
(Translated from Arabic)

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

United Nations SAU 2/2022

With reference to the allegations and questions regarding the situation of citizens Assad bin Makki Shubbar, Aqil bin Hassan al-Faraj and [REDACTED] contained in joint communication UA SAU 2/2022 from special procedures mandate-holders:

1. With regard to the request to provide any additional information and comment you may have on the above-mentioned allegations, particularly in relation to steps taken, or envisaged to be undertaken, towards the possible abolition of the death penalty for children for all crimes:

The Kingdom cooperates with all United Nations human rights mechanisms, responds to their questions and requests, and complies with its international obligations under the human rights treaties that it has ratified. The measures that it takes are in line with its obligations under international human rights law and with relevant international norms. It investigates allegations and clarifies all related facts. We wish to underscore in this connection that the information set forth in the joint communication is inaccurate. It contains false allegations and assertions based on unsubstantiated information received from the source. We wish to provide the following clarifications in this regard:

- The Kingdom has already responded to joint communications concerning some of the cases mentioned in this communication, including the case of [REDACTED] (ref. No. SAU 15/2021, dated 11 January 2022) and the case of Assad Makki Shubbar (ref. No. UA SAU 10/2021, dated 27 July 2021). The joint communications were sent by a number of special procedures mandate-holders of the Human Rights Council, including some of the mandate-holders who participated in the present communication. The aforementioned communications addressed most of the allegations and assertions contained in the communication currently being discussed. The allegations were reviewed and all relevant facts were clarified in detail. The applicable legislation of the Kingdom and the measures taken in the case of the persons in question were specified and proven to be consistent with international human rights norms. The information that had been provided was shown to be inaccurate and to comprise false allegations and assertions based on unsubstantiated information received from the source, as stated in the Kingdom's responses submitted to the Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR), which should be taken into account.
- The Kingdom reaffirms that it respects human rights treaties and complies with its obligations under the human rights treaties that it has ratified, including the Convention on the Rights of the Child. The Kingdom has undertaken reforms, as reflected in the promulgation of the Juveniles Act (2018), which abolished the death penalty in the case of *taziri* offences for persons who were under 18 years of age when the punishable act was perpetrated. It guarantees that in cases where the crime is punishable by the death penalty, convicted persons shall be placed in a detention centre for a period not exceeding 10 years. This provision is not applicable, however, to *hudud* and *qisas* cases, since the penalties in such cases are prescribed by the Islamic sharia.

A Royal Decree issued in March 2020 provides for suspension of the implementation of final judicial rulings imposing the death penalty on juveniles in cases involving *taziri* offences, and provides for the imposition of the penalties prescribed in the Juveniles Act for all offences without exception. The penalties are prescribed in article 15 of the Juveniles

Act, which stipulates that if the offence is punishable by the death penalty, the offender shall be placed in a juvenile detention centre for a period not exceeding 10 years.

2. With regard to the request to provide information on the existing procedures for persons sentenced to death to seek clemency or a pardon, and to provide detailed information on how Assad Shuhbar can access such procedures:

The death penalty can be imposed only for the most serious offences and in extremely limited circumstances. It is not imposed or enforced until judicial proceedings at all levels of jurisdiction have been completed. The Kingdom's legislation provides all guarantees of a fair trial and due process that are consistent with the Kingdom's international human rights obligations. Cases are heard by a bench of three judges in a court of first instance. The judgment is then referred to the appeal court, even if no party has filed an appeal, and is reviewed by a bench of five judges. If the appeal court endorses the death sentence, the case is referred to the Supreme Court and is reviewed by a bench of five judges. If the Supreme Court endorses the judgment, all stages of the proceedings have been completed and the judgment becomes final pursuant to article 210 of the Code of Criminal Procedure and is deemed to be enforceable pursuant to article 212 of the Code.

This has already been stated in the Kingdom's response to communication No. 668/413 of 22 October 2021 regarding the case of Assad Shuhbar. It was ascertained that he had committed terrorist crimes and was one of the [REDACTED] participants in the events described in the response. He received a fair and public trial before an independent judiciary, in accordance with the basic rules and procedures of sharia and statutory law and the principles and precepts of a fair trial, and enjoyed full legal safeguards, including his right to legal counsel. His case was heard by a bench of three judges in the court of first instance and the judgment was reviewed by a bench of five judges in the appeal court. It was then reviewed by a bench of five judges in the Supreme Court, which handed down a judgment endorsing the imposition of the death penalty. The death sentence was executed on 9 Shaban 1443 A.H. (12 March 2022 A.D.). These procedures are consistent with the guarantees enshrined in the Kingdom's legislation and with relevant international norms.

3. With regard to the request to explain whether Mr. Al-Faraj's arrest and subsequent detention are in compliance with international human rights law and standards, and to explain whether his trial was conducted in a manner consistent with international due process and fair trial norms and standards; with regard to the request, within this context, to provide information on whether there has been any investigation, and if so, what was the result, on the allegations of torture or other cruel, inhuman or degrading treatment or punishment allegedly suffered by Mr. Al-Faraj; and with regard to the request, if no investigation was conducted, to explain why:

Citizen Aqil bin Hassan al-Faraj was arrested on the basis of evidence that he had committed terrorist crimes that threatened the Kingdom's security, which will be specified in due course. On being interrogated, he admitted of his own free will before the investigating authority that he had committed the crimes, and he confirmed his confession to the charges brought against him before the court, in accordance with article 101 (2) of the Code of Criminal Procedure. As he enjoyed full legal capacity and was not placed under duress before the court, the crimes are deemed to constitute valid grounds for his arrest and trial. The Terrorist Crimes and their Financing Act (2013) stipulates that such crimes shall be combated and punished in order to preserve the security and safety of the internal community and the international community, in accordance with relevant international norms and the United Nations Global Counter-Terrorism Strategy.

• With regard to the question as to whether the arrest and detention of the person concerned were in compliance with international human rights law and standards:

Citizen Aqil bin Hassan al-Faraj was arrested on the basis of an arrest warrant issued pursuant to article 4 of the Terrorist Crimes and their Financing Act (2013) and he was detained, pursuant to article 2 of the Act, in the General Intelligence Prison (*Al-Mabahith*) in the city of Dammam. His detention was extended pursuant to article 5 of the Act, since he was charged with having committed a number of terrorist crimes, including the following:

1. Participation in the establishment of a terrorist cell affiliated with a secret armed organization that sought to destabilize the country's security, to kill law enforcement officers, to attack and damage public property, to commit acts of vandalism, to spread chaos and to incite participation in riots;
2. Participation in shooting operations that targeted security patrols and security control centres;
3. Participation in armed robbery, theft of cars and theft from commercial premises at gunpoint;
4. Association with a number of terrorists wanted on security-related charges, and provision of shelter and support to the persons concerned;
5. The attempted murder of law enforcement officers by repeatedly shooting with a sniper's rifle at Awamiyah police station and the Public Prison in Qatif Governorate, and by shooting at a security vehicle parked in front of Awamiyah police station in conjunction with a group of terrorists;
6. Participation with members of a terrorist cell in the targeting of patrols and security vehicles in Awamiyah and Tarut;
7. Smuggling of weapons and ammunition into the Kingdom for trafficking purposes; sale of some of them to terrorists for the purpose of committing crimes and undermining security; possession of two Kalashnikovs, ammunition, magazines and a sniper rifle, acts that are punishable under the Weapons and Ammunition Act;
8. Stockpiling of material aimed at undermining law and order, and sharing it with terrorists through the Internet in order to monitor the movements of security vehicles and law enforcement officers with a view to targeting and assaulting them, acts that are punishable under the Repression of Cybercrime Act.

• **With regard to the question as to whether trial of the person in question was conducted in a manner consistent with international due process and fair trial norms and standards:**

Once the investigation was completed, the investigating authority (the Public Prosecution Service) believed that there was sufficient evidence to file charges against him pursuant to article 126 of the Code of Criminal Procedure, which stipulates that: "If the Public Prosecution Service is of the opinion, once the investigation has been concluded, that there is sufficient evidence against the accused, the case shall be referred to the competent court and the accused shall be summoned to appear before it." His case file was referred to the competent court and he was summoned to appear before it in accordance with article 15 of the Code, which stipulates that: "The Public Prosecution Service shall, pursuant to its Statute, institute and pursue criminal proceedings before the competent court." The Public Prosecution Service is authorized by article 3 (b) and (c) of its Statute to conduct investigations, to institute or suspend proceedings, and to conduct prosecutions before judicial bodies, in accordance with the law and the implementing regulations.

When the defendant appeared before the court in the presence of the Public Prosecutor, the Public Prosecutor's charges against him were read out and he was provided with a copy thereof in accordance with article 160 of the Code of Criminal Procedure, which stipulates that: "During the arraignment, the court shall inform the accused of the charges against him, read out and explain the indictment, provide him with a copy thereof, and call upon the accused to plead

thereto.” The court informed him that he was entitled to appoint a lawyer to defend him in the case, in accordance with article 4 (1) of the Code of Criminal Procedure, and that if he lacked the financial means to appoint a lawyer, he could request the court to appoint one to defend him at the State’s expense, in accordance with article 139 of the Code. He requested that a number of legal representatives and a lawyer should be appointed at the State’s expense and his request was granted. As he stated that he had suffered from psychological disorders prior to his incarceration, the court decided to have him examined by a medical commission in order to ascertain the state of his mental health and whether it had an impact on his criminal responsibility. The medical commission conducted an examination, investigating the state of his mental health and his general health condition. The commission also reviewed the charges of which he had been convicted and found that he had not suffered from any basic mental illness before, during or after the acts that could have affected his perception, discernment or freedom of choice. The commission issued a decision to the effect that the person in question bore criminal responsibility for any charges that were proven. The legal proceedings continued and the court refrained from delivering its judgment until the statements of all the parties had been heard, all defence pleas had been presented orally or in writing, and no request to present additional information had been filed. Having examined the evidence and the records of the evidence collected, it closed the proceedings in his presence. The casefile was studied in accordance with article 172 of the Code, which stipulates that “any of the parties may provide the court with written information regarding the case for inclusion in the casefile”, and article 173 of the Code, which stipulates that the court shall first hear the prosecutor’s indictment and then the plea by the defendant or his legal representative or lawyer and the civil party’s petition. Each of the parties shall be entitled to comment on the statements of the other parties, the defendant being the last to address the court. The court shall then deliver its judgment, either of acquittal or of conviction with the imposition of a penalty, and in both instances the court shall also rule on the civil party’s petition. The case was considered by three judges in the court of first instance, in accordance with article 20 of the Statute of the Judiciary, which stipulates that: “The criminal court shall be composed of the following specialized divisions: divisions for *qisas* and *hudud* cases [which carry, respectively, retaliatory and predetermined penalties]; for *ta’ziri* cases [which carry discretionary penalties]; and for cases involving juveniles. Each division shall comprise three judges, with the exception of cases specified by the Supreme Judicial Council, which shall be examined by a single judge.” A preliminary death sentence was handed down against him by the court.

After the preliminary death sentence was handed down, the defendant was given the right to challenge the judgment and to submit his objection within 30 days from the date of his receipt of a copy thereof, in accordance with article 192 (1) of the Code of Criminal Procedure, which stipulates that: “The convicted person, the prosecutor or the civil claimant may, within the legally prescribed time limit, appeal or request scrutiny of judgments handed down by courts of first instance. The court that hands down the judgment shall inform them of this right when delivering the judgment.” Once the objection was filed, it was considered by the judges of the court of first instance, who confirmed their judgment. The entire file was then referred to the appeal court, in accordance with article 196 of the Code, which stipulates that: “The division that rendered the challenged judgment shall examine the grounds on which the objection is based without hearing submissions, unless necessary, and may amend or uphold the judgment as it sees fit. If it upholds the judgment, it shall refer the case, together with copies of all its records and documents, including the statement of objection, to an appeal court. If it amends the judgment, all the parties to the case shall be so informed and the normal procedural rules shall apply.” Whenever a death sentence is imposed, the casefile must be referred to a court of appeal, even if none of the parties has lodged an appeal. Article 194 of the Code stipulates that: “The time for filing an appeal or a request for review is 30 days. If no appeal is filed during that period, the right of appeal and review shall expire. If a death sentence is handed down, it shall be submitted to the court of appeal for review, even if none of the parties submits a request.” The division

of the appellate court which is competent to hear such cases is composed of five judges, as required by article 15 (1) of the Statute of the Judiciary, which stipulates that: “Each region shall have one or more appeal courts. The courts shall comprise various specialized divisions, each consisting of three judges, with the exception of the criminal division hearing cases involving the death penalty, which shall consist of five judges.” Several appeal court sessions were held to consider the case of the person concerned. They were attended by the Public Prosecutor, the said person and his legal representative, in accordance with article 197 (1) of the Code of Criminal Procedure, which stipulates that: “The appeal court shall schedule a session to consider the petition for appeal or review if it decides to hold a hearing, and shall notify the parties of the scheduled session.” The court examined the casefile of the person in question and heard the statements of all the parties, in accordance with article 197 (2) of the Code, which stipulates that: “The appeal court shall consider the petition for appeal or review on the basis of the documents included in the casefile and the new defence pleas or evidence presented by the parties in support of their appeal. If the court decides to consider the case by means of a hearing, it shall decide, after hearing the statements of the parties with respect to the petition for appeal or review, either to uphold the judgment or to revoke it in whole or in part, and it shall issue a ruling on the part that has been revoked.” The appeal court upheld the death sentence handed down against the person in question. Should an appeal court impose or uphold a death penalty, the law requires it to submit the casefile to the Supreme Court, even if such action is not requested by any of the litigants, in accordance with article 199 of the Code. The case was referred to the Supreme Court, in accordance with article 10 of the Code, which stipulates that “death sentences imposed or upheld by an appeal court shall not be final until they have been confirmed by the Supreme Court” and article 198, which stipulates that “the convicted person, the public prosecutor or the civil claimant may lodge an objection in cassation with the Supreme Court against judgments or rulings delivered or upheld by an appeal court”. Death sentences upheld by an appellate court are reviewed by five judges, in accordance with article 10 (4) of the Statute of the Judiciary, which stipulates that, without prejudice to the provisions of article 13 of the Statute, the Supreme Court shall exercise its functions through requisitely specialized divisions, each division being composed of three judges with the exception of the criminal division hearing judgments involving the death penalty, which shall be composed of five judges, and each division shall be headed by a chief judge. As the death sentence was upheld by the Supreme Court, all stages of the judicial proceedings were completed and the judgment became final and enforceable. The death sentence was executed on 9 Shaban 1443 A.H. (12 March 2022 A.D.).

The procedures followed and the guarantees provided in the said person’s case are consistent with international fair trial and due process guarantees, including the safeguards guaranteeing protection of the rights of those facing the death penalty set forth in resolution 1984/50 of the United Nations Economic and Social Council adopted on 25 May 1984.

As noted in section 2 above, the death penalty can be imposed only for the most serious offences and in extremely limited circumstances. It is not imposed or enforced until judicial proceedings at all levels of jurisdiction have been completed.

It should be underscored in this context that the Kingdom’s laws guarantee the right of all accused persons to a fair and public trial before an independent judiciary. They provide numerous legal guarantees, including those enshrined in article 38 of the Basic Law of Governance, which states that there can be no offence and no penalty save on the basis of sharia or statutory provisions. In addition, article 3 of the Code of Criminal Procedure stipulates that no one may be sentenced to a criminal penalty save for an act that is prohibited by sharia or statutory law. Accordingly, the Kingdom’s laws provide numerous procedural safeguards designed to regulate the conduct of criminal proceedings, to guarantee the

rights of defendants, and to ensure that the fundamental presumption of innocence is abandoned only after guilt is lawfully established pursuant to a final verdict.

- **With regard to the question as to whether there has been any investigation on the allegations of torture and, if so, what was the result:**

The person in question claimed before the court that he had been subjected to torture and coerced to sign the confession. The court undertook the necessary investigations in order to ascertain the facts, and it checked the security surveillance camera footage in the locations and at the times when he was allegedly tortured. The allegations were not found to be accurate. Furthermore, judges do not rely in their judgments on confessions but on factual and presumptive evidence, the arrest and search records, the testimonies of witnesses, and the cross-examinations and statements heard during the judicial proceedings. As such proceedings constitute the final stage of investigation, the court may adopt a number of measures, such as hearing witnesses, conducting visits and inspections, and seeking the opinions of experts, including forensic physicians, in order to safeguard the rights of the parties involved in the case. Article 161 of the Code of Criminal Procedure stipulates that if the accused at any time confesses to the offence with which he is charged, the court shall hear his statements in detail and discuss them with him. Evidence that is proven to have been obtained through torture contravenes the provisions of the Islamic sharia and relevant legislation. According to article 187 of the Code of Criminal Procedure, any action that is inconsistent with the provisions of the Islamic sharia and the legislation derived therefrom is null and void.

We wish to underscore in this connection that the Kingdom's laws prohibit the subjection of arrested persons to physical or mental harm or to torture or degrading treatment. The interrogation of accused persons must be conducted in a manner that does not influence their will to make statements. They may not be required to take an oath or be subjected to coercive measures. The Kingdom's laws criminalize torture and make it a punishable offence, as will be demonstrated below. The Public Prosecution Service investigates crimes in accordance with its areas of jurisdiction established by law. It is independent and forms part of the judiciary, and the Statute of the Public Prosecution Service prohibits any interference with its work. We also wish to reaffirm that the Kingdom complies with the human rights treaties that it has ratified. Citizens and residents are guaranteed equal litigation rights pursuant to article 47 of the Basic Law of Governance. Anyone who has suffered damages is entitled to request compensation pursuant to articles 153 and 215 of the Code of Criminal Procedure, and anyone whose rights have been violated may lodge a complaint based on the available legal remedies. The Kingdom's laws require all State institutions to treat people fairly, regardless of their religion, race, gender or nationality. If any such institution or its representative violates any rights, there are a number of mechanisms that guarantee effective human rights standards, in accordance with the applicable legal procedures. They include the judiciary and competent governmental and non-governmental human rights institutions. These conditions are consistent with article 5 of the Universal Declaration of Human Rights and articles 2, 15 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

We wish to reaffirm in this connection that the Kingdom's legislation criminalizes torture and makes it a punishable offence. It provides for safeguards and measures to ensure that no detainee or prisoner is subjected to torture or to any other cruel, inhuman or degrading treatment. Article 2 of the Code of Criminal Procedure stipulates that arrested persons shall not be subjected to physical or mental harm or to torture or degrading treatment. In addition, article 36 of the Code stipulates that arrested persons shall be treated in a manner that preserves their dignity and shall 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 Imprisonment and Detention Act prohibits all forms of assault against prisoners or detainees and stipulates that disciplinary measures shall be taken against civilian or military 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 1377 A.H. (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 oversight and inspections, and all necessary measures are taken in the event of any infringement. Criminal investigation officers are subject to oversight in their investigative functions by members of the Public Prosecution Service, in accordance with article 25 of the Code of Criminal Procedure.

With a view to supporting action by oversight mechanisms aimed at protecting the rights of prisoners and detainees, the Human Rights Commission is entitled, pursuant to articles 5 (6) and (7) of its Statute, to visit prisons and detention centres at any time without the permission of the competent authorities, to receive complaints regarding human rights violations, to investigate their veracity and to take the requisite legal action. The National Society for Human Rights (a civil society organization) also visits prisons and detention centres and receives complaints. Offices have been opened in prisons for the Public Prosecution Service and in some prisons for the Human Rights Commission and the National Society for Human Rights so that they can monitor the conditions of detention and receive complaints in situ. The Kingdom's laws require all State institutions to treat people fairly, regardless of their religion, race, gender or nationality. If any such institution or its representative violates any rights, there are a number of mechanisms that guarantee effective human rights standards, in accordance with the applicable legal procedures. They include the judiciary and competent governmental and non-governmental human rights institutions.

The Kingdom complies with the human rights treaties that it has ratified, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which constitutes part of its legislation. This is consistent with the Kingdom's human rights obligations.

4. With regard to the request to provide information on the current conditions of detention of Mr. Al-Faraj, including with regard to whether he can have contacts with his family and lawyers, and the request to explain how these conditions are consistent with the provisions of the Standard Minimum Rules for the Treatment of Prisoners (The Mandela Rules):

The person in question was treated during his detention in a manner that preserved his dignity and guaranteed all his rights on a par with other detainees and prisoners. He exercised his right to regular visits and contacts with his family and lawyers and benefited from the necessary medical care.

It should be noted that all detainees and prisoners undergo a medical examination upon arrival in prison, and periodically thereafter, in accordance with article 5 of the Medical Service Regulations. Medical care is provided to all prisoners and detainees, in accordance with article 22 of the Imprisonment and Detention Act. All detention centres and prisons are subject to judicial, administrative, health and social inspections, in accordance with article 5 of the Act, which

stipulates that: “All prisons and detention centres in the Kingdom are subject to judicial, administrative, health and social inspections, in accordance with the implementing regulations.” The right to visits and contacts is guaranteed by article 12 of the Act. Every prisoner or detainee has the right to submit a complaint pursuant to article 39 of the Code of Criminal Procedure, which stipulates that: “All prisoners and detainees shall have the right to submit a written or oral complaint at any time to the warden of the prison or detention centre and request that he communicate it to a member of the Public Prosecution Service. The official shall accept the complaint, promptly communicate it after recording it in the designated logbook, and provide the person making the complaint with an acknowledgement of receipt. The administration of the prison or detention centre shall set aside an office for the competent member of the Public Prosecution Service so that he can follow up cases of prisoners or detainees.”

This is consistent with relevant international norms, such as the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners (The Mandela Rules), Rule 24 (1) of which stipulates that: “The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community [...]”. Rule 56 (1) stipulates that: “Every prisoner shall have the opportunity each day to make requests or complaints to the prison director or the prison staff member authorized to represent him or her.” It is also consistent with Rule 30 concerning medical examinations, Rule 58 concerning visits and contacts, and Principle 24 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which stipulates that: “A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.”

5. With regard to the request to provide detailed information about the review process that led to the welcomed decision to release Mr. Al-Marhoon and on steps taken to investigate the allegations of torture allegedly inflicted upon him, to bring to account any personnel found responsible, directly or through supervision, and to afford him redress, reparation and rehabilitation:

A Royal Decree issued in March 2020 provides for suspension of the implementation of final judicial rulings imposing the death penalty on juveniles in cases involving *taziri* offences, and provides for the imposition of the penalties prescribed in the Juveniles Act for all offences without exception. The penalties are prescribed in article 15 of the Juveniles Act, which stipulates that if the offence is punishable by the death penalty, the offender shall be placed in a juvenile detention centre for a period not exceeding 10 years.

In line with the above-mentioned Royal Decree, the execution of the death penalty imposed on the person concerned for a *taziri* offence was suspended. His casefile was referred by the Public Prosecution Service to the competent court, and the Public Prosecutor requested that the previous judgment should be reconsidered and that he should be prosecuted in accordance with article 15 of the Juveniles Act. During the retrial, which was conducted in accordance with the established procedures, the person in question was permitted to present a defence and seek the assistance of legal representatives. A preliminary judgment was handed down sentencing him to 10 years’ imprisonment, in accordance with the aforementioned article, from the date of his detention, based on article 215 of the Code of Criminal Procedure, which stipulates that: “If a convicted person is sentenced to a term of imprisonment and has already served part of that term while being detained in connection with the case that has been adjudicated, the period of such detention shall be deducted from the term of imprisonment imposed on the accused.” The judgment was reviewed by a higher court and he was released after serving his sentence on 1 Rajab 1443 A.H. (2 February 2022 A.D.).

It should be noted that the procedures leading to the release of the person in question and the inaccuracy of the allegations of torture were clarified in the Kingdom's previous response (HRC/NONE/2022/SP/15/GE.22-03393 "A"), dated 3 March 2022, which was published on the OHCHR website. It was a response to communication AL SAU 15/2021, dated 11 January 2022, submitted by special procedures mandate-holders of the Human Rights Council, including a number of mandate-holders who participated in the current communication. The Kingdom's communication addressed most of the allegations and assertions contained in the communication currently under investigation. It reviewed the allegations, and all pertinent facts were clarified in detail. In addition, it described the applicable legislation of the Kingdom and the measures taken with respect to the said person's case, which were in line with international human rights principles and norms. The communication demonstrated that the information provided was inaccurate and included false allegations and assertions based on unsubstantiated information received from the source. The Kingdom's responses submitted to the Special Procedures Division of OHCHR should be taken into account.

6. With regard to the request for detailed information on whether the Government's counter-terrorism efforts comply with United Nations Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017), and with Human Rights Council resolution 35/34, and General Assembly resolutions 49/60, 51/210, 72/123, 72/180 and 73/174, in particular with international human rights law, refugee law and humanitarian law contained therein:

We wish to reaffirm that the Kingdom complies with the human rights treaties that it has ratified. Its laws are continuously reviewed, updated and expanded to reflect local and international developments. The Kingdom has suffered greatly, like other countries, from terrorist attacks. The terrorists unlawfully targeted innocent and irreproachable citizens, residents and law enforcement officers. Even women and children have not been spared and many of them have lost their lives, not to mention the material damage caused by such attacks. All acts, procedures, practices and manifestations of the crime of terrorism violate human rights, including the basic right to life, and fundamental freedoms, undermine international peace and security, and pose a threat to the security of nations and the stability of society.

The Kingdom remains committed to promoting and protecting human rights on the basis of the Islamic sharia, which enjoins respect for human rights and prohibits any violation of those rights while maintaining a balance between individual interests and the interests of society. This principle is enshrined in article 26 of the Basic Law of Governance which stipulates that: "The State shall protect human rights in accordance with the Islamic sharia." The Kingdom has acceded to a number of international human rights treaties. Action to prevent and combat the crime of terrorism and to promote the rule of law constitutes a vital means of supporting sustainable development, and to this end all States and societies should enact additional laws to promote and protect human rights. The Kingdom is determined to combat terrorism and has taken vigorous action to achieve that goal, in line with its commitment to the purposes and principles of the United Nations, in particular international human rights law, relevant United Nations Security Council resolutions, the 1994 Declaration on Measures to Eliminate International Terrorism and the 1996 Supplementary Declaration thereto. The Kingdom has taken effective measures to combat terrorism and protect human rights and is determined to comply with its obligations to combat terrorism and its financing and to protect national security. Its national legislation criminalizes terrorism, provides for the punishment of perpetrators, and contains no vague or ambiguous terms. As the legislation is published and disseminated on governmental and other websites, everybody has access thereto. The Counter-Terrorism and Financing of Terrorism Act contains clear definitions of the crimes of terrorism and financing of terrorism, which are consistent with international norms and the Kingdom's international obligations. It specifies the procedures for arrest and detention, the assignment of lawyers and temporary release, and the court that is competent to hear such cases.

It also defines the offences and penalties. The Act provides for the establishment of specialized centres for the re-education of persons detained and convicted of terrorist offences and for the creation of correctional and rehabilitation facilities to facilitate their reintegration into society.

The Kingdom has spared no effort to combat terrorism and extremism, to criminalize such acts and to impose deterrent penalties. 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 an important role in spreading moderation and promoting tolerance and coexistence, has launched numerous projects designed to achieve 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 levels, the Global Centre for Combating Extremist Ideology (“Itidal”), inaugurated on 25 Sha’ban 1438 A.H. (21 May 2017 A.D.) by the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz, is a component of the institutional framework for fighting terrorism. Working in collaboration with related international organizations, the Centre monitors and analyses extremist ideology in order to confront it and provide protection against it. These actions are consistent with the Kingdom’s obligations. The Kingdom has played an effective and influential role in maintaining security and tackling the phenomenon of terrorism by adopting the requisite measures and procedures, including security and intellectual strategies for confronting terrorism, the imposition of financial restrictions, and the protection and promotion of human rights.

In conclusion, the Kingdom reaffirms that it responds to the letters, appeals and communications that it receives, and clarifies all relevant facts in line with its policy of cooperation with international human rights mechanisms. Accordingly, it has been clearly demonstrated that the information contained in the joint communication is inaccurate and based on false allegations and assertions. It has also been shown that the action taken against the persons concerned was consistent with and did not violate international human rights instruments and norms of relevance to the allegations. The action complied with the Kingdom’s obligations, including those incurred through its accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child.

The Kingdom reminds the special procedures mandate-holders of the Human Rights Council who participated in the current 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, in particular the following provisions:

1. Article 4 (3) of the Code of Conduct stipulates that mandate-holders shall carry out their mandate while fully respecting the national legislation and regulations of the country wherein they are exercising their mission. When an issue arises in this regard, mandate-holders shall adhere strictly to the provisions of Regulation 1 (e) of the regulations.
2. Article 6 (a) of the Code of Conduct requires mandate-holders to give due consideration when discharging their mandate to the information provided concerning cases.
3. They should 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.
4. Mandate-holders should evaluate all information, in particular allegations and assertions received from 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.

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5. They should ensure that communications regarding cases are not manifestly unfounded or politically motivated, in accordance with article 9 (a) of the Code of Conduct.
 6. They should ensure that the person or group of persons who submit the communication are acting in good faith, in accordance with human rights principles, that they are free from politically motivated stands or stands that are contrary to the provisions of the Charter of the United Nations, and that they claim to have direct or reliable knowledge of the violations substantiated by clear information, in accordance with article 9 (d) of the Code of Conduct.
 7. They should ensure that communications regarding cases are not based exclusively on reports disseminated by mass media, in accordance with article 9 (e) of the Code of Conduct.
 8. They should bear in mind the need to ensure that their personal political opinions are without prejudice to the execution of their mission, and they should base their conclusions and recommendations on objective assessments of human rights situations, in accordance with article 12 (a) of the Code of Conduct.
 9. In implementing their mandate, they should 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 of Conduct.
 10. It is important to comply with article 13 (a) of the Code of Conduct by indicating fairly and without any curtailment what responses were given by the Kingdom.
 11. They should ensure that their declarations on the human rights situation in the country concerned are at all times compatible with their mandate and with 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.
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