



Ref. No. 413/ 2183

Geneva, 14 April 2023

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights, the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and with reference to joint communication reference UA SAU 1/2023 dated 16 February 2023, the Permanent Mission of the Kingdom of Saudi Arabia has the honour to attach herewith the reply on the aforementioned communication.

The Permanent Mission of the Kingdom of Saudi Arabia avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism the assurances of its highest consideration.



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*(Translated from Arabic)*

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

Ref. No. 413/2183

**1. With regard to the request to provide any additional information and any comment on the**

UA SAU/6/2022, dated 31 March 2022; UA SAU 4/2021, dated 23 February 2021; AL SAU 15/2021, dated 11 January 2022. The communications were submitted by a number of special procedure mandate-holders of the Human Rights Council, including the authors of the current communication. A response was also submitted to communication WGAD/SAU/2021/CASE/3, dated 18 August 2021, received from the Working Group on Arbitrary Detention concerning the said person's case. The communications addressed most of the allegations and assertions contained in the current communication. The allegations were examined and all relevant facts were clarified in detail. In addition, the applicable laws of the Kingdom and the measures taken with respect to the said person's case were specified and shown to be consistent with international human rights principles and norms. The information contained in the communications is inaccurate and comprises false allegations and assertions based on information received from the source that is devoid of support and evidence. This is 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) and should therefore be taken into account. We request the mandate-holders who have participated in this communication and who did not participate in the previous communications to examine the Kingdom's previous responses, which clarified the said person's case. The Kingdom considers that these responses are satisfactory and will provide updates concerning the case in the present response, while noting that the allegations and assertions have been repeated notwithstanding the responses and clarifications and their refutation.

The Kingdom has already responded to joint communication AL SAU 8/2022, dated 13 June 2022, concerning the case of Youssef al-Manasef submitted by a number of special procedure mandate-holders of the Human Rights Council, including the authors of the current communication. The communication addressed most of the allegations and assertions contained in the current communication. The allegations were examined and all relevant facts were clarified in detail. In addition, the applicable laws of the Kingdom and the measures taken with respect to the said person's case were specified and shown to be consistent with international human rights principles and norms. The information contained in the communications is inaccurate and comprises false allegations and assertions based on information received from the source that is devoid of support and evidence. This is 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) and should therefore be taken into account. We request the mandate-holders who have participated in this communication and who did not participate in the previous communications to examine the Kingdom's previous responses, which clarified the said person's case. The Kingdom considers that these responses are satisfactory and will provide updates concerning the case in the present response, while noting that the allegations and assertions have been repeated notwithstanding the responses and clarifications and their refutation.

The information contained in joint communication AL SAU 1/2023, dated 16 February 2023, is inaccurate and comprises false allegations and assertions based on information received from the source that is devoid of support and evidence. The Kingdom has reviewed the allegations and intends to clarify all relevant facts, in line with its cooperation with international human rights mechanisms. **We wish to highlight in this context the information set out below.**

Security Council resolution 1566 (2004), dated 8 October 2004, states that terrorist offences are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The laws of the Kingdom guarantee a fair and public trial for all accused persons before an independent court by providing numerous statutory safeguards, including those guaranteed by 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 legislation contains many procedural guarantees that control the conduct of criminal proceedings and guarantee the rights of the accused by ensuring that all persons are presumed innocent until proven guilty by a final judgment. No one is detained in the Kingdom on account of the exercise of his or her rights and freedoms. 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, is accorded precedence in regard to the exercise of those rights and freedoms. Any person whose rights are violated may lodge a complaint in accordance with the available legal remedies. State institutions have a legal obligation to ensure that all individuals are treated fairly, regardless of their religion, race, gender or nationality. If any of those institutions or their representatives violates a right, effective legal action to guarantee human rights may be taken by a number of mechanisms, including the judiciary and governmental and non-governmental human rights institutions.

The laws of the Kingdom guarantee a fair and public trial for all persons before a competent and independent court. The Kingdom's judiciary derives its authority and principles from the Islamic sharia, which renders justice obligatory, making it the foundation of decision-making and guaranteeing judicial independence. Article 46 of the Basic Law of Governance stipulates that: "The judiciary is an independent authority and judges, in their administration of justice, are independent and subject to no authority other than the Islamic sharia." Furthermore, article 1 of the Judiciary Act stipulates that: "Judges are independent and, in their administration of justice, are subject to no authority other than the provisions of Islamic sharia and the legislation in force. No one may interfere in judicial affairs." Article 48 of the Basic Law of Governance stipulates that the courts shall apply the provisions of Islamic sharia to the cases brought before them, guided by the Qur'an and Sunna and such laws as may be promulgated by the authorities that do not conflict with the Qur'an and Sunna. Article 49 states that courts in the Kingdom shall adjudicate all disputes and crimes apart from cases that fall under the jurisdiction of the Board of Grievances (the administrative judiciary).

The Kingdom protects and promotes human rights through its compliance with the principle of legality. According to article 38 of the Basic Law of Governance, punishment is personal and there is no crime or punishment except as defined by law or regulations. Penalties may be imposed only in respect of acts committed subsequent to the entry into force of a legal instrument.

The laws of the Kingdom guarantee a fair and public trial for all accused persons before a competent and independent court. They are entitled to present a defence, to seek the assistance of lawyers and to file an appeal against judgments handed down against them. Judgments are subject to judicial review before higher courts.

The Kingdom's laws guarantee respect for the principle of the presumption of innocence of accused persons. No one may be sentenced to a criminal penalty save for an act that is prohibited by sharia or statutory law and after being convicted in a trial conducted in accordance with due process of law. Accordingly, the Kingdom's legislation contains many procedural guarantees that control the conduct of criminal proceedings, and that guarantee the rights of the accused by ensuring that all persons are presumed innocent until proven guilty by a final judgment.

Death sentences are enforced once the perpetrators have been convicted, in final and definitive judgments, of crimes that are legally punishable by the death penalty. The Kingdom takes continuous and comprehensive action to review and develop existing laws that criminalize and prescribe penalties for crimes, including the death penalty, and seeks to narrow their scope without precluding the implementation of final, definitive and enforceable judgments based on legally valid provisions, an approach that is consistent with the general rules of criminal law.

**2. With regard to the request to provide detailed information about the judicial processes initiated against the persons concerned, from the day and date of their arrest and detention:**

I. In addition to what has been previously reported concerning the case of citizen [REDACTED] [REDACTED] the Appeal Court held a number of sessions in the presence of the Public Prosecutor, the person in question, his lawyer and a representative of the Human Rights Commission. The Appeal Court upheld the judgment of the first instance court, which had handed down a death sentence, and the lawyer lodged an objection in cassation before the Supreme Court, in accordance with article 198 of the Code of Criminal Procedure, 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." It is legally mandatory under article 199 of the Code to refer the casefile to the Supreme Court, even if none of the litigants so request. It was referred to the Supreme Court in accordance with article 10 of the Code, which stipulates that: "Judgments handed down or upheld by an appeal court shall not be final until they have been confirmed by the Supreme Court." The case is still under judicial review.

In addition to what has been previously reported concerning the case of citizen [REDACTED] [REDACTED] his trial continued, and the court refrained from issuing a verdict until it had heard the statements of all parties, including all defence pleas that had been presented orally and in writing, and had examined the records of the evidence collected. The court then closed the proceedings in their presence. After studying the casefile, the court of first instance sentenced him to death. After the judgment by the court of first instance was handed down, the person in question was granted the right to lodge an appeal. Once the appeal was lodged, 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, which upheld the ruling to impose the death penalty on the person concerned. His case is still under judicial review, since it is legally mandatory to refer the casefile to the Supreme Court, even if none of the litigants so request, once the time period for lodging an appeal has expired.

II. With regard to the case of citizens [REDACTED] [REDACTED], they were arrested based on evidence that they had committed terrorist crimes. An arrest warrant was issued against each one of them pursuant to article 4 of the Terrorist Crimes and their Financing Act (2013) and their periods of detention were in line with the provisions of articles 2 and 5 of the Act.

All of the aforementioned persons were over 18 years of age when they committed the crimes for which they were sentenced to death, except for [REDACTED], who was sentenced to death as a retaliatory penalty (*qisas*).

Citizen [REDACTED] [REDACTED], has been charged with committing a number of terrorist crimes, including the following:

1. Participation in the establishment of a terrorist entity that seeks to undermine the security of society and the stability of the State;

2. Attacking law enforcement officers with Molotov cocktails;
3. Possession and use of bombs that are criminalized and punishable under the Explosives and Fireworks Act;
4. Participation in shootings at the Administrative Control Department and [REDACTED] Police Station;
5. Destruction of public utilities and property in order to perpetrate a terrorist crime.

Citizen [REDACTED]

[REDACTED], has been charged with committing a number of terrorist crimes, including the following:

1. Participation in an armed terrorist entity in order to conduct terrorist operations in the Kingdom with the aim of undermining internal security;
2. Financing of terrorism and terrorist acts, which are criminalized and punishable pursuant to the Anti-Money-Laundering Act;
3. Participation with a number of persons wanted on security-related charges in the kidnapping and subsequent murder of a Shiite judge;
4. Participation in the murder of law enforcement officers by targeting them and their vehicles with gunfire on seven occasions with a view to killing them and damaging their vehicles;
5. Hurling Molotov cocktails at law enforcement officers and their security vehicles with a view to killing them, damaging their vehicles and impeding the performance of their duties;
6. Possession of weapons and ammunition with a view to perpetrating a terrorist crime.

Citizen [REDACTED]

[REDACTED], has been charged with committing a number of terrorist crimes, including the following:

1. Joining a terrorist entity that seeks to disrupt security and stability and undermine the Kingdom's internal security;
2. Participation in shooting operations targeting law enforcement officers with intent to kill, and in shooting operations aimed at the destruction of public utilities and property;
3. Possession and storage of weapons and ammunition, stun grenades and tear-gas grenades for use against law enforcement officers, acts which are criminalized and punishable under the Weapons and Ammunition Act.

Citizen [REDACTED]

[REDACTED], has been charged with committing a number of terrorist crimes, including the following:

1. Joining a terrorist entity that seeks to disrupt security and stability and undermine the Kingdom's internal security;
2. Support for terrorist ideology, terrorist crime and the methodology of its perpetrators;
3. Financing of terrorism and terrorist acts, which are criminalized and punishable pursuant to the Anti-Money-Laundering Act;

4. Participation with a number of terrorists in attempts to kill law enforcement officers by shooting at them, and participation in shooting at security vehicles and military equipment;
5. Surveillance and planning with a view to targeting law enforcement officers;
6. Destroying and seriously damaging public property by burning an oil pipeline;
7. Receipt of training in terrorist camps in the use of weapons to perpetrate terrorist crimes in the Kingdom;
8. Possession of unlicensed weapons and ammunition with a view to undermining internal security;
9. Receipt of orders, directives and material support from members of a terrorist entity based outside the Kingdom in order to act on its behalf within the Kingdom.

Citizen [REDACTED]

[REDACTED] has been charged with committing a number of terrorist crimes, including the following:

1. Joining a terrorist entity that seeks to disrupt security and stability and undermine the Kingdom's internal security;
2. Financing of terrorism and terrorist acts, which are criminalized and punishable pursuant to the Anti-Money-Laundering Act;
3. Targeting law enforcement officers and their vehicles on seven occasions with weapons and missiles in order to kill or injure them and to prevent them from performing their duty to track terrorists;
4. Promoting riots and chaos, and destroying public utilities and property through the perpetration of a terrorist crime;
5. Receipt of orders and directives from leaders of a terrorist entity based outside the Kingdom in order to commit terrorist crimes within the Kingdom;
6. Possession of weapons and ammunition for the purpose of undermining internal security, which is an act that is criminalized and punishable under the Weapons and Ammunition Act;
7. Targeting the headquarters and checkpoints of the security authorities by shooting at them;
8. Receipt and transport of explosive materials and electric detonators, and provision of other materials such as power cables and plastic converters in order to manufacture explosives for the commission of terrorist crimes.

All the persons mentioned in part II above were granted the right to seek the assistance of legal representatives, whom they appointed to present a defence and to plead on their behalf. Some of them also requested the appointment of a lawyer at the State's expense and their requests were granted.

The following judgments were handed down against the persons mentioned in part II:

Final judgments imposing the death penalty were handed down, with the support of the Supreme Court, against [REDACTED].

Judgments confirming the death penalty were handed down by the Appeal Court against [REDACTED]. The judgments have not yet acquired final status and their cases are still under judicial review, since convicted persons and public prosecutors may lodge an objection in cassation with the Supreme

Court against judgments handed down by the Appeal Court, in accordance with article 198 of the Code of Criminal Procedure.

With regard to the legal procedures initiated against the persons in question, they were informed of the grounds for their arrest, in accordance with article 36 (1) of the Code of Criminal Procedure, which stipulates that: “Persons who are detained shall be treated in a manner conducive to the preservation of their dignity and shall not be harmed physically or mentally. They shall be informed of the reasons for their detention and shall have the right to contact anyone whom they wish to notify of their detention.” Article 116 of the Code stipulates that: “Persons who are arrested or detained shall be promptly informed of the grounds for their arrest or detention, and shall have the right to contact anyone whom they wish to notify.” They were also informed of the charges filed against them, in accordance with article 101 (1) of the Code, which stipulates that when the accused appears for the first time for interrogation, the investigator shall record all his personal information and inform him of the offence with which he is charged.

On completing the investigations, the investigating authority (the Public Prosecution Service) decided that the evidence was sufficient to charge them 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.” The Public Prosecution Service referred the casefile to the competent court (the Specialized Criminal Court) and the accused were 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.” Articles 3 (b) and (c) of the Statute also authorize the Public Prosecution Service to institute proceedings, close cases and conduct prosecutions before judicial bodies, in accordance with the law and all implementing regulations.

The Kingdom attaches great importance to death sentences and has regulated them by a number of mandatory procedures to ensure that defendants receive a fair trial and that judgments meet the standards of due process from the time when they are handed down by the court of first instance until they become final. The case is heard in the court of first instance by three judges and the accused enjoy all legal rights, including the right to seek the assistance of a representative or lawyer, in accordance with article 4 (1) of the Code of Criminal Procedure. If they lack the financial means to seek the assistance of a lawyer, they can ask the court to appoint a lawyer to defend them at the State’s expense, in accordance with article 139 of the Code, which stipulates that: “An accused charged with serious offences shall appear personally before the court, without prejudice to his right to seek legal assistance. If he lacks the financial means to seek the assistance of a lawyer, he may ask the court to appoint one to defend him at the State’s expense, as stated in the regulations.” After the judgment by the court of first instance is handed down, the accused are granted the right to lodge an appeal against the judgment within 30 days of the date on which they received a copy thereof, 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.” After the objection has been studied and scrutinized and the judgment has been upheld, the casefile is referred to the appeal court, in accordance with article 192 of the Code, 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.” 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, in accordance with article 194 of the Code. The chamber assigned to hear the case in the appeal court is composed of five judges, in accordance with article 15 (1) of the Judiciary Act, which stipulates that: “Each district shall have one or more appeal courts, which shall comprise various specialized chambers, each consisting of three judges, with the exception of the criminal chamber hearing cases involving the death penalty, which shall be composed of five judges.” If the appeal court upholds the judgment, the case is 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.” Convicted persons may lodge an objection in cassation pursuant to article 198 of the Code, 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.” Judgments upheld by the appeal court are reviewed by five Supreme Court judges, in accordance with article 10 (4) of the Statute of the Judiciary, which stipulates that “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 in accordance with article 11 (1) of the Statute, which stipulates that “judgments or rulings involving a death penalty that are delivered or upheld by an appeal court shall be reviewed”. Judgments are not enforced until they have become final, in accordance with article 212 of the Code of Criminal Procedure, which stipulates that: “Criminal judgments shall not be enforced until they have become final.” Judgments are deemed to be final if they meet the requirements of article 210 of the Code, which stipulates that: “Final judgments are those which have not been challenged within the legally prescribed time limit or which have been upheld or delivered by the Supreme Court.” It is clear from the provisions cited above and from other legal provisions that the Kingdom has enacted legislation that guarantees a fair trial for accused persons at all stages of criminal proceedings until a judgment is handed down by a competent and independent judicial authority.

The procedures and safeguards observed in the case of the persons in question have been consistent since the date of their arrest with international fair trial and due process standards, including safeguards guaranteeing protection of the rights of persons facing the death penalty, in accordance with the provisions of Economic and Social Council (ECOSOC) resolution No. 50/1984 of 25 May 1984.

**3. With regard to the request to provide information on the factual and legal basis of their prosecution:**

As already stated in the response to question No. 2, the persons in question were arrested based on evidence that they had committed terrorist crimes. After they were interrogated and confronted with the evidence, they confessed, of their own free will, to the investigating authority and confirmed their confessions to the charges filed against them before the judiciary, in accordance with article 101 (2) of the Code of Criminal Procedure. As they enjoyed full legal capacity and were not coerced to appear before the judiciary, their arrest and prosecution were based on solid grounds. The Terrorist Crimes and their Financing Act (2013) requires action to combat such crimes and to punish the perpetrators in order to preserve the security and safety of both the internal community and the international community. Such measures are consistent with international norms and with the United Nations Global Counter-Terrorism Strategy to prevent and combat terrorism.

**4. With regard to the request to provide information about their treatment in detention, in particular the legal ground for their placement in solitary confinement:**

The persons in question are treated in a manner that preserves their dignity and guarantees all their rights, just like other detainees and prisoners. They were not subjected to any form of physical or mental torture or ill-treatment, and the allegations that evidence was extracted under torture are unfounded. They confessed, of their own



free will, to the investigating authority and confirmed their confessions to the charges filed against them before the judiciary. They were not placed under duress when endorsing their confessions before the judiciary. The law permits the investigating authority, as a legal procedure, to prevent the accused from contacting other persons for a specific period.

We wish to underscore that solitary confinement in the Kingdom is subject to strict regulations that limit its excessive use. Prolonged or indefinite confinement is deemed to constitute a form of torture and of inhumane detention under the Kingdom's legislation. As the Kingdom recognizes that such practices exacerbate prisoners' psychological suffering, they are criminalized and punishable under the law. Article 20 of the Prison and Detention Act stipulates that solitary confinement shall be imposed solely in exceptional circumstances and for a specific period. This demonstrates the invalidity of the allegations and assertions contained in the communication. Any prisoner or detainee who has been subjected to such treatment is entitled to lodge a complaint pursuant to article 39 of the Code of Criminal Procedure, which stipulates that: "Any prisoner or detainee shall have the right to submit, at any time, a written or oral complaint to a prison or detention centre officer and request that he communicate it to a member of the Public Prosecution Service. The officer shall accept and promptly communicate the complaint after registering it in the relevant file, and shall provide the prisoner or detainee with an acknowledgement of receipt. The administration of the prison or detention centre shall reserve an independent office for the member of the Public Prosecution Service who is tasked with monitoring cases involving prisoners or detainees."

All detainees and prisoners undergo a medical examination upon arrival in prison, and periodically thereafter, in accordance with article 5 of the Medical Services Regulations. Medical care is available for all prisoners and detainees, in accordance with article 22 of the Prison and Detention Act. All prisons and detention centres in the Kingdom are subject to judicial, administrative, health and social inspections, in accordance with article 5 of the Prison and Detention 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." They enjoy the right to visits and communications, in accordance with article 12 of the Act. Every detainee or prisoner has the right to lodge a complaint pursuant to article 39 of the Code of Criminal Procedure. These provisions are consistent with relevant international norms, such as the provisions of the 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." They are also consistent with rule 56 (1), which 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", with rule 30 concerning medical examinations, with rule 58 concerning visits and communications, and with 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." It may be concluded from the foregoing that the conditions of detention of the persons concerned are consistent with the Standard Minimum Rules for the Treatment of Prisoners (The Mandela Rules) and with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

**5. With regard to the request to provide information on the steps taken by the judicial authorities hearing the cases, following the claim made by the defendants that they were tortured or otherwise ill-treated to extract confessions of guilt from them:**

As already stated, the persons in question were not subjected to any form of torture. They confessed, of their own free will, to the investigating authority and confirmed their confessions to the charges filed against them before the judiciary, in accordance with article 101 (2) of the Code of Criminal Procedure. They enjoyed full legal capacity and were not coerced to appear before the judiciary. As a number of them raised such allegations during the legal proceedings, the court took the necessary steps to verify and investigate them and found that the allegations were unfounded.

The judge does not rely solely on the confession as evidence, but rather on the factual and presumptive evidence presented, including the records of the arrest and investigations, witness statements, and the cross-examinations and statements heard during the legal proceedings. To that end, the judge is empowered, for example, to hear witnesses, to provide for visits and inspections of the scene of incidents, and to seek the opinions of experts, including forensic physicians, inasmuch as the trial is the final investigation requiring safeguards and protection for the parties to the case. The Kingdom is fully aware of the seriousness of the crime of torture and takes effective measures to prevent the commission of or any attempt to commit such an offence. The legislation prescribes severe penalties for perpetrators, regardless of their status. If a court has any suspicion or has good reason to believe that a crime of torture has been committed against an accused person (a victim), it arranges forthwith for investigations even in the absence of allegations by the person concerned. If it is confirmed that a crime of torture has been committed, criminal proceedings are instituted against the suspects in order to impose the requisite penalties and to provide justice for victims of torture and compensation for the harm that they have suffered.

We wish to underscore in this regard that the Kingdom's legislation provides for safeguards and measures to ensure that no detainee or prisoner is subjected to torture or other cruel, inhuman or degrading treatment. Article 2 of the Code of Criminal Procedure prohibits the subjection of an arrested person to physical or mental harm and to torture or degrading treatment. Article 36 of the Code stipulates that persons who are detained shall be treated in a manner conducive to the preservation of their dignity and shall not be harmed physically or mentally. They shall be informed of the reasons for their detention and shall have the right to contact anyone whom they wish to notify of their detention. 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 may not be required to take an oath or be subjected to coercive measures. Furthermore, 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 the use of violence of any kind against prisoners or detainees and requires disciplinary measures to be taken against any civilian or military officials who perpetrate such acts, without prejudice to any criminal penalty that they may also incur. Pursuant to article 2 (8) of Royal Decree No. 43 of 1377 A.H. (1958 A.D.), public officials who, in the course of their duties, inflict ill-treatment or use coercion such as torture, cruelty, confiscation of property or denial or personal liberties, including exemplary punishment, imposition of fines, imprisonment, exile or mandatory residence in a certain place and illegal entry into private dwellings, face imprisonment for up to 10 years.

All prisons and detention facilities in the Kingdom are monitored and inspected, and all necessary measures are taken in the event of any infringement. The Public Prosecution Service also monitors criminal investigation officers in the performance of their investigative duties, 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 is entitled, pursuant to article 5 (6) and (7) of its Statute, to visit prisons and detention



centres at any time, without the need for permission from the competent authority, to receive and verify complaints concerning human rights, and to take the corresponding legal measures. In addition, the National Society for Human Rights, which is a civil society association, 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 on the spot. The Kingdom's legislation requires all State institutions to guarantee justice for all, 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 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 constitutes part of its legislation, in accordance with the Kingdom's human rights obligations.

**6. With regard to the request to explain how the imposition of the death penalty in the above-mentioned cases is compatible with the Kingdom's international obligations, particularly as they arise from the prohibition of the death penalty for children, as set forth in the Convention on the Rights of the Child:**

All of the aforementioned persons were over 18 years of age when they committed the crimes for which they were sentenced to death, except for [REDACTED], who was sentenced to death as a retaliatory penalty (*qisas*).

The death penalty is not totally prohibited under international human rights law, but there are rules governing its imposition. Thus, it may be imposed solely for the most serious crimes, and safeguards guaranteeing protection of the rights of persons facing the death penalty must be put in place, in accordance with Economic and Social Council (ECOSOC) resolution 1984/50 of 25 May 1984. The Kingdom's laws are consistent with relevant international rules, safeguards and standards.

The Kingdom is committed to the human rights treaties that it has ratified and complies with its obligations under such treaties, including the Convention on the Rights of the Child. The Kingdom takes continuous action to review and develop existing laws that criminalize and prescribe penalties for crimes, including the death penalty, and seeks to narrow their scope.

The death penalty is imposed under Saudi law only for the most serious crimes and in extremely limited circumstances. It is not imposed or implemented 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 its international human rights obligations. The case must be heard by a bench of three judges in the 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 and enforceable.

The procedures and safeguards observed in the case of the persons in question are consistent with international fair trial and due process standards.

**7. With regard to the request to provide information on whether the Government has envisaged or is considering envisaging to abolish the death penalty for all crimes committed by persons under the age of 18:**

The Kingdom is committed to the promotion and protection of human rights, particularly the right to life. It has introduced reforms, such as the adoption in 2018 of the Juveniles Act, which abolished the imposition of the death penalty for a *ta'zir* offence (for which the penalty is left to the judge's discretion) on persons who were under 18 years of age when the punishable act was perpetrated. It guarantees that if the *ta'zir* offence is punishable by the death penalty, the prescribed penalty shall be placement in a detention centre for a period not exceeding 10 years. This is not applicable, however, to *hudud* offences (for which the prescribed penalty is mandatory) or *qisas* offences (for which the penalty is retaliation), since the penalties are prescribed in the Islamic sharia. Punishable *hudud* or *qisas* offences (premeditated murder and premeditated assault) entail specific penalties under the Islamic sharia. The penalties are confined to certain defined offences, and strict evidentiary procedures are required. In addition, should there be any doubts regarding *hudud* offences during the legal proceedings, such doubts are deemed to be sufficient to waive a *hudud* penalty. In the case of *qisas* offences, a pardon can be granted by one or more of the next of kin of a murdered victim for crimes in respect of which retaliation is required, since they have an incontestable right to issue a waiver of the penalty imposed on the perpetrator.

A Royal Decree was issued in March 2020 to prevent the enforcement of final judgments imposing the death penalty on juveniles for *ta'zir* offences and to ensure that the penalties prescribed in the Juveniles Act were imposed for all offences without exception. According to the penalties prescribed in article 15 of the Act, offences entailing the death penalty shall be punishable by confinement in a detention centre for a period not exceeding 10 years. The Decree also provides for the inclusion or amendment of all implementing regulations applicable to accused juveniles, and requires the imposition of the penalties prescribed in the Juveniles Act to all offences without exception and at all stages of the trial.

The implementation of the Royal Decree began immediately after its issuance in March 2020. In line with the Decree, the enforcement of death penalties imposed for *ta'zir* offences on juveniles who were under 18 years of age on the date of perpetration of the punishable act was suspended. Their casefiles were referred by the Public Prosecution Service to the competent court, and the prosecutor requested a review of the judgments handed down against them and requested that the penalties specified in article 15 of the Juveniles Act should be imposed. They were retried in accordance with the established procedures, and the judgments handed down against them sentenced them to a period of detention of 10 years from the date of their arrest, in accordance with the aforementioned article and 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 prison term." The rulings were subject to judicial review before a higher court, and the persons in question were released after having served their sentences.

**8. With regard to the request to provide detailed information on the management of the bodies of persons executed and how this complies with international norms and standards:**

When the sentence has been executed, the necessary arrangements are made for preparing the corpse expeditiously for burial, in accordance with the law, and for ensuring full respect for the dignity of the dead person and his or her next of kin. We wish to underscore that the allegation concerning the retention of the bodies of executed persons is unfounded, since they are treated in accordance with the aforementioned procedure.

**9. With regard to the request for information on the current state of physical and mental integrity of the individuals and the request to explain whether they have had access to adequate medical care, as appropriate:**

The persons in question are in good health and have been provided with all necessary medical care, just like other detainees and prisoners, since the date of their detention. All detainees and prisoners undergo a medical



examination upon arrival in prison, and periodically thereafter, in accordance with article 5 of the Medical Services Regulations. Medical care is available for all prisoners and detainees, in accordance with article 22 of the Prison and Detention Act. Medical care is available for all prisoners and detainees, in accordance with article 22 of the Imprisonment and Detention Act. All prisons and detention centres 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.” These provisions are consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson 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.” They are also consistent with rule 30 concerning medical examinations and with 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.”

**10. With regard to the request to explain whether the deprivation of liberty of the above-mentioned individuals was in line with international human rights law and standards, and whether their respective trials were conducted in a manner consistent with international due process and fair trial standards:**

The measures taken in the case of the persons concerned were based on legal provisions that permit their detention, since they were charged with committing terrorist crimes that require detention. As already mentioned, the procedures and safeguards observed in the case of the persons in question have been consistent with international fair trial and due process standards, including safeguards guaranteeing protection of the rights of persons facing the death penalty, in accordance with the provisions of Economic and Social Council (ECOSOC) resolution No. 50/1984 of 25 May 1984.

The right of all arrested or detained persons to object to the legality of their arrest or detention is guaranteed by article 115 of the Code of Criminal Procedure, which stipulates that: “Upon the arrest of the accused, the original text of the arrest warrant shall be delivered to the director of the detention centre, who shall sign a copy of the warrant as an acknowledgement of receipt. Pretrial detainees may lodge a complaint against the order to detain them or to extend their detention. The complaint shall be submitted to the head of the investigating body, the head of the branch or the head of the department, as appropriate, and a decision shall be taken within five days of the date of submission.” The Public Prosecution Service is an independent body and forms part of the judiciary, in accordance with the law. According to the Statute of the Public Prosecution Service, nobody may interfere with its work. When the said persons were referred to the judiciary, the court ruled that they should be tried while in detention.

The Kingdom underscores that all its laws fully guarantee the rights of defendants from the time of their arrest until their release, and all defendants are entitled to institute proceedings before a court to determine the legality of their detention. The detention of the persons concerned was consistent with the Kingdom’s laws and with the international norms referred to by the Working Group, including principle 39 of the Body of Principles, which states that the judicial authority shall keep the necessity of detention under review. This was the approach adopted in the case of the persons concerned.

It is clear from the foregoing that the allegations and assertions contained in the joint communication are inaccurate. The measures taken against the persons in question were clearly valid and consistent with international human rights norms and with the Kingdom’s obligations under international human rights law and the human rights

treaties to which it is a party, including those stemming from its ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

The Kingdom also respects international norms applicable to juveniles, including the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

In conclusion, the Kingdom wishes to reaffirm that it responds to all letters, appeals and communications and clarifies all relevant facts in line with its policy of cooperation with international human rights mechanisms.

The Kingdom reminds the special procedures mandate-holders of the Human Rights Council who participated in the present 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. The mandate-holders should always seek to establish the facts, based on objective, reliable information emanating from relevant credible sources, that they have duly cross-checked to the best extent possible, in accordance with article 6 (a) of the Code of Conduct.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.