of Article Twenty-Eight of the System of Procedures 1435.
- (ii) Amend Article 4 of the Rules of Suspension.

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