



Ref. No: 413-2803

June 26, 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 adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Working Group on Arbitrary Detention: the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and would like to refer to the letter's joint communication ref: **UA SAU 2/2023 dated 28 April 2023**. In that regard, the Permanente Mission has the honor to attach herewith the reply of the Kingdom of Saudi Arabia on the afore-mentioned communication.

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and other International Organizations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Working Group on Arbitrary Detention: the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the assurance of its highest consideration.



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

**Subject:**

Allegations and requests for clarification as contained in a joint communication dated 28 April 2023 from a number of special procedures thematic-mandate holders of the Human Rights Council (UA SAU 2/2023) concerning nationals Shadly bin Ahmad Al-Huwaiti (National Identity No. [REDACTED]), Ibrahim bin Saleh Al-Huwaiti (National Identity No. [REDACTED]), Atallah bin Moussa Al-Huwaiti (National Identity No. [REDACTED]), Abdul Nasser bin Ahmed Al-Huwaiti (National Identity No. [REDACTED]), Mahmoud bin Ahmad Al-Huwaiti (National Identity No. [REDACTED]) and Abdullah bin Dakhilallah Al-Huwaiti (National Identity No. [REDACTED]), and concerning the NEOM project.

**Review and opinion:**

After reviewing the matter, the replies provided by the relevant authorities and the information available, the committee considered it appropriate to respond as follows:

**I: Response to the allegations and requests for clarification in relation to the individual cases:**

**1. Request to provide any additional information and comments on the above-mentioned allegations**

- The Kingdom of Saudi Arabia already replied to the joint communication contained in document UA SAU 11/2022, dated 10 August 2020, which was submitted by a number of special procedures mandate holders of the Human Rights Council, including the authors of the communication currently under consideration. It has addressed many of the claims made in the communication, reviewed the allegations and clarified all the relevant facts in detail. It has explained the applicable laws of Saudi Arabia and the measures that were taken in this case, consistent with international human rights principles and norms. It has also explained that the information contained in the communication is



inaccurate and includes false allegations and assertions based on unsubstantiated reports received from the source. This was all stated in the reply contained in document 376/413, which was submitted by Saudi Arabia to the special procedures of the Human Rights Council on 6 October 2020. We request the mandate holders who authored the communication under consideration herein to refer to that reply, which clarifies the facts and refutes the claims.

- The information contained in communication UA SAU 2/2023 of 28 April 2023 is inaccurate and contains false allegations and assertions based on unsubstantiated reports received from the source. The State has investigated the allegations and provided full clarifications, in line with its cooperation with international human rights mechanisms. **Consequently, we should like to reiterate the following points.**
- In its resolution 1566 (2004) of 8 October 2004, the Security Council 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 Saudi Arabia guarantee all defendants the right to a fair and public hearing before an independent court. The judiciary enjoys complete independence in the performance of its duties, which ensures that it can carry out its work impartially and without any external interference.
- The laws of Saudi Arabia guarantee all persons the right to due process and to a fair and public hearing before an independent and fair court of law. The country's judiciary derives its authority and operating principles from the sharia, which defines the delivery of justice as an obligation and the foundation of governance and which guarantees judicial independence. Article 46 of the Basic Law of Governance states: "The judiciary is an independent authority, and judges administer justice independently, subject to no authority other than the sharia." Article 1 of the Judiciary Act states that: "Judges are independent and administer justice subject to no authority other than the stipulations of the sharia and the laws in force. No one may interfere in judicial affairs." Article 48 of the Basic Law of Governance states that the courts must abide by the stipulations of the sharia when dealing with the cases brought before them and must be guided by the Qur'an and Sunna and whatever

laws may be promulgated by the authorities that do not conflict with the Qur'an and Sunna. Article 49 states that the courts have competence to rule on all crimes and disputes, except for those cases that fall under the jurisdiction of the Board of Grievances (the administrative judiciary).

- The laws of Saudi Arabia guarantee all defendants a fair and public hearing before a competent and independent court. Accused persons are entitled to present a defence, to seek the assistance of a lawyer and to file an appeal against judgments handed down against them. Judgments are also subject to judicial review before higher courts.
- The national laws ensure respect for the principle of the presumption of innocence, and no person may be sentenced to a criminal penalty unless he or she has been found guilty, in a trial conducted in accordance with the due process of law, of committing an offence that is prohibited by the sharia or statutory law. Thus, the laws of Saudi Arabia provide a number of safeguards which regulate the conduct of criminal proceedings, guarantee the rights of defendants and ensure that defendants are presumed innocent until found guilty pursuant to a final court judgment.
- Accused persons have the right to seek the assistance of a lawyer at the investigation and trial stages. If they cannot afford a defence lawyer, they may ask the court to appoint one for them, at the State's expense.
- The laws of Saudi Arabia state that persons under arrest may not be subjected to physical or mental harm or to torture or degrading treatment. Interviews must be conducted in a manner that does not impair the free will of accused persons when making statements. Accused persons may not be compelled to take an oath nor may they be subjected to coercive measures.
- The laws of Saudi Arabia criminalize and punish torture and include a set of safeguards and measures designed to ensure that no detainee or prisoner is subjected to torture or other cruel, inhuman or degrading treatment.
- All Saudi laws uphold the rights of accused persons from the time of their arrest until their release, and all accused persons are entitled to file court proceedings in order to obtain a ruling on the legality of their detention.

- The right of all arrested or detained persons to challenge the legality of their arrest or detention is guaranteed under article 115 of the Code of Criminal Procedure, which states: “When the accused person is arrested, the original of the arrest warrant shall be handed over to the governor of the detention centre, who shall sign a copy of the warrant as acknowledgement of receipt. Pretrial detainees may lodge a complaint against a detention order or a detention-extension order. The complaint shall be submitted to the head of the investigating body to which the investigator reports, the head of the branch, or the Public Prosecutor, as the case may be, and a decision shall be taken within five days of the date of submission.” The Public Prosecution Service is an independent body and by law is recognized as being part of the judiciary. According to the Statute of the Public Prosecution Service, nobody may interfere with its work. When the individuals concerned were referred to the judiciary, the court ruled that they should be tried while in detention.
- The laws of Saudi Arabia protect freedom of opinion and expression and guarantee all persons the right to exercise this freedom so long as they do not infringe public law or the norms applicable to society or its members. This restriction is consistent with relevant international standards, notably article 29 (2) of the Universal Declaration of Human Rights, which states: “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare.” It is also consistent with article 19 of the International Covenant on Civil and Political Rights, which states that all persons have the right to hold opinions without interference and the right to freedom of expression, the latter being subject to certain restrictions such as are necessary for respect of the rights or reputations of others and for the protection of national security or of public order, or of public health or morals.
- The above-mentioned individuals were arrested in accordance with national law and with the international standards that the thematic mandate holders refer to in their communication regarding these allegations. This includes principle 39 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which states that the necessity of pretrial detention

remains subject to review by the judicial authority, as has been the case with these persons.

**Comment on the allegations and claims in the introduction to the letter concerning the individual cases. We should like to clarify the following:**

- The joint communication states that these individuals are being punished for merely voicing their opposition to the evictions. This allegation is completely untrue; the sentences handed down to these individuals were based on the fact that they were convicted of terrorist crimes, as shall be explained later in the present reply.
- The process of preventing accused persons from communicating with others for a limited period is in keeping with national law and does not impinge upon their right to communicate with their families or legal representatives. This is also in line with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).
- The joint communication refers to allegations regarding the use of reprehensible means of torture. Saudi Arabia does not tolerate such practices, as they go against its principles, values, and laws. The country's laws criminalize and punish torture in an absolute and non-derogable manner and prescribe severe penalties for perpetrators.
- Saudi Arabia is committed to promoting and protecting human rights. It does so through a firmly established approach grounded in the Constitution, which upholds the right to life as a fundamental human right, makes the protection of human rights an obligation and prohibits the violation of those rights, thus balancing the interests of the individual and society.
- The thematic mandate holders who authored the communication state that they do not wish to prejudge the accuracy of the allegations. However, they subsequently state that the individuals in question appear to be being punished simply for the legitimate exercise of their right to freedom of opinion and expression, and they also express concern about reported acts of torture and other

forms of cruel and degrading treatment. This goes against their obligation not to prejudge.

- The laws of Saudi Arabia are formulated clearly and precisely and are published on government websites and elsewhere. All persons can understand them and regulate their behaviour accordingly. All the laws of Saudi Arabia are subject to continuous review and development in accordance with developments and changes that occur at the local and international levels. This includes laws on crime and punishment, the death penalty and efforts to narrow its scope of application. This work does not preclude the enforcement of final judgments that become enforceable based on applicable provisions of law, an approach that is consistent with the general rules of criminal law.
- The Terrorist Crimes and Terrorism Financing Act prescribes penalties for terrorist offences and contains clear definitions of the crimes of terrorism and financing of terrorism consistent with international norms and the country's international obligations. It specifies the procedures to be followed in relation to arrests and detention and the appointment of lawyers and temporary release and the court that is competent to hear such cases. It also provides definitions of these crimes and the penalties. The Act provides for the establishment of specialized centres to re-educate detainees and persons convicted of terrorist offences and of correctional and rehabilitation centres to facilitate the reintegration of convicted prisoners into society.
- The crimes committed by the individuals in question have nothing to do with freedom of opinion or expression, nor do they have anything to do with protesting against evictions. As previously stated, these are punishable terrorist crimes. The Government of Saudi Arabia is mindful of the wording of Security Council resolution 1566 (2004) of 8 October 2004, which states that terrorist offences are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature. The Terrorist Crimes and Terrorism Financing Act criminalizes terrorist acts and prescribes penalties for any act that is likely to breach national and international security. This shows that that the principle of legal certainty is one of the key

standards that the legislature applies in criminal law, including the Terrorist Crimes and Terrorism Financing Act.

- The Human Rights Commission is monitoring the situation of the individuals concerned and has concluded that the proper procedures have been followed, the relevant laws, regulations and obligations of Saudi Arabia in regard to human rights have been observed and no laws have been infringed. The Commission has not identified any rights violations in relation to its mandate, which is to ensure access to rights and guarantees and the implementation of human rights law.
- 2. Request to provide detailed information about the judicial proceedings initiated against the above-mentioned individuals from the day of their arrest and detention; the factual and legal basis for their arrest, detention and prosecution; whether an arrest warrant was provided, whether the authorities put in place safeguards to ensure a fair trial and due process standards, including access to lawyers, and how they were effectively implemented in relation to the defendants.**

**Cases of the nationals referred to in the allegation:**

- Shadly bin Ahmad Al-Huwaiti, Ibrahim bin Saleh Al-Huwaiti, Atallah bin Moussa Al-Huwaiti, Abdul Nasser bin Ahmed Al-Huwaiti, Mahmoud bin Ahmad Al-Huwaiti and Abdullah bin Dakhilallah Al-Huwaiti were arrested on the basis of evidence of them all having committed terrorist crimes, and arrest warrants were issued for each individual by the relevant authority and for a specified duration, in accordance with articles 2, 5 and 19 of the Terrorist Crimes and Terrorism Financing Act.
- Shadli bin Ahmed Al-Huwaiti, detained in the General Investigation Prison in the Makkah Al-Mukarramah region, and Ibrahim bin Saleh Al-Huwaiti and Atallah bin Musa Al-Huwaiti, detained in the General Investigation Prison in the Qasim region, were charged with committing the following terrorist crimes:
  1. Helping to establish a terrorist entity that seeks to undermine the security of society and the stability of the State through armed revolt.

2. Belonging to a terrorist entity that seeks to damage the country through armed revolt against the State.
3. Supporting a terrorist ideology, a terrorist crime and the methods for perpetrating it; expressing sympathy and praise for a terrorist; and supporting two terrorist entities (Da'esh and Al-Qaida).
4. Inciting others to participate in terrorist acts.
5. Possessing weapons and ammunition intended for use in terrorist operations.

Ibrahim Al-Huwaiti was charged with committing other terrorist crimes, including the following:

1. Financing terrorism and supplying terrorists with weapons and ammunition intended for use in terrorist operations.
  2. Aiding and abetting terrorists by helping them to leave the country and join a terrorist entity (Al-Qaida) operating in conflict zones.
- Abdul Nasser Al-Huwaiti, detained in the General Directorate of Investigation Prison in the Makkah Al-Mukarramah region, was charged with committing the following terrorist crimes:
    1. Perpetrating acts intended to undermine public order, threaten the security of society and the stability of the State and endanger national unity.
    2. Supporting a terrorist ideology, terrorist crime and terrorist methods, and expressing sympathy and praise for a terrorist.
  - Mahmoud Al-Huwaiti, detained in the General Directorate of Investigation Prison in the Makkah Al-Mukarramah region, was charged with committing the following terrorist crimes:
    1. Perpetrating acts intended to undermine public order, threaten the security of society and the stability of the State and endanger national unity.
    2. Supporting a terrorist ideology, terrorist crime and terrorist methods, and expressing sympathy and praise for a terrorist.
    3. Possessing weapons and ammunition intended for use in terrorist operations.

- Abdullah Al-Huwaiti, detained in the General Directorate of Investigation Prison in the Makkah Al-Mukarramah region, was charged with committing the following terrorist crimes:
  1. Perpetrating acts intended to undermine public order, threaten the security of society and the stability of the State and endanger national unity.
  2. Supporting a terrorist ideology, terrorist crime and terrorist methods, and expressing sympathy and praise for a terrorist.
  3. Possessing weapons and ammunition intended for use in terrorist operations.
- After being found guilty of the above-mentioned terrorist crimes, Shadly Al-Huwaiti, Ibrahim Al-Huwaiti, and Atallah Al-Huwaiti were sentenced to death by the Court of Appeal. Their cases are now subject to a judicial review before the Supreme Court.
- Final court rulings were issued sentencing Abdul Nasser Al-Huwaiti to imprisonment for 25 years, Mahmoud Al-Huwaiti for 35 years, and Abdullah Al-Huwaiti for 50 years, after these persons were convicted of committing the above-mentioned terrorist crimes.
- All these individuals were afforded the right to seek the assistance of defence lawyers to plead on their behalf. Some of them asked for a lawyer to be appointed for them, at the State's expense, and their requests were granted. These persons were also granted the right to challenge their sentences.
- All the procedures and guarantees applied in these cases were consistent with the relevant international standards, including the right to liberty and security of person. The laws of Saudi Arabia state that no person may be subject to restrictions on their freedom of action or to arrest or imprisonment except as provided for by law.
- These procedures are consistent with the Universal Declaration of Human Rights, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the International Covenant on Civil and Political Rights.
- These individuals were arrested after evidence came to light that they had committed terrorist offences. After they were questioned and confronted with the evidence, they admitted to the investigators, of their own free will, that they had committed the offences. They

confirmed to the judicial authorities that they had confessed to the charges under article 101 (2) of the Code of Criminal Procedure and that they had done so while having full legal capacity. They did not file a pleading in court stating that they had been subjected to coercion. The evidence presented to the court and the confessions, which were confirmed, are valid grounds for their detention and trial. The Terrorist Crimes and Terrorism Financing Act calls for action to combat these crimes and punish the perpetrators in order to preserve domestic and international security, in accordance with relevant international norms and the United Nations Global Counter-Terrorism Strategy.

- These individuals are being treated well and in a way that is conducive to the preservation of their dignity. Like other detainees and prisoners, they are guaranteed all their rights. They have not been subjected to any form of torture or ill-treatment, physical or otherwise. There is no truth to the allegations concerning the use of evidence that was extracted under torture. The law grants the investigating authority the right to prevent accused persons from communicating with others for a given period of time without prejudice to their right to communicate with their families or legal representatives. This is a legal procedure that is consistent with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).
- With regard to the legal process followed, these individuals were informed of the reasons for their arrest at the time of their arrest, in accordance with article 36 (1) of the Code of Criminal Procedure, which states: “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 states: “Persons who are arrested or detained shall be promptly informed of the reasons for their arrest or detention and shall have the right to contact anyone whom they wish to notify.” The individuals were also informed of their legal rights, including the right to appoint a lawyer, in accordance with article 22 of the implementing regulations for the Code of Criminal Procedure.

- Upon completion of the investigation, the investigating authority (the Public Prosecution Service) determined that there was sufficient evidence to charge these individuals under article 126 of the Code of Criminal Procedure, which states: “If the Public Prosecution Service concludes upon completion of the investigation 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 transmitted the case files to the competent court (the Specialized Criminal Court), and the accused were summoned to appear, pursuant to article 15 of the Code, which states: “The Public Prosecution Service, in keeping with its statutes, shall institute and pursue criminal proceedings before the competent court”. This is also in accordance with articles 3 (b) and (c) of the statutes, which state that the Public Prosecution Service must decide, based on its statutes and the related implementing regulations, whether to initiate proceedings or close a case, and must pursue proceedings before the courts.
- Saudi Arabia approaches the question of the death penalty with the greatest of care. It has established various 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. In the courts of first instance, cases are heard by a panel of three judges. Defendants enjoy all their rights, including the right to appoint a legal representative or lawyer, in accordance with article 4 (1) of the Code of Criminal Procedure. If a person cannot afford a lawyer, he or she is entitled, under article 139 of the Code of Criminal Procedure, to ask the court to appoint one, at the State’s expense. The article states that “A person charged with major crimes shall be required to attend the court in person, without prejudice to his or her right to legal representation. If the defendant cannot afford a defence lawyer, then he or she can ask for one to be appointed at the States’s expense, in keeping with the stipulations in the regulation.” This enables the accused to respond to the charges. Once the first judgement has been handed down, the defendant is entitled to challenge it and submit an appeal within 30 days from the date of receipt of a copy of the judgment. This is provided for in article 196 of the Code of Criminal Procedure, which states: “The division that rendered the contested judgment shall examine the grounds on

which the objection is based without hearing submissions, unless necessary, and may uphold or modify the judgment as it sees fit. If it upholds the judgment, it shall send it together with copies of the court record, the statement of objection, and all related documents, to an appellate court. If it modifies the judgment, it shall notify the parties of the modified judgment and the normal procedural rules shall apply.” Once an objection has been considered and a judgment has been confirmed, the case file is sent to the Court of Appeal. This is in accordance with article 192 (1) of the Code, which states: "A convicted person, the prosecutor or a civil claimant may file an appeal or ask to examine judgments handed down by courts of first instance within the legally prescribed time limit.” In the case of a death sentence, under article 194 of the Code, case papers must be submitted to the Court of Appeal, even if none of the parties ask for this to be done. The competent division in the Court of Appeal for such hearings consists of five judges. This is provided for in article 15 (1) of the Judiciary Act, which states that the Court of Appeal carries out its work through various specialized divisions, each consisting of three judges, with the exception of the criminal division that hears cases involving the death penalty, which must be composed of five judges. If the Court of Appeal upholds the verdict, it must submit the file to the Supreme Court, regardless of whether or not it has been requested to do so by any of the parties, as provided for under article 199 of the Code of Criminal Procedure. The judgment only becomes final once it has been confirmed by the Supreme Court in accordance with article 10 of the Code, which states: "Death sentences issued by or upheld by the Court of Appeal... shall only be deemed final once they have been confirmed by the Supreme Court." Article 198 of the Code states that convicted persons, the public prosecutor or civil claimants may lodge appeals for cassation with the Supreme Court against judgments or rulings issued or upheld by an appeal court. Death sentences upheld by an appeal court are reviewed by five judges in accordance with article 10 (4) of the Judiciary Act, which states: “The Supreme Court exercises its functions through specialized divisions, as required. Each division shall be composed of three judges, except for the criminal division that hears judgments involving the death penalty...It must be composed of five judges”. Article 11 (1) of the Act states: “Judgments or rulings that involve

the death penalty and that are delivered or upheld by an appeal court shall be reviewed.” Judgments are not enforced unless they become final, in accordance with article 212 of the Code of Criminal Procedure. According to article 210 of the Code: “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 legal provisions cited above, among others, that Saudi Arabia has striven to enact legislation that guarantees accused persons a fair trial at all stages of criminal proceedings until a judgment is handed down by a competent and independent court.

- The procedures and safeguards applied from the date of the arrest of the individuals under discussion have been consistent with international fair trial and due process standards, including the requirement to guarantee protection of the rights of persons facing the death penalty, in accordance with the provisions of Economic and Social Council resolution 1984/50 of 25 May 1984.
- As explained above, these individuals were arrested on the basis of evidence that each of them had committed terrorist crimes. Arrest warrants were issued by the competent authority in accordance with article 5 of the Terrorist Crimes and Terrorism Financing Act. These individuals were detained on the basis of detention orders and extensions of detention were granted in accordance with articles 2 and 19 of the Act. There were valid grounds for their arrest, detention and trial. Under the Terrorist Crimes and Terrorism Financing Act, action must be taken to combat terrorist crimes and punish the perpetrators in order to preserve the safety and security of society and the international community. This is consistent with international norms and with the United Nations Global Counter-Terrorism Strategy.
- The laws of Saudi Arabia guarantee all defendants a fair and public hearing before a competent and independent court. Accused persons 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 also subject to judicial review before higher courts.
- As explained above, the individuals in these cases were able to exercise their right to legal representation. They appointed lawyers to defend them, and lawyers were provided for some of them at the

State's expense. Their requests were granted, and their legal representatives attended their trials. The laws of Saudi Arabia enable all lawyers to perform their duties; the purpose behind the work of the legal profession in Saudi Arabia is to help to achieve justice and defend the rights and freedoms guaranteed by the law. Lawyers in the country are independent and are protected under the law. They may take any approach they deem to be successful in defending their clients. They may not be held accountable for what they state verbally or in writing in pleading a defence, in line with the right to a defence. The Legal Profession Act requires all judicial and investigative authorities to provide lawyers with whatever they need to facilitate their work, allowing them to review documents and to be present during questioning. Their requests may not be rejected without a legitimate justification. The Charter of the Saudi Bar Association contains provisions designed to support the role of lawyers in promoting and protecting human rights.

**3. Request to provide detailed information on terrorism and national security-related charges against these persons, including information on why Shadli Al-Huwaiti, Ibrahim Al-Huwaiti, and Atallah Al-Huwaiti were sentenced to death and Abdul Nasser Al-Huwaiti, Mahmoud Al-Huwaiti, and Abdullah Al-Huwaiti to lengthy prison sentences, and how these sentences respected the principles of legality, necessity, proportionality and non-discrimination**

- In the reply to the request for clarification in point 2 above, an explanation has been provided of the crimes of which these individuals were convicted and for which sentences were handed down.
- It should be stressed that the death penalty is not completely prohibited under international human rights law; there are rules governing its use. The penalty may be imposed only 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 resolution 1984/50 of 25 May 1984. The laws of Saudi Arabia are consistent with the relevant international rules, safeguards and standards.

- Terrorist crimes that are punishable by death are among the most serious crimes under national law. These crimes include the killing of innocent men, women and children, the spilling of innocent blood, and the infliction of material and moral damage, all with the aim of destabilizing security, stirring up unrest, causing riots and disorder, and carrying out the plans of terrorist organizations, including those that are hostile to Saudi Arabia.
- Saudi Arabia considers all forms and manifestations of terrorism, whoever commits them, wherever they are committed and whatever the motive behind them to be among the gravest threats to international peace and security. The same point is made in international treaties, instruments and resolutions, including General Assembly resolution 60/288 of 8 September 2006 concerning the United Nations Global Counter-Terrorism Strategy.
- Terrorist crimes violate public and private rights, human rights and dignity, most notably the right to life, the right to integrity of person and the right to security.
- Saudi Arabia affirms its commitment to the promotion and protection of human rights through the application of the principle of legality. Penalties are imposed on the individual, and no offence or penalty can be recognized save on the basis of the sharia or statutory provisions. In addition, no penalty may be imposed for acts that were not defined as offences prior to the enactment of a specific law. The principles of necessity and proportionality are key criteria that the legislature applies to the formulation of criminal law in order to ensure that penalties are commensurate with the gravity of the crime.
- All persons are equal before the law and are equally entitled to the protection of the law without discrimination. All citizens and residents are afforded equal treatment before the law, and no person in Saudi Arabia may be sentenced to death or any other penalty on the basis of discrimination.

**4. Request to provide detailed information on the measures taken by the judicial authorities to ascertain that the evidence provided by the authorities, including any confession of guilt, was obtained with full respect for international obligations pertaining to the prohibition of torture and other forms of ill-treatment**

- The court verified all the evidence submitted against the above-mentioned individuals, having full regard to the country's international obligations on the prohibition of torture and other forms of ill-treatment. As already explained, these individuals were not subjected to any form of torture; they admitted to the charges of their own free will before the investigating authority. They confirmed to the judicial authority that they had confessed to the charges brought under article 101 (2) of the Code of Criminal Procedure. They had full legal capacity and did not plead that they had been subjected to coercion. Some of them raised these allegations while on trial. The court took the necessary steps to verify and investigate the claims and found them to be untrue.
- Judges do not rely solely on confessions as evidence, but rather on the factual and circumstantial evidence presented, including arrest and search records, witness statements, and the questioning and statements made during the proceedings. A judge can pursue a number of measures such as hearing witnesses, calling on experts, including forensic experts, as the trial is the final investigation and there is a need to provide guarantees and protection for the parties.
- The Government of Saudi Arabia is fully aware of the seriousness of the crime of torture and takes effective measures to prevent the attempted or actual commission of this offence. The law prescribes severe penalties for perpetrators of torture, regardless of their status. If a court suspects or has good reason to believe that a crime of torture has been committed against an accused person (a victim), it will arrange forthwith for an investigation to be opened, even in the absence of allegations being made by the victim. If it is confirmed that a crime of torture has been committed, criminal proceedings will be instituted against the accused in order to impose the requisite penalties and to provide justice for the victim as well as compensation for the harm done.

**5. Request to provide detailed information on any investigation the authorities have conducted or intend to conduct into allegations of torture and ill-treatment, and if no such investigations have been initiated, to explain how this is compatible with the country's international human rights obligations**

- As stated in the reply to point 4, some of these individuals raised allegations while on trial. The court took the necessary steps to verify and investigate the allegations and found them to be untrue.
- The legislation of Saudi Arabia includes a set of guarantees and provisions 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 states that it is prohibited to subject a person under arrest to physical or mental harm, torture or degrading treatment. In addition, article 36 (1) of the Code states that persons under arrest must be treated in a manner that preserves their dignity, must not be subjected to physical or mental harm, must be informed of the reasons for their arrest and must be allowed to communicate with whoever they choose to tell them what has happened. Furthermore, article 102 of the Code states that interviews of accused persons must be conducted in a manner that does not impair their free will when it comes to making statements. Accused persons may not be obliged to take an oath, nor may they be subjected to coercive measures.
- Article 28 of the Prisons and Detention Act establishes that prisoners and detainees may not be subjected to any form of assault, and it provides for the taking of disciplinary action against civilian or military personnel who commit such acts, without prejudice to any criminal penalties to which they may be liable. Under article 8 (2) of Royal Decree No. 43 of A.H. 1377 (A.D. 1958), it is prohibited for anyone acting in an official capacity to engage in ill-treatment and coercion involving, for example, torture, cruelty, confiscation of assets or denial of personal freedoms. This includes the imposition of exemplary punishment or fines, imprisonment, expulsion, compulsory residence in a given location, and unlawful entry to homes. The penalty for such acts is imprisonment for a term of up to 10 years.

- All prisons and detention facilities in the country are supervised and inspected, and steps are taken in the event of any violation. Members of the Public Prosecution Service oversee the work of the criminal investigation police pursuant to article 25 of the Code of Criminal Procedure.
- With a view to enhancing oversight mechanisms and protecting the rights of prisoners and detainees, the Human Rights Commission, pursuant to article 5 (6) and (7) of its Statutes, is authorized to visit prisons and detention centres at any time and without authorization from the relevant authority in order to receive and verify complaints of human rights abuses and to pursue the legal process in that regard. The National Society for Human Rights (a civil society organization) also visits prisons and detention centres and receives complaints. Offices have been opened up in prisons for the Public Prosecution Service and, in some cases, for the Human Rights Commission and the National Society for Human Rights so that they can monitor prisoners at close quarters and receive their complaints. State institutions have a legal obligation to ensure that all individuals are treated fairly, irrespective of their religion, race, sex or nationality. If any of those institutions or their representatives violates a person's rights, there are a number of mechanisms that provide effective legal safeguards. These include the courts and governmental and non-governmental human rights institutions.
- Saudi Arabia 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 country's human rights obligations.

**6. Request to clarify how the imposition of the death penalty in the above-mentioned cases is compatible with the country's international obligations**

The procedures and safeguards applied from the date of the arrest of the individuals under discussion have been consistent with international fair trial and due process standards, including the requirement to guarantee protection of the rights of persons facing the death penalty in accordance with Economic and Social Council resolution 1984/50 of 25 May 1984. The laws of Saudi Arabia are

consistent with these guarantees, as is the manner in which they are applied. For example:

- In Saudi Arabia, the death penalty is imposed only for the most serious crimes and in extremely limited circumstances, such as in cases involving crimes with lethal or extremely grave consequences. This is consistent with the first guarantee mentioned above.
- Article 38 of the Basic Law of Governance states that penalties are imposed on individuals, there can be no offence and no penalty save with reference to the provisions of the sharia or statutory law, and penalties can be imposed only for acts that have been defined as offences subsequent to the enactment of a law. Article 3 of the Code of Criminal Procedure states that no criminal penalty may be imposed on any person unless he or she has been found guilty of an act that is prohibited by law and has been tried in accordance with the due process of law. The Juvenile Justice Act of 2008 abolished the imposition of death sentences based on *ta'zir* judgments (corporal punishment ordered at the discretion of the judge) for juveniles. These provisions are in line with the second guarantee.
  - Article 15 (2) of the Juveniles Act stipulates that if a young person is 15 years old at the time that he or she commits a punishable offence, the prescribed penalties - apart from imprisonment - will be imposed. Placement in a juvenile detention centre will be for a period of up to one half of the maximum sentence prescribed for the offence, and no minimum sentence is applied. If the offence is punishable by death pursuant to a *ta'zir* judgment, the penalty will be placement in a detention centre for up to 10 years. Article 157 (3) of the regulations on the implementation of the Code of Criminal Procedure states that if a woman who is convicted is medically examined and found to be pregnant, or if she has just given birth or is breastfeeding, the enforcement of the death penalty will be deferred until the child is born and/or the postpartum and weaning periods have ended. Convictions are only handed down and sentences are only enforced in respect of persons who had full capacity and legal responsibility at the time they committed an offence. This is consistent with the third guarantee cited above.
- As stated in article 3 of the Code of Criminal Procedure, no criminal penalty may be imposed on any person unless that person has been found guilty of committing an act that is prohibited by the sharia or

statutory law and has been tried for the offence in accordance with due process. Article 179 of the Code states that a court must base its ruling on the evidence produced during the hearing of the case. A judge may not rule on the basis of knowledge of the facts or of facts that contradict such knowledge, and death sentences are only imposed when specific compelling evidence is provided. This is consistent with the fourth guarantee.

- In Saudi Arabia, death sentences are not applicable or enforced prior to the completion of judicial proceedings in courts of all levels (first instance, appeal and the Supreme Court) and before the case has been heard by 13 judges. Trials are conducted in public in accordance with article 54 of the Code of Criminal Procedure and article 64 of the Code of Sharia Procedure. Judgments can only be enforced after they have become final, as stated in article 212 of the Code of Criminal Procedure. They must be read out in open court in the presence of the parties and of all the judges who contributed to their formulation, in accordance with article 181 (1) of the Code. As stated in article 3 of the Code, no criminal penalty may be imposed on any person unless that person has been found guilty of an act that is prohibited by the sharia or statutory law and has been tried for the offence in accordance with due process. The Code also states that persons who are placed in detention must be afforded treatment that is conducive to the preservation of their dignity, may not be harmed physically or mentally, must be informed of the reasons for their detention, are entitled to contact anyone whom they wish to notify of their detention, may seek the assistance of a legal representative or defence lawyer during the investigation and trial stages, and may ask the court to provide them with a defence lawyer, at the State's expense, in cases involving major crimes. Accused persons are allowed to comment on the statements of witnesses, to ask the investigator to take witness statements on matters that they suggest, to ask the court to hear the witnesses they deem appropriate and consider the evidence that they submit, and to request for a specific investigation procedure to be undertaken. The Code states that interviews must be conducted with accused persons in a manner that does not impair their free will when it comes to making statements. Accused persons may not be required to take an oath, nor may they be subjected to coercive measures. Should an accused person confess at interview to a crime that is punishable by death, the confession must be verified by the competent

court and entered into the record, witnessed and signed by the court clerk, in accordance with article 101 (2) of the Code. During the trial, the court listens to and discusses the defendant's statements in detail. If the court is satisfied that the confession is valid and sees no need for any additional evidence, it does not need to proceed any further and must issue a ruling on the case. It must complete the investigation, if it deems this to be necessary. The Code provides for young persons - boys and girls - by stating that they can only be investigated and tried in accordance with the relevant laws and regulations. According to article 215 of the Code, an accused person who has been harmed because of a false accusation or of being detained or imprisoned for longer than the sentence that was imposed is entitled to claim compensation before the court that heard the original case. As stated in article 186, a person cannot be tried twice for the same crime; this is a fundamental principle relating to a fair trial in Saudi Arabia. Under article 22, criminal proceedings are extinguished once a final judgment has been issued. This means that the issuance of a final judgment and its review at all levels of adjudication mark the end of the criminal proceedings and make the judgment definitive and binding. This is consistent with the fifth guarantee.

- Judgments in criminal cases may be contested through the filing of an appeal or a petition for cassation or judicial review in accordance with the Code of Criminal Procedure and the Code of Sharia Procedure. This is consistent with the sixth guarantee.
- A person who has been sentenced to death may seek a pardon or commutation of the sentence. A pardon may be granted (by the King) to persons sentenced to death pursuant to a *ta'zir* judgment or by one or more of the next of kin with a blood claim in a *qisas* case (for which retaliation in kind is permitted), as is their incontestable right. This is consistent with the seventh guarantee.
- Death sentences are only enforced pursuant to a final judgment and after reviews have been conducted at all three levels of adjudication (first instance, appeal and the Supreme Court). This is consistent with the eighth international guarantee.
- Condemned persons are brought to the place of execution without their being subjected to violence or psychological or physical harm. A medical specialist must examine the condemned person before execution, and the execution must be carried out by the method

stipulated in the judgment. If no method is specified, then the method should be the one that meets the requirements of the sentence and minimizes suffering. This is consistent with the ninth international guarantee.

- Saudi Arabia complies with the human rights treaties to which it is a party and honours the treaty obligations that it has assumed. All the laws of Saudi Arabia are continuously reviewed and developed. This includes laws on crime and punishment and on the death penalty. Efforts are being made to limit the scope of the latter.
- The death penalty is imposed under Saudi law only for the most serious crimes and in extremely limited circumstances. It is not imposed or enforced until a judicial review at all levels of adjudication has been completed. The laws of Saudi Arabia provide full guarantees of a fair trial and due process, consistent with the country's international human rights obligations. Such cases must be heard by a panel 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 panel of five judges. If the appeal court upholds the death sentence, the case will be referred to the Supreme Court and reviewed by a panel of five judges. If the Supreme Court upholds the sentence, all stages of the proceedings will have been completed and the judgment will become final and enforceable.
- The procedures and guarantees applied in the cases of the individuals under discussion are consistent with international standards relating to a fair trial and due process.

## **II Response to allegations and requests for clarification in connection with the NEOM project**

**In addition to the information provided in the reply that the State submitted on 6 October 2020 to the Office of the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council (document 376/413), we should like to provide the following clarifications.**

### **1. The NEOM project, its objectives and importance:**

- Community development is one of the most important elements of modern societies, as it focuses on empowering people to improve their social and economic conditions and contributes to the stability of communities. Community development has become a science with its own curricula, theories and applications, and the development and modernization projects conducted by countries are implemented in keeping with specialized community development programmes.
- The NEOM project, which is being launched in the north-west of Saudi Arabia, reflects the principle contained in the United Nations Declaration on the Right to Development of 1986, which states that "The human person is the central subject of development and should be the active participant and beneficiary of the right to development." The project will contribute to the promotion of a range of human rights and will yield economic benefits that will strengthen the right to development in general. The other rights involved are the right to work, the right to education, the right to health, the right to food, and the right to safe water, among others.
- The NEOM project, announced in 2016, is one of the outputs of the Saudi Vision 2030, which has three main focuses: a vibrant society, a prosperous economy, and an ambitious nation. The NEOM project is one of the largest and most comprehensive projects for sustainable national economic, cultural and environmental transformation based on the optimal investment of all available resources. It includes a set of programmes and initiatives that are designed to meet all their objectives while taking due account of

human rights and the right to a decent life for individuals and that contribute to social progress and prosperity.

- The State carries out diverse development projects in different regions in order to achieve the Saudi Vision 2030. It saw the need for a national institution for community development to monitor development initiatives and approve appropriate local community development interventions so as to ensure that they achieve their goals in accordance with international human rights standards and local regulations and to protect human rights.

## 2. **National Programme for Community Development in Development Zones**

- Given the importance of major development projects and the fact that their implementation requires the transfer of populations to other areas, the State has taken every care to ensure that such transfers are conducted safely. These projects serve the national economy and help to improve quality of life, preserve natural resources and ensure environmental sustainability. The State has therefore established a national entity to deal effectively with these kinds of situations. The National Programme for Community Development in Development Zones (*Tanmia*) was launched in 2018 to provide an impartial body to oversee and plan all population transfers in accordance with local regulations and relevant international standards, including those related to human rights. The entity's goals are to achieve safe population transfers, restore and improve populations' quality of life, and realize sustainable community development in accordance with best practices and through an approach based on evidence, timely and reliable data and detailed action plans. This is all intended to ensure people's welfare in zones where new development and investment projects are undertaken.
- The goals of *Tanmia* are realized through the management of development-related population transfers before they happen, while they are happening and after they happen. Scientific plans, field studies, development interventions and support packages have been designed to deliver the best standards for transfers of populations in a way that guarantees their rights, is compliant with national laws and international standards pertaining to human rights and seeks to achieve sustainable development so as to build a better future for

communities. This is all done in cooperation with strategic partners in the governmental, private and non-for-profit sectors.

- Ever since its establishment, *Tanmia* has worked to build a framework, capable of continuous improvement, for assuring the safe transfer of populations and the delivery of development interventions to restore and improve these populations' standard of living. The programme mitigates the effects of development-related population transfers through the following measures:
  - Managing population transfers and community development and dealing with the impact of these processes in accordance with local regulations and international standards, including those related to human rights.
  - Developing a population transfer and community development framework that draws on best practices.
- Under the *Tanmia* programme, development interventions and social support initiatives are designed with partners and stakeholders based on recommendations emanating from studies of social risks relating to networks of relationships and the social fabric, economic risks relating to the sources of income and livelihoods, and environmental risks posed by the population transfer process. Its goal is to avoid or mitigate and manage these risks. Through these interventions, *Tanmia* seeks to meet the needs of impacted communities and restore or improve their standard of living in several ways, including the following.
  - Financial support: *Tanmia* offers additional financial support to the resident population to restore and improve their standard of living and access to adequate housing.
  - Employment: in cooperation with partners, *Tanmia* seeks to ensure appropriate conditions for transfers and the continuity of employment, to provide job opportunities, and to enable those who are fit to work to secure suitable employment.
  - Empowerment: in cooperation with partners, *Tanmia* seeks to build a more efficient workforce through the delivery of training, specialized courses, job opportunities, internal and external scholarships, and entrepreneurship support.
  - Education: *Tanmia* provides support to students and teachers to ease them safely through the transition and avoid

interruptions to or disruptions of the educational process. This support is provided in line with their wishes and in cooperation with partners. The programme provides educational opportunities and ensures full access to education.

- Health: In cooperation with partners, *Tanmia* provides health programmes and ensures access to health services for all impacted persons.
- Special initiatives: in cooperation with partners, *Tanmia* develops special initiatives for each project based on the nature of the project and its potential.
- The plan for the community development and population transfer policy was adopted to establish a clear and comprehensive institutional approach to population transfers and valuations of housing and real estate.
- A number of principles have been adopted involving, for example, the delivery of development packages for vulnerable groups and the use of development interventions to bridge the gap during transfer to the host community.

**3. Comment on the allegations in the introduction to the letter concerning the NEOM project: we should like to clarify the following points.**

- The letter includes a claim that the residents of villages (Khuraybah and Sharma) were informed that they had to leave their land or would be at risk of displacement. This claim is incorrect and unfounded; the population transfer was a multi-stage process that started with consultations. Thereafter, the citizens were received and development interventions were arranged. Follow-up was assured during the transfer process, and people were not requested to vacate their homes until all compensation and development support had been provided to the impacted population. The duration of the evacuation process varied depending on the circumstances of families. In some cases, it took months to complete.
- Saudi Arabia seeks, through its development programmes and projects, to increase social participation, develop human capital and maximize the developmental impact of projects. Persons who have

been transferred have benefited from the development activities undertaken in the region. Infrastructure services have improved, as have housing quality and access to services in host localities. The levels of women's participation in the labour market, entrepreneurship and higher education have all increased. Many of the residents' children have directly benefited from support and development programmes delivered in cooperation with partners, as they have access to rehabilitation courses, educational initiatives and job opportunities.

- The letter contains allegations that the authorities offered financial incentives to tribal elders on the condition that they condemn resistance to the NEOM project and others. These allegations are false and baseless.
- The letter contains allegations that the compensation policy is inconsistent and unequally applied and that many have been forced to live in poor neighbourhoods within larger cities due to the inadequate compensation received for the expropriation of their property in order to implement the NEOM project. These claims are totally false; compensation is calculated by an impartial committee made up of representatives of several government agencies in addition to two independent members. The committee relies on the regulations and guidelines approved by the Saudi Authority for Accredited Valuers, which are updated periodically. These procedures are followed in all projects.
  - In addition to compensation for homes, compensation was also provided for immovable assets. Financial support was also given to compensate for the burden of moving, and additional financial support was granted to permanent residents to restore or improve their standard of living.
  - In addition to the compensation and support mentioned above, *Tanmia* provided each family permanently residing in the project area with a residential plot of land in an appropriate, approved housing scheme in one of the new neighbourhoods.
- **The following additional financial subsidies were provided to beneficiaries residing in the project area.**

1. A sum of 500,000 Saudi riyals (SRI) (approximately \$133,300) in additional financial support to improve the standard of living.
  2. A sum of SRI 100,000 (approximately \$26,700) for the burden of moving, securing temporary housing, or furnishing the new home.
  3. A residential land grant valued at SRI 206,250 (approximately \$55,000).
- The letter includes the claim that even though some residents were willing to move, the authorities rejected their request to resettle them in nearby villages and instead offered compensation to those willing to move to more remote parts of the country. These claims are not true. As previously explained, host destinations were selected based on people's wishes. These people were given the right to freely choose to move to any area or governorate. They were offered relocation support. Those in employment were guaranteed job transfers, and access to health services and education was provided. The majority of the population wished to move to the cities of Tabuk and Duba where there are wider social opportunities and possibilities of work in fishing, herding and agriculture, and infrastructure, services and opportunities are available.
  - The only relocation requests that were rejected were those from persons asking to move elsewhere within the project area.
  - The allegations that citizens were asked to sign waivers are not true. These citizens were fully informed of their rights, including the right to appeal against any procedure and to seek legal redress. This was done to improve transparency and provide these persons with legal assistance.
  - Expropriations for the public interest are based on the principle of equality and do not involve discrimination based on race, colour, sex, language, religion, belief, age, disability or other unlawful forms of discrimination.

**7. Request to provide clarifications on the number of people and settlements that the NEOM project envisions displacing, including the number of those displaced belonging to the Huwaitat tribe, the number of people already displaced by the NEOM project and the number of those still in their homes and being threatened by evictions and displacement**

- The region is characterized by social diversity; it is inhabited by a number of tribes, including the Huwaitat tribe. Most of its inhabitants live in the city of Tabuk and the governorates (outside the boundaries of the NEOM project). The population residing in the NEOM project area constitutes about 3 per cent of the total population of the Tabuk region, and a total of 1,143 families, comprising 6,360 individuals, have been transferred so far.

**8. Request to provide information on how the Government has ensured that the people threatened with forced evictions and displacement have been genuinely consulted and have provided their free, prior and informed consent, and have had effective access to remedies**

- There is no resort to forced evictions and displacement, whether in the context of the NEOM project or otherwise. Residents' cases are processed regardless of whether or not they have valid legal deeds of ownership. A generous royal decree was issued exempting those without the correct documents from having to provide proof of ownership, in appreciation of their circumstances. Based on the Eminent Domain and Temporary Expropriation of Property Act, these persons were fully compensated for the contents of their properties and were afforded the same treatment as those with valid ownership documents in terms of the provision of additional financial support and all development programmes pertaining to them. It should be noted that populations are only evacuated once the regulatory processes have been completed in accordance with approved mechanisms and additional compensation and subsidies that are owed have been paid. Once compensation and subsidies have been paid, the recipients are given a grace period before eviction.
- Planning for expropriation for public benefit under the NEOM project takes account of all procedural safeguards. These safeguards

include an opportunity for genuine consultation with those concerned; adequate and appropriate prior notice to all concerned of the scheduled date of the eviction; and prompt notice of the proposed evictions and the purpose for which the land or dwelling would be used. This information is provided to all concerned persons in a timely manner and trained officials are present during the evacuation, including legal experts and human rights specialists. The identities of all those involved in the evacuation operation are recorded. Evacuations must be appropriately timed, and legal remedies are available through the Administrative Court/Board of Grievances, the courts and the Human Rights Commission, among others. The State ensures that the authorities enforce judgments issued in favour of complainants and provide legal assistance where possible to those who need it to appeal to the judicial authorities.

- Several evaluation meetings were held before and during the onsite work under the auspices of the Emir of the Tabuk region. The population of the impacted areas and officials participated. The stages of the project were presented at the meetings, with the short-term and long-term economic and social returns explained to residents. Consultations were held on social packages and general queries were answered. At the meetings, residents expressed support for the project. Furthermore, consultations were held at the project offices, which were established in easily accessible locations. Direct channels of communication with residents were opened up through the project's call centre and on its website. Site visits were arranged to show residents what the project was about, and official announcements about the project were clearly displayed in the project area.
- *Tanmia* also organized consultations and preparatory meetings to:
  - Inform the community of the action plan and objectives of the project.
  - Familiarize the population with statutory mechanisms (rights and obligations).
  - Identify concerns and priorities.
  - Consult on proposals, alternatives and compensation.
  - Learn more about the community and the most affected groups.

- Answer questions and inquiries.
- Discuss transfer options and host regions and identify key needs.
- Explain the objection and complaints mechanism.
- Identify focal points within the community.
- Build support and community participation.

The National Programme for Community Development in the Development Zones received citizens at its headquarters in the NEOM project area. Questions were answered and clarifications were provided on compensation, subsidies, grants and social packages for families and individuals in the areas affected by the first phase of the (NEOM) project.

- All these actions were subject to monitoring, evaluation and follow-up in order to avoid any potentially negative economic, social or environmental effects.
- In accordance with its Statutes, the Human Rights Commission follows up on expropriations for public benefit and reviews them in the light of national law and relevant international human rights standards. If evidence is found of a contravention or violation, the Commission takes legal action against the perpetrators so that they can be punished and reparation made for the damage caused.
- With regard to the question of whether it is possible to appeal a compensation decision, offices have been set up and equipped to receive citizens in the areas where they live and to record complaints and objections to compensation decisions. Where citizens are not satisfied with the result, they are entitled, under article 24 of the Eminent Domain and Temporary Expropriation of Property Act, to challenge the decisions of administrative bodies and committees before the Administrative Court/Board of Grievances.

**9. Request to provide information on any complaints submitted to the Board of Grievances, the Human Rights Commission, or any other body, against evictions and whether any of these bodies have granted any appropriate remedies**

- *Tanmia* upholds the principle of transparency by informing the population of all their rights, including the right to appeal against

any procedure, and the processes for submitting complaints to the courts at all levels in accordance with the laws of the State. Bilateral consultations were held with real estate owners and residents facing transfer, who were told about their material and moral rights, additional financial subsidies, development interventions, and complaints mechanisms available should they not accept the compensation provided. They were informed that the right to legal redress is guaranteed equally to citizens and residents in the country, as stipulated in article 47 of the Basic Law of Governance. *Tanmia* deals with objections in an objective and transparent manner. A total of 1,352 complaints were received from across the impacted population, including residents facing transfer and real estate owners. Many of these complaints have been processed and settled, and a number are still pending before the judicial authority - the Administrative Court/Board of Grievances.

- The authorities decided to provide additional financial support in the form of State subsidies to improve the standard of living of 63 affected families. This was done based on reviews that involved monitoring, evaluation and follow-up work.

**10. Questions 10, 11 and 12 relating to business and human rights and how the aforementioned events will inform their implementation**

- The laws of Saudi Arabia are developed and enforced in line with the Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in resolution A/HRC/RES/17/31 of 2011. Saudi Arabia is committed to respecting, protecting and realizing human rights and fundamental freedoms. It requires businesses to comply with all national laws, including with regard to respect for and protection of human rights. The State provides appropriate and effective remedies in the event of any breach of these rights and obligations. The law requires all State agencies to treat individuals fairly, regardless of their religion, race, sex or nationality. If any of those institutions or their representatives, or anybody else, violates a person's rights, there are a number of mechanisms in place that provide effective guarantees. These include the courts and governmental and non-governmental human rights organizations.

- The Government reiterates that it respects human rights, honours its international treaty obligations and observes international human rights standards, including those related to business and human rights.
- Businesses have no direct or indirect competence to deal with expropriations, compensation decisions or population transfers. They have no competence in relation to the affected populations either. These are matters within the purview of official, national institutions, as explained above.
- The State requires all businesses to abide by national law, including legal provisions related to human rights and the country's international commitments. It monitors businesses in order to ensure compliance in this area.
- The State requires all businesses to respect human rights and has adopted protective measures to this end, including with regard to respect for the rights of local communities; the right to life; the right to environmental integrity and protection from social risks and impacts; the right to work; the protection of workers' rights; maintenance of resource capacity; the prevention of pollution; the right to a healthy, safe and secure community; the conservation of biodiversity; sustainable management of living natural resources; and the protection of the region's cultural heritage.
- The laws of Saudi Arabia ensure that people are protected from human rights violations by any third party. The State takes steps to prevent violations, investigate them when they occur and punish the perpetrators. It provides appropriate and effective remedies to all those whose rights are violated.
- The Government of Saudi Arabia wishes to stress that businesses are required to refrain from causing or contributing to adverse human rights impacts through their activities and must address these problems when they occur. Businesses must take action to prevent adverse human rights impacts directly related to their operations, products or services as provided within the framework of their business relations. They must also fulfil their responsibility to respect human rights and must exercise due diligence in that regard.
- The State has taken positive action to promote and protect human rights in business through a set of regulatory instruments, namely

the Commerce Act and laws relating to commercial mortgages, franchising, anti-fraud, trademarks, eCommerce, bankruptcy, professional businesses, and the environment. It has also established specialized commercial courts. In addition, it launched the Pay Protection Programme, which is an initiative to improve contractual relationships, and made amendments to the Labour Code and other laws in order to develop the legislative regime and strengthen rights in the business environment. As a member of the International Labour Organization (ILO), Saudi Arabia has ratified 18 ILO conventions.

- The Human Rights Commission monitors development interventions conducted under the NEOM project to ensure that they are consistent with prevailing human rights laws and regulations and with the commitments the State has undertaken vis-à-vis human rights and to ensure that no laws are being broken. It carries out this work in the framework of its remit, which is to ensure the provision of rights and guarantees and the application of human rights law.

From the foregoing it is clear that the allegations and claims contained in the joint communication are untrue. Due process was assured in the cases of the above-mentioned individuals and the proper procedures have been followed in the NEOM project. These procedures are consistent with international human rights standards and with the human rights treaties to which Saudi Arabia is a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as with general comment No. 7 (1997) on forced evictions, the basic principles and guidelines on development-based evictions and displacement, and the Guidelines for the Implementation of the Right to Adequate Housing.

In conclusion, the State reaffirms 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.

Saudi Arabia reminds the special procedures mandate-holders of the Human Rights Council who contributed to the present communication of the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council adopted by the Human Rights Council in resolution 5/2 of 18 June 2007. In particular, it recalls the following points.

1. They should always seek to establish the facts, particularly with regard to allegations and assertions from sources, based on objective and reliable information emanating from relevant and credible sources that they have duly cross-checked as far as possible, in accordance with article 6 (a) of the Code of Conduct.
2. They should take into account, in a comprehensive manner, the information on the cases that has been provided by Saudi Arabia, 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 treaties 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 are claiming 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 carrying out 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 Saudi Arabia.

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.