

(Translated from Arabic)

**Permanent Mission of the Kingdom of Saudi Arabia
to the United Nations Office in Geneva**

No. 413/376

Date: 6 October 2020

1. In response to the request to provide any additional information or comment on the allegations

The allegations and claims made in the appeal are untrue, since they are based on unfounded and uncorroborated information from the source. The Kingdom of Saudi Arabia has taken the following steps to investigate the allegations and to clarify all relevant facts, in line with its policy of cooperation with international human rights procedures.

It should first be pointed out that there have been no evictions in Al-Khuraiba up to the present.

As regards the citizen Abdul Rahim bin Ahmed Mahmoud Abu Taqiqa al-Huwaiti, an arrest warrant was issued against him on the grounds that he had embraced the ideas of terrorist groups and was in possession of arms and Molotov cocktails, which he intended to use to prejudice national security. These are terrorist crimes that are punishable under the Terrorism and Financing of Terrorism Act. On the morning of Monday 20 Sha'ban A.H. 1441 (13 April A.D. 2020), while the competent authorities were implementing the arrest warrant against him at his home in the province of Tabuk, using ordinary force and not heavy weapons as alleged, he opened fire against law enforcement officials from behind a sandbagged enclosure at the top of his house. He failed to respond to calls – made by law enforcement officials and by one of his own brothers – to stop resisting and to turn himself in. He was given a clear warning to stop using force; that warning was repeated and he was given sufficient time to comply. However, he continued to fire and to throw incendiary devices (Molotov cocktails) against the law enforcement officials, seriously injuring one of them with a gunshot wound to the lower chest while another suffered micro shrapnel wounds to various parts of his body and an injury to his forearm. The situation thus required that he be dealt with in accordance with the law, in order to neutralize his dangerous actions and to protect the lives and well-being of others, while taking due account of principles of necessity, proportionality and caution. Great professionalism was shown, as well as the highest degree of self-restraint, in order to ensure the safety of all concerned and to secure the legitimate objective of neutralizing danger and protecting lives and safety. Force was used only after the necessary command and control structure had been established and other peaceful measures had been taken such as attempting to convince him to stop resisting and to turn himself in and issuing a warning. A situation of extreme necessity came to be created as he continued to fire and to throw incendiary devices against all those present, thereby threatening their lives and exposing them to risk of serious injury (two persons were, in fact, seriously injured). Thus, in accordance with the law, force and firepower were used, gradually and within the limits necessary to achieve the objective. This was done by trained personnel and to the extent necessary to avert the danger and save lives. Despite all reasonable precautions to prevent loss of life, the operation resulted in the death of the person concerned.

As the foregoing explanation shows, the death of the individual in question was not linked to his exercise of the right to freedom of opinion and expression or the right of assembly. Nor did it take place in a context of eviction operations because no one has yet been evicted from Al-Khuraiba, as explained above. Moreover, there was no arbitrary killing and the steps taken against this person were consistent with international standards regarding the use of force, including article 3 of the Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 of 17 December 1979, which states: “Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.” The steps taken were also consistent with a report from the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Christof Heyns, according to which requirements for the use of force include the existence of a sufficient



legal basis, a legitimate objective, necessity and proportionality. When the location was searched the following unlicensed weapons, ammunition and explosives were found:

- (a) A machine gun
- (b) A revolver
- (c) A rifle
- (d) An air rifle
- (e) 33 live machine-gun rounds
- (f) 12 live rifle rounds
- (g) A chest containing 13 Molotov cocktails

As soon as the authorities entered the house, an ambulance and medical team examined the individual in question to provide assistance, but it was apparent that he was dead. His body was handed over to the competent authorities to be delivered to the forensic examiner. Once the necessary procedures had been completed, the body was then released to the deceased's family and it was washed in the presence of his mother, wife and brother, and three female relatives. He was then buried, as he had wished, in Al-Khuraiba.

There is no truth in the allegation that authorities offered financial incentives to government-appointed tribal sheikhs and other notables of the Huwaitat tribe, provided that they would publicly condemn Mr. Al-Huwaiti's resistance to eviction. In any case, no eviction operations have been conducted in Al-Khuraiba.

2. In response to the request to provide detailed information on whether any investigation has been conducted in connection with all the circumstances of the death of Mr. Al Huwaiti; if an investigation has been launched and/or is ongoing, to provide information on the results, particularly in terms of accountability, including in relation to the chain of command; if no investigation has been conducted, to explain the reasons and clarify how this is compatible with international human rights obligations of Saudi Arabia

As explained under No. 1 above, the security agencies involved handled the case with great professionalism, as well as the highest degree of self-restraint, in order to ensure the safety of all concerned. Force was not used until due account had been taken of principles of necessity, proportionality and caution, as outlined above. This approach is consistent with the relevant international standards.

3. In response to the request to provide details on whether there was a legal land acquisition, and more specifically when and in which form the residents of Al-Khuraiba village were consulted about the planned project or the compulsory eviction; if so, to explain whether compensation was offered and whether there was any possibility of legal appeal against that decision

Irrespective of whether or not they are in possession of legally valid ownership documents, residents are treated in accordance with the Expropriation and Temporary Seizure of Property in the Public Interest Act, under the expropriation and resettlement mechanism of the first stage of the NEOM project. No residents have been evicted from Al-Khuraiba up to the present and they will not be until legal procedures have been completed in accordance with the approved mechanism and until they have been provided with compensation and additional subsidies. Once the compensation and subsidies have been handed over, they will be granted a delay before the eviction takes place.

Under the auspices of the Amir of the province of Tabuk, a number of meetings were held before and during the survey and evaluation operations in the field. The meetings – which brought together the inhabitants of the areas affected by the first stage of the NEOM project as well as the responsible officials – provided an opportunity to illustrate the various phases of the project, to outline the short- and long-term economic and social advantages for locals, to consult about social packages and to respond to general queries. The people expressed their support for the project. In addition, teams of specialists consulted with residents, answering their questions and discussing feasible alternatives before conveying

their comments and views to the competent authorities. All these procedures were duly monitored and assessed in order to avoid potential negative economic, social or environmental effects.

It should be pointed out that planning for the seizure of property in the public interest in the context of the NEOM project is surrounded by procedural safeguards. These include an opportunity for genuine consultation with those affected; adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; information on the proposed evictions and on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; appointment of trained officials during the eviction, including legal and human rights experts; proper identification of the persons carrying out the eviction; ensuring the appropriate timing of the evictions; and provision of legal remedies, which include the Board of Grievances (the administrative judiciary), the ordinary courts and the Human Rights Commission. The State guarantees that the competent authorities implement rulings in favour of those affected and, where possible, legal aid is made available to persons who are in need of it to seek redress before the courts.

In line with its mandate, the Human Rights Commission monitors expropriations in the public interest and reviews them in the light of domestic legislation and relevant international human rights standards. If violations or infractions are found to have taken place, statutory procedures are followed to hold perpetrators to account, penalize them and provide redress.

The National Programme for Community Development in the Provinces has welcomed citizens at its headquarters in the area affected by the NEOM project to answer their questions and to explain the compensation, subsidies, grants and social packages for families and individuals in the areas affected by the project's first stage, which are as follows:

- Remunerative compensation for land, buildings and immovable assets;
- Additional economic assistance in the form of subsidies to improve living standards and to cover transportation expenses;
- Various social and economic packages aimed at improving living standards, providing career and educational opportunities and providing a decent life for all age groups.

As for the possibility of appealing against compensation decisions, centres have been set up and equipped in the areas in which citizens live, where they can file complaints and objections. Should citizens be dissatisfied with the responses they obtain from those centres, then article 24 of the Expropriation and Temporary Seizure of Property in the Public Interest Act envisages the possibility of contesting decisions taken by administrative bodies and committees before the Board of Grievances (the administrative judiciary).

4. In response to the request as to whether any social or human rights impact assessment of the planned development has been conducted and, if so, to share the respective assessments

Data was collected and a study conducted into the social, economic and environmental impact the development would have on local residents. The study – which followed the best local and international practices in that regard – was comprehensive and covered all the people of the area. It also contributed to the development of social and economic packages, subsidies and grants, in cooperation with stakeholders, depending upon the needs of beneficiaries on the basis of an assessment of their demographic situation.

It should be noted that expropriations in the public interest in Saudi Arabia, including those associated with the NEOM project, are based on comprehensive impact assessments. The expropriations are regulated by preventive strategies, policies and programmes intended to respect and protect the human rights and fundamental freedoms enshrined in international human rights law and to provide special measures for the protection of women, children, persons with disabilities and other vulnerable groups. Expropriations can only take place with legal authorization and are carried out in accordance with domestic law, which is consistent with international human rights law. The sole purpose of this development project is to promote public welfare. Indeed, everyone will benefit therefrom, particularly local residents

including those whose property has been expropriated. The project is, in fact, reasonable and coherent with its own goals.

5. In response to the request as to whether any alternative housing was made available before the contemplated eviction and whether such information was discussed with the claimant, as well as others similarly affected by the mass eviction

Via its National Programme for Community Development in the Provinces, the Government provides a financial subsidy to each family living in the areas affected by the first stage. The subsidy, which is provided prior to any eviction, amounts to 500,000 Saudi Arabian riyals (SRI), equivalent to about US\$ 133,000. The Government also provides a subsidy to cover the costs of transporting the members of the family and their effects to a new location as well as costs arising from service registrations and rents, depending upon regional prices, for a period of more than two years. This subsidy amounts to SRI 100,000 or around US\$ 27,000. In addition, a housing support package has been provided, the purpose of which is to enable beneficiaries to acquire new homes in urban areas. It takes the form of free residential land grants in the city of Tabuk or the governorate of Duba, depending upon the wishes of the beneficiaries, who are given the choice of having the home built and fitted out by the Ministry of Housing at preferential rates (i.e., less than the value of the subsidy). They are also included in the housing programme of the Ministry of Housing, which provides a variety of home-ownership options in any part of Saudi Arabia. The subsidies and the options of the housing support package have been discussed and explained to the families due to benefit therefrom, both at meetings between residents and the Amir of the province and at service centres in the area of the project itself.

In addition to this, in cooperation with the competent bodies, social programmes are run to support families and individuals and enable them to access high-quality education, health care, recreation, security, cultural activities and social welfare. Moreover, the situation of citizens during and after their transfer is monitored to ensure improvements in their standards of living. All this is in addition to the aforementioned compensation for alternative housing, which is provided in the context of the NEOM project prior to the date set for eviction.

This information makes it clear that the claims and allegations contained in the joint communication are untrue. The actions taken in that connection have all been consistent with international human rights standards, most notably general comment No. 7 regarding forced evictions of the Committee on Economic, Social and Cultural Rights, the basic principles and guidelines on development-based evictions and displacement and the Guidelines for the Implementation of the Right to Adequate Housing.

Saudi Arabia wishes to reaffirm that the NEOM project, which is being carried out in the north-west of the country, promotes the principle enshrined in the United Nations 1986 Declaration on the Right to Development: "The human person is the central subject of development and should be the active participant and beneficiary of the right to development." In fact, the project not only helps to reinforce a series of human rights but also brings economic benefits that will promote the right to development more generally. These rights include: the right to work, to education, to health, to food, to safe water and other rights. Expropriations in the public interest are governed by the principle of equality and do not incorporate any form of discrimination on the basis of race, colour, sex, language, religion, belief, age or disability, or other illegal forms of discrimination.

Saudi Arabia wishes to draw the attention of the special procedures mandate holders of the Human Rights Council, who authored the joint communication, to the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council adopted by resolution 5/2 on 18 June 2007, in particular the need to abide by the following:

- (a) Give the information provided due consideration in the fulfilment of their mandates, in accordance with article 6 (a) of the Code of Conduct;
- (b) Take comprehensive account of the information Saudi Arabia has provided in relation to the case in question, in line with article 6 (b) of the Code;
- (c) Evaluate all information, particularly the allegations received from the sources, in the light of internationally recognized human rights standards relevant to the mandate of

the special rapporteurs, and of international conventions to which the State concerned is a party, in accordance with article 6 (c) of the Code;

(d) Ensure that the communications submitted regarding the case are not manifestly unfounded or politically motivated, in accordance with article 9 (a) of the Code;

(e) Ensure that the person or group of persons submitting the communication are acting in good faith in accordance with principles of human rights, and free from politically motivated stands or contrary to the provisions of the Charter of the United Nations, and claiming to have direct or reliable knowledge of those violations substantiated by clear information, in accordance with article 9 (d) of the Code;

(f) Ensure that the communication is not exclusively based on reports disseminated by mass media, in accordance with article 9 (e) of the Code;

(g) Bear in mind the need to ensure that their personal political opinions are without prejudice to the execution of their mission, and base their conclusions and recommendations on objective assessments of human rights situations, in accordance with article 12 (a) of the Code;

(h) In implementing their mandate, therefore, show restraint, moderation and discretion so as not to undermine the recognition of the independent nature of their mandate or the environment necessary to properly discharge the said mandate, in accordance with article 12 (b) of the Code;

(i) Give a fair, credible and not prejudicially cursory indication of the replies submitted by Saudi Arabia, in line with article 13 (a) of the Code of Conduct;

(j) Ensure that their declarations on the human rights situation in the country concerned are at all times compatible with their mandate and the integrity, independence and impartiality which their status requires, and which is likely to promote a constructive dialogue among stakeholders, as well as cooperation for the promotion and protection of human rights, in accordance with article 13 (b) of the Code.

Kingdom of Saudi Arabia
Ministry of the Interior
Security Forces Hospital Programme
Department for Medical Reports and Translation

Report No.: [REDACTED]
Date: 28 Sha'ban A.H. 1441
31 April A.D. 2020

Medical report

Patient name: [REDACTED]
Medical file No.: [REDACTED]
Unit:

The patient identified above

Returned to hospital on:

Was admitted to hospital on: [REDACTED]

Was discharged from hospital on: [REDACTED]

Description of condition of patient and examinations conducted

The patient suffered a gunshot wound on Monday 13 April 2020 and was taken to the [REDACTED] Hospital [REDACTED] where X-rays revealed a pneumothorax in the right side of the chest. A thoracic catheter was inserted and the patient taken to the Security Forces Hospital [REDACTED] under the care of [REDACTED]. The patient was anaesthetized in intensive care and an X-ray revealed the presence of a bullet lodged in the front lower-right side of the chest wall, the entry point being on the same side between the third and fourth ribs. The thoracic catheter was removed and the patient sent to the operating theatre to be prepared for surgery to remove the bullet. The surgery was performed under general anaesthetic on [REDACTED] and the patient discharged on the same day.

Diagnosis: Gunshot wound to the front right side of the chest

Treatment: Surgery under general anaesthetic to remove the bullet

Recommendations: Clinical follow-up visit in three weeks

Thoracic Surgery
Consultant

Head of Surgery

Head of Department for Medical
Reports and Translation

[REDACTED]

[REDACTED]

[REDACTED]

Kingdom of Saudi Arabia

Ministry of the Interior

Security Forces Hospital Programme

Department for Medical Reports and Translation

Report No.: [REDACTED]

Date: 13 Ramadan A.H. 1441

6 May A.D. 2020

Medical report

Patient name: [REDACTED]

Medical file No.: [REDACTED]

Unit:

The patient identified above

Returned to hospital on: 22 Sha'ban A.H. 1441 (15 April A.D. 2020)

Was admitted to hospital on: 23 Sha'ban A.H. 1441 (16 April A.D. 2020)

Was discharged from hospital on:

Description of condition of patient and examinations conducted

The patient incurred a work injury on [REDACTED] in the city [REDACTED] when he suffered micro shrapnel wounds to various parts of the upper left side of his body (upper arm, forearm and hand), which were slight enough not to require surgery and did not impede movement. He also had a superficial wound on his forearm as well as shrapnel in his right shoulder, as revealed by X-rays. The patient was examined but was suffering from no impairment of movement in his upper left side or alternation in sensation or in blood flow.

Diagnosis: As above

Treatment: Two-week course of antibiotics to be administered orally

Painkillers

Physiotherapy

Recommendations:

Cosmetic Surgery Consultant Head of Cosmetic Surgery

Head of Department for
Medical Reports and
Translation

[REDACTED]

[REDACTED]
