

Royal Decree No.: 61/2013 stipulated the creation, and the definition of jurisdiction, of the Commission of the Rights of Detainees and Prisoners.

ARTICLE ONE:

An independent commission shall be created to be called the (Prisoners' and Detainees' Rights Commission) hereinafter referred to as the (Commission) which shall have jurisdiction to monitor prisons, detention centers, juvenile welfare and detention centers, and other place wherein persons may be incarcerated in hospitals, psychiatric health centers in order to verify the conditions of inmates and treatment they receive in order to ensure that they are not subjected to torture, inhumane treatment or indignity.

The Commission shall assume its business in freedom, neutrality, transparency and independently.

ARTICLE TWO:

The Commission shall be formed and presided over by the Ombudsman's General Secretary and the membership of the following:-

- Three members to be nominated by the Ombudsman.
- Four members to be nominated by the National Institution for Human Rights (NIHR) provided that they include civil society organizations.
- Two members to be nominated by the Supreme Judiciary Council.
- Two members to be nominated by the Public Prosecution.

The Ombudsman's General Secretary may nominate for the Commission's membership two physicians one of whom should be a psychiatrist.

Nominated members should be well known for their efficacy, honesty and shall assume their business independently.

The representation of all sects and doctrines in the Kingdom should be observed when forming the Commission.

Nominees to the Commission should be fully qualified, of good behavior and reputation and should not have previously been impeached or subjected to any disciplinary action because of dishonesty or misdemeanor.

The Commission's formation shall be issued by Royal decree for a tenure of three years renewable once; such Royal decree shall stipulate the remuneration for members of Commission.

Members of the Commission shall carry out their job in their personal capacity and shall enjoy the necessary franchises and sureties to perform the tasks of the Commission independently. A member shall forfeit his/her membership in the Commission reliant upon a resolution from the Commission's President upon approval from the majority of members in case such member has breached, lost one of its conditions or become unable to carry out the duties of membership or for any other reason which impacts on his/her carrying out these duties or lost trust or consideration in his person.

Should the slot of a member becomes vacant for any reason whatsoever, he/she shall be replaced with another member in the same instrument and manner and the new member shall complete the tenure of his/her predecessor.

ARTICLE THREE:

The Commission, in order to carry out its assigned duties, shall have jurisdiction to do the following:

- 1- Visit inmates in prisons, detention centers, juvenile welfare and detention centers and other locations where persons may be incarcerated such as hospitals, psychiatric health centers and verify the conditions of their detention and treatment which they receive.
- 2- Visit places in which inmates are kept to verify the satisfaction of international standards therein.
- 3- Conduct interviews and talk freely with inmates in places of their detention and other relevant persons in order to understand the nature and significance of their problems.
- 4- Notify the competent bodies regarding cases of torture, harsh or inhumane treatment or indignity as the Commission may discern.
- 5- Submit recommendations and suggestions to the competent bodies regarding the amelioration of the conditions of inmates and treatment they receive.

ARTICLE FOUR:

The Commission shall by itself determine the method of its business entirely independently and without any

interference from any entity and also decide the timing as it deems appropriate to visit inmates and detainees in place(s) of incarceration, whether such visit has been announced or unannounced, verify the legal status of detention and treatment inmates receive and also verify that they are not subjected to any torture, inhumane treatment or indignity and up to international human rights standards. Anyone who provides information to the Commission shall not be subjected to any sort of chastisement because of providing such information.

ARTICLE FIVE:

Officials in charge of prisons, detention centers and other places mentioned in Article (1) of this Decree shall enable the Commission to carry out its duties and provide the Commission with information its requests about inmates and detainees.

ARTICLE SIX:

The Commission meets at least once a month and whenever necessary upon invitation from its President.

The Commission 's meeting shall be valid if attended by the majority of its members provided that they include the Commission's President.

The Commission issues its resolutions with a majority of attending members and in case of a tie the side to which the President belongs should outweigh.

The Commission seek assisting opinion or expertise from anybody as it deems regarding any matter of discussion or search without eligibility to vote.

ARTICLE SEVEN:

The Commission shall have an auxiliary administrative body comprising sufficient number of employees to be appointed reliant upon a resolution from the Commission's President.

The Commission shall enact its own internal regulatory code to organize its technical, administrative and financial business to be issued by the Commission's President upon approval from the majority of its members. Also, the Commission shall enact its own code of conduct for members and employees in the Commission, which includes non-conflict of interests.

ARTICLE EIGHT:

Apart from reports compiled by the Commission, the Commission and its employees shall be bound to maintain the confidentiality of information and results obtained by the Commission.

ARTICLE NINE:

The Commission shall have sufficient financial allocation, to be included in the financial allocations prescribed for the Ombudsman's General Secretariat.

ARTICLE TEN:

The Commission shall compile a report after each and every visit it conducts to prisons, detention centers or other locations as mentioned in Article (1) of the Decree in which the Commission includes the recommendations it deems appropriate regarding the conditions of inmates and detainees and precautionary measures which ameliorate their conditions. The draft report shall be submitted to the competent bodies to reply to its content within a reasonable duration agreed between the Commission and the relevant body.

The Commission shall compile an annual report on its efforts, activities and business, in which the Commission shall include its suggestions and recommendations within scope of its jurisdictions and in which the Commission determines good practices it has uncovered and also any shortcomings, obstacles in performance and solutions adopted to avoid shortcomings. The Commission shall submit its annual report to the Council of Ministers.

The Commission shall also observe in its reports and recommendations the relevant rules issued from the United Nations regarding the prevention of torture and other sorts of maltreatment and international rules related to human rights. The Commission shall publish its reports in a manner it deems appropriate. (IY)