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*(Translated from Arabic)*

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

**1. With regard to the request to provide any additional information and any comment you may have about the allegations in question:**

We wish to underscore that the information contained in the joint communication is inaccurate and comprises unfounded allegations and conjectures, which are based solely on information received from the source without any validation or evidence. All the facts will be clarified, in line with our cooperation with international human rights mechanisms.

**2. With regard to the request to provide detailed information on measures taken to implement opinion No. 27/2007 of the Working Group on Arbitrary Detention, and the request, if no measures were taken to do so, to explain the reasons why and how this is consistent with the repeated calls by the Human Rights Council to States to cooperate with its human rights mechanisms:**

The opinion of the Working Group on Arbitrary Detention that the arrest of the person concerned was arbitrary, under categories I and II, is unsound inasmuch as it is based on unsubstantiated grounds. The measures taken with respect to the person in question, which were equitable and did not breach the Kingdom's international human rights obligations, were clarified in the Kingdom's response referred to in the Working Group's opinion No. 27/2007, dated 28 November 2007, which refuted the allegations and conjectures regarding his situation.

The laws of the Kingdom prohibit the arrest, imprisonment and restriction of a person's freedom of movement except where such action is permitted by law, in accordance with article 36 of the Basic Law of Governance, which stipulates that all citizens of Saudi Arabia and all persons residing in its territory shall be guaranteed security.

The laws of the Kingdom protect freedom of opinion and expression, and all persons are entitled to exercise that right unless such action is deemed to breach or exceed the bounds of public order or the norms applicable to society or its members. This restriction is consistent with relevant international standards, particularly the provisions of article 29 (2) of the Universal Declaration of Human Rights, which stipulates that: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society." It is also consistent with article 19 of the International Covenant on Civil and Political Rights, which guarantees the right of every person to hold opinions without interference and the right to freedom of expression, However, this right may be subject to certain restrictions, such as respect for the rights or reputations of others, and the protection of national security, public order, public health or morals.

With regard to the right to participate in associations, we wish to underscore that non-governmental associations and institutions must be established in accordance with the provisions of the Civil Associations and Institutions Act (2015), which grants specific rights and entails obligations. Any entity that fails to meet those requirements is not legally recognized. The Act sets out developmental and social objectives such as: organization, development, protection and enhancement of the benefits of non-governmental employment; participation in national development; and promotion of the participation of citizens in the administration and development of society. Pursuant to the Act, 10 persons may establish an association and obtain licences within 60 days of the date of submission of the support material for the application in order to facilitate the procedures.

The Kingdom supports associations and institutions that seek to promote and protect human rights or that operate in associated areas. It has in fact recognized them as essential partners in human rights work. Examples of this partnership include: the promulgation of the Protection from Abuse Act, which was drafted by a civil society association; participation in the preparation of the Child Protection Act; and involvement of a number of NGOs and civil society associations in the preparation of the Kingdom's reports to the treaty bodies and other reports.

One of the most prominent civil society institutions in the area of human rights is the National Society for Human Rights, which publishes reports on the human rights situation in the Kingdom, in which citizens highlight shortcomings that impede the full enjoyment of any human rights and their causes, drawing information from complaints they have received and infringements that they have observed. The reports assess progress achieved and present appropriate conclusions and recommendations. The Society also prepares studies and issues press releases concerning specific cases. Many associations and institutions that are active in areas relating to human rights prepare studies and reports, and organize seminars, interactive activities and media events aimed at protecting and promoting the rights that they support, while preserving their independence. The law guarantees unrestricted performance of their functions.

The Human Rights Commission organizes many courses, conferences, seminars and workshops with a view to building the technical capacities of governmental and non-governmental human rights activists so that they can operate objectively in the area of human rights, basing their work on international human rights norms and the provisions of the Islamic sharia.

**3. With regard to the request to explain why the person in question, who is not known for having used or advocated the use of violence, was sentenced to 20 years of imprisonment and a travel ban:**

The said person was convicted of a number of terrorist crimes, [REDACTED], participating in the establishment of a secret organization [REDACTED], and committing a money laundering crime punishable under the Anti-Money Laundering Act.

His trial was held before a specialized court and was attended by representatives of the Human Rights Commission. He was permitted during the proceedings to present a defence and to seek the assistance of legal representatives. The court handed down its judgment only after hearing the statements of all parties, all defence pleas submitted orally and in writing, without any requests for additions, examining the evidence and the contents of the evidence records, closing the proceedings in his presence and that of his legal representative, and studying the case file, in accordance with article 174 of the Code of Criminal Procedure (2001). He was sentenced by the court of first instance to a term of imprisonment of 20 years and to a ban on travel outside the Kingdom for a similar period after serving his sentence. He was permitted to file an appeal against the judgment. On being reviewed by a higher court, the judgment was upheld and thus became final and enforceable.

We wish to underscore that the Kingdom's laws guarantee the right of all accused persons to a fair and public trial before an independent judiciary. Article 3 of the Code of Criminal Procedure stipulates that no one may be sentenced to a criminal penalty unless he has been convicted of an act that is prohibited by statutory legislation in a trial conducted in accordance with due process of law. The Kingdom's legislation provides for numerous procedural safeguards, which regulate criminal proceedings, guarantee the rights of defendants, and ensure that they are presumed innocent until proven guilty pursuant to a final court judgment handed down in conformity with the statutory requirements set forth in the provisions of the Code and the regulations relevant to the nature of the proceedings. The laws of the Kingdom provide all

guarantees of a fair trial and due process that are consistent with the Kingdom's international human rights obligations, and with international human rights norms and standards.

**4. With regard to the request to clarify the allegations that he was tortured in detention, that he was placed in a cell with other prisoners, possibly including persons suspected of radical religious views, who ill-treated him, that he was transferred to a psychiatric hospital, and that he was not afforded medical treatment, even after he had a stroke; and to clarify how, if these allegations are accurate, this is consistent with the duty of care and humane treatment of detainees and prisoners by penitentiary authorities:**

These allegations are unfounded. The person in question was not subjected to any form of torture, ill-treatment or humiliation, and he was not denied medical care. Prisons in the Kingdom are subject to the rules governing the separation of prisoners into different categories laid down in the Prison and Detention Act. They are separated on the basis of their gender, the crimes they have committed, their seriousness and the degree of recidivism, and on the basis of the sentences imposed and the procedures for facilitating their social rehabilitation. The Kingdom affirms that the person in question enjoyed the right to receive all necessary medical treatment and to have access to physicians, just like all other detainees and prisoners. He underwent numerous medical examinations and was provided with the necessary medicines, and he had scheduled appointments with specialized medical clinics. While serving his sentence, he also enjoyed all the rights guaranteed by law, including the right to contact people and to receive regular and periodic visits.

**5. With regard to the request to provide information on whether any investigation was conducted into the allegations of torture and other cruel, inhuman or degrading treatment or punishment reportedly suffered by the person concerned, and the request, if no investigation was carried out or it was inconclusive, to explain the reasons why:**

He was not subjected to any form of torture. On the contrary, as stated in response No. 4 above, he was treated in a manner that preserved his dignity and guaranteed all his rights. The Kingdom's legislation guarantees the prevention, criminalization and punishment of the crime of torture. It provides for safeguards and measures aimed at ensuring that no detainee or prisoner is subjected to torture or any other cruel, inhuman or degrading treatment. Article 2 of the Code of Criminal Procedure stipulates that no one may be arrested, searched, detained or imprisoned except as provided for by law. In addition, persons are detained or imprisoned only in the facilities designated for such purposes and for the period prescribed by the competent authority. Arrested persons may not be subjected to physical or mental harm or to torture or humiliating treatment. Article 36 of the Code requires that detained persons be treated in a manner that preserves their dignity and that they should not be subjected to physical or mental harm. They must be informed of the reasons for their detention and they are entitled to notify a person of their choice of their arrest. Article 102 of the Code requires the interrogation of accused persons to be conducted in a manner that does not influence their will to make statements. They must not be required to take an oath or be subjected to coercive measures. They may not be interrogated outside the premises of the investigating authority unless the investigator deems such action to be necessary. Article 28 of the Prison and Detention Act prohibits all forms of assault against prisoners or detainees and stipulates that disciplinary measures must be taken against military or civilian personnel who commit such an assault, without prejudice to any criminal penalties to which they might be liable. Pursuant to article 2 (8) of Royal Decree No. 43 of A.H. 1377 (1958 A.D.), it is prohibited for public officials to inflict ill-treatment or use coercion such as torture, cruelty, confiscation of property or denial of personal liberties, including exemplary punishment, imposition of fines, imprisonment, exile, mandatory residence in a certain place and illegal entry into private dwellings. The penalty for these offences is imprisonment for up to 10 years.

All prisons and detention centres in the Kingdom are subject to supervision and inspections, and the requisite action must be taken in the event of any infringement. In their investigative functions, criminal investigation officers are subject to oversight by members of the Public Prosecution Service, in accordance with article 25 of the Code of Criminal Procedure.

With a view to enhancing oversight mechanisms and safeguarding the rights of prisoners and detainees, the Human Rights Commission, pursuant to articles 5 (6) and (7) of its Charter, is entitled to visit prisons and detention centres at any time, without the need for permission of the competent authority, to receive and verify complaints relating to human rights violations, and to take the corresponding legal measures. In addition, the National Society for Human Rights, which is a civil society organization, visits prisons and detention facilities and receives complaints. Offices have been opened in prisons for the Public Prosecution Service, and in some of them also for the Human Rights Commission and the National Society for Human Rights, so that they can monitor inmates' conditions of detention and receive complaints in situ. The Kingdom's legislation requires all State authorities to guarantee justice for all, regardless of their religion, race, gender or nationality. If any such authority or its representative violates any rights, there are a number of mechanisms that guarantee effective human rights safeguards, in accordance with the applicable legal procedures. They include the judiciary and governmental and non-governmental human rights institutions.

The Kingdom is committed to the human rights treaties that it has ratified, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is deemed to constitute part of its legislation.

**6. With regard to the request to provide information on the autopsy that was carried out following the demise of the person in question, and its conclusion, and to clarify how it was conducted and by whom:**

Forensic physicians and forensic evidence experts were ordered to inspect the crime scene, together with a member of the Public Prosecution Service, on A.H. 4 Rabi al-Awwal 1443 (10 October 2021 A.D.). They undertook an inspection of the site.

A forensic medical examination of the offender identified injuries of a traumatic and frictional nature that had occurred simultaneously with the incident. There were irregular reddish abrasions and bruises on the hands and opposite the metatarsal bones and phalanges. There were also blood spots between his toes.

An order was issued for an autopsy of the victim's body at the Forensic Medicine and Mortality Centre of the Ministry of Health. The autopsy was performed by forensic physicians and their assistant forensic science technicians. The day, date and location of the autopsy, all participants and assistants in the procedure as well as their medical qualifications were recorded. The external and anatomical examination included: identification of the person concerned, specification of his height, weight and nutritional status; examination of his hair, eyes, mouth, teeth, skin and the stiffness of the pelvis; examination of his clothing and possessions, therapeutic interventions and evidence of any injury; an internal examination of body cavities; examinations of the cardiovascular system, the neck and respiratory system, the digestive system, the genitourinary system, the head and central nervous system, as well as other organs and tissues (spleen, lymph nodes, bone, skeletal muscle, pituitary gland, thyroid gland, adrenal gland); and additional tests (toxins, rays).

On completion of the examination, a forensic report was issued stating that the cause of death was traumatic injuries to the head and face resulting in skull and facial fractures and cerebral haemorrhages. His relatives were informed of the results of the report.

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It may be concluded from the foregoing that the procedures conducted during the autopsy of the deceased complied with international autopsy standards, including the Model Autopsy Protocol.

**7. With regard to the following question and requests: Was an investigation by an independent body carried out to determine the cause and circumstances of his death, and what was its outcome? Please clarify the methodology used for such an investigation, and whether it was guided by international applicable standards in such a case, including the United Nations Protocol on the Investigation of Potentially Unlawful Death (Minnesota Protocol). If no investigation was carried out or if it was inconclusive, please explain the reasons why:**

The Public Prosecution Service is the body responsible for criminal investigations, and its Statute specifies its competence in that regard. The Public Prosecution Service is fully independent and impartial. Its members are endowed with legal competence and are subject solely to the provisions of the Islamic sharia and statutory legislation. Nobody may interfere with their work. On A.H. 4 Rabi al-Awwal 1443 (10 October 2021 A.D.), the Public Prosecution Service received a report from Dhahban Police Station stating that there had been a dispute between two Dhahban Prison inmates in the Governorate of Jeddah, leading to the death of Moussa bin Muhammad al-Garni. A member of the Public Prosecution Service joined the competent authorities, their assistants and forensic physicians in conducting an examination of the crime scene. They proceeded promptly with the investigation procedures, including collection of evidence, listening to witnesses, and seeking the assistance of forensic evidence experts and forensic physicians. [REDACTED]

[REDACTED]. The forensic experts filmed the entire crime scene and removed the traces in order to complete the investigation procedures. The surveillance camera video recordings accurately documented the fight, which clearly stemmed from a dispute between the perpetrator and the person concerned. During the fight the victim was violently punched in the face by the perpetrator, who also kicked him several times until he fell to the ground unconscious. The perpetrator jumped with both feet over his head, causing bleeding. The prison administration immediately took the necessary measures to rescue the victim and convey him to hospital. He was given emergency cardiopulmonary resuscitation, but he succumbed to his injuries. Physicians conducted a medical examination, using clinical and other technical means, to determine the status of his vital functions. During his interrogation by the Public Prosecution Service, the perpetrator admitted that he had assaulted the deceased following a dispute that had occurred between them, and that it had led to his death. He confirmed his confession before the judiciary, in accordance with article 101 (2) of the Code of Criminal Procedure, and the body of the deceased was conveyed to his family.

The action taken by the Public Prosecution Service during the investigations into the incident were clearly consistent with international norms, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).

**8. With regard to the request to indicate what measures – legal, institutional and otherwise – are in place to ensure that human rights defenders, including civil society and activists, can operate in an enabling environment and can peacefully carry out their legitimate activities without fear of harassment, stigmatization, violence or criminalization of any kind:**

All citizens and residents, both men and women, enjoy their rights and exercise their freedoms without discrimination, in accordance with the legislation in force in the Kingdom. No group, regardless of its designation, receives preferential treatment when it comes to enjoying such rights and exercising such freedoms. Furthermore, no person is detained for enjoying such rights and exercising such freedoms. Any person whose rights are violated can file a complaint in accordance with the legally available remedies. The Kingdom's legislation requires all State authorities to guarantee justice to all, regardless of their religion, race, gender or nationality. If any such body or its representative

violates any right, there are a number of mechanisms that guarantee effective human rights safeguards, in accordance with the applicable legal procedures. They include the judiciary and governmental and non-governmental human rights institutions.

**9. With regard to the request to provide information in detail on how the Government's counterterrorism efforts comply with United Nations Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017), as well as Human Rights Council resolution 35/34 and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, in particular with international human rights law requirements thereof:**

The Kingdom is committed to combating terrorism and has taken vigorous action in that regard, in accordance with its obligation to comply with the purposes and principles of the United Nations, in particular international human rights law and United Nations Security Council resolutions. The Kingdom has taken effective action to combat terrorism and to protect human rights, and diligently assumes its responsibility to combat terrorism and its funding and to protect the Kingdom's security. Its national legislation criminalizes terrorism and provides for the prosecution of its perpetrators.

The Kingdom has spared no effort in combating terrorism and extremism and has criminalized and prescribed deterrent penalties for such acts. The security forces have successfully prevented numerous acts of terrorist violence and thwarted many heinous terrorist plans, while demonstrating due regard for human rights.

The King Abdulaziz Centre for National Dialogue, which plays a major role in promoting moderation, tolerance and coexistence, has launched numerous projects aimed at achieving its goals. They include the Tibyan Project on combating extremism, which seeks to spread the values of moderation, tolerance and repudiation of all forms of extremism.

At the regional and international level, the Global Centre for Combating Extremist Ideology ("Itidal"), inaugurated on A.H. 25 Sha'ban 1438 (21 May 2017 A.D.) by the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz Al-Saud, is a component of the institutional framework for fighting terrorism. Working in collaboration with relevant States and international organizations, the Centre monitors and analyses extremist ideology with a view to confronting and preventing it. This action is consistent with the aforementioned obligations of the Kingdom.

It is clear from the foregoing that the information contained in the joint communication is unsound and comprises unfounded allegations and conjectures. The measures taken in the case in question have been clarified, and they are clearly consistent with and do not violate international human rights norms, including articles 3, 5, 9, 10, 19 and 20 of the Universal Declaration of Human Rights and the Kingdom's obligations as a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including articles 1 and 16 thereof.

The Kingdom wishes to remind the special procedures mandate-holders of the Human Rights Council who participated in the communication of the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, adopted by resolution 5/2 of 18 June 2007, and in particular of the following provisions:

1. The requirement to give due consideration to the information provided on the cases being considered by the mandate-holders, in accordance with article 6 (a) of the Code of Conduct;
2. The requirement to take into account in a comprehensive manner the information concerning cases provided by the Kingdom, in accordance with article 6 (b) of the Code of Conduct;

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3. The requirement to evaluate all information concerning cases, in particular allegations and conjectures received by mandate-holders from particular sources, in the light of internationally recognized human rights standards relevant to their mandate, and of international conventions to which the State concerned is a party, in accordance with article 6 (c) of the Code of Conduct;
  4. The requirement to ensure that communications regarding cases are not manifestly unfounded or politically motivated, in accordance with article 9 (a) of the Code of Conduct;
  5. The requirement to ensure that the communication is submitted by a person or group that is acting in good faith in accordance with human rights principles, that is free from politically motivated positions unrelated to or in violation of the provisions of the Charter of the United Nations, and that claims to have direct or reliable knowledge of the violations substantiated by clear information, in accordance with article 9 (d) of the Code of Conduct;
  6. The requirement to ensure that communications are not based exclusively on reports disseminated by mass media, in accordance with article 9 (e) of the Code of Conduct;
  7. The requirement to bear in mind the need to ensure that their personal political opinions are without prejudice to the execution of their mission, and to base their conclusions and recommendations on objective assessments of human rights situations, in accordance with article 12 (a) of the Code of Conduct;
  8. The requirement to show restraint, moderation and discretion in implementing their mandate 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 of Conduct;
  9. The importance of complying with article 13 (a) of the Code of Conduct by indicating fairly and without any inappropriate curtailment what responses were submitted by the Kingdom;
  10. The requirement to ensure that their declarations on the human rights situation in the country concerned are comparable 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 of Conduct.