



Ref. 413-2920

Date: July 10, 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 Special Procedures Branch (OHCHR), and would like to refer to the letter's JOINT COMMUNICATION **Ref. UA SAU 2/2023 dated 28 April 2023** and the Permanent Mission's reply **Ref. No. 413-2803 dated 26 June 2023**. In that regard, the Permanent Mission would like to point out the following:

First: Unfortunately, the JOINT COMMUNICATION **Ref. UA SAU 2/2023 dated 28 April 2023** was published on your website without our reply **Ref. No. 413-2803 dated 26 June 2023**

Second: the Permanent Mission has the honor to attach herewith the translation of the reply of the Kingdom of Saudi Arabia on the afore-mentioned communication to upload on the communication's website instead of the message "a reply has been received and it's being translated"

Third: the Kingdom's government has always responded in a spirit of constructive cooperation to all requests and inquiries received from the Special Procedures Branch of the Human Rights Council.

The Permanent Mission of the Kingdom of Saudi Arabia avails itself of this opportunity to renew to the Office of the Special Procedures Branch, the assurance of its highest Consideration.

Office of the United Nations High Commissioner for Human Rights(OHCHR)
Special Procedures Branch
Email: ohchr-registry@un.org;





Subject:

Allegations and inquiries concerning the situation of the following citizens : Shadly bin Ahmad al-Huwaiti (National Identity No. [REDACTED]), Ibrahim bin Salih al-Huwaiti (National Identity No. [REDACTED]), Atallah bin Moussa al-Huwaiti (National Identity No. [REDACTED]), Abdelnasser bin Ahmad 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]), as well as on the Project (NEOM), contained in the joint communication No. UA SAU 2/2023 dated 28/4/2023 from a number of thematic mandate holders in the Human Rights Council's Special Procedures.

Examination of the case and Opinion:

After examining the subject and studying the competent authorities' replies and the available information, the Committee considered it appropriate to reply as follows:

Section I. Response to the allegations and queries concerning the individual cases raised:

1. Request for the provision of additional information and any comments on the above allegations.

- The Kingdom has already replied to the joint communication UA SAU 11/2020 dated 10/8/2020 which was received from a number of thematic mandate holders in the Special Procedures of the Human Rights Council, including a number of signatories of the present communication. The earlier communication dealt with some of the allegations and claims raised in the present communication. These allegations have been checked and all the facts have been elaborated in detail. The relevant laws of the Kingdom and the measures taken in that regard have been clarified and found to be consistent with international human rights principles and standards. The information provided in the communication is inaccurate and contains incorrect allegations and claims that are based solely on information received from the source without substantiation or evidence. It should be noted that this was clearly pointed out in the Kingdom's reply to the Office of Special Procedures at the Office of the High Commissioner for Human Rights, contained in document No. 376/413 dated 6/10/2020, and we ask the mandate holders jointly submitting the communication to refer to the Kingdom's previous reply which contained a clarification of the facts and a rebuttal of the allegations and errors.
- The information contained in the joint communication UA SAU 2/2023 dated 28/4/2023 is inaccurate and contains false allegations and claims that are based solely on information received from the source without substantiation or evidence. The Kingdom has examined these allegations and clarified all the facts about them in cooperation with international human rights mechanisms. In this connection, we wish to recall the following:
 - Security Council resolution 1566 of 8 October 2004, which states that under no circumstances can terrorist crimes be justified as being of a political, philosophical, ideological, racial, ethnic, religious or any other nature.



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- The Kingdom's laws guarantee the right of any accused person to a fair and public trial before an independent judiciary. The Kingdom's judiciary enjoys full independence in the discharge of its functions in order to ensure that its work is conducted impartially and is not influenced by third parties.
- The Kingdom's laws guarantee to everyone equitable proceedings and a fair and public trial before an impartial and independent judiciary which, in the Kingdom, derives its authority and principles from Islamic law (Sharia), under which justice is imperative and constitutes the basis of governance. Article 46 of the Basic Law of Governance states that "The judiciary is an independent authority and, in their administration of justice, judges shall be subject to no authority other than that of the Islamic Sharia". Article 1 of the Statutes of the Judiciary stipulates that "Judges are independent and, in their administration of justice, shall be subject to no authority other than the provisions of the Islamic Sharia and the regulations in force. No one may interfere with the judiciary". Article 48 of the Basic Law of Governance further stipulates that "In the cases brought before them, the courts shall apply the rules of the Islamic Sharia as set forth in the Holy Qur'an and the Sunna and in regulations promulgated by the Ruler that do not conflict with them". Under article 49 of the said Basic Law, the courts in the Kingdom are competent to adjudicate in all crimes and disputes, except in cases falling under the jurisdiction of the Administrative Court/Board of Grievances.
- The Kingdom's laws ensure that any accused person is tried by a competent and independent court in a fair and public trial during which he or she can defend himself or herself, appoint legal counsel and challenge any judgment handed down against him or her. Such judgments are subject to judicial review by higher courts.
- The laws of the Kingdom guarantee respect for the principle of presumption of innocence and no criminal penalty may be imposed on any person unless he/she has been found guilty of committing a legally prohibited act after a trial conducted in accordance with due process of law. Thus, the laws of the Kingdom contain numerous safeguards governing the conduct of criminal proceedings, guaranteeing the rights of the accused and ensuring that he/she is removed from the fundamental sphere of presumption of innocence to the sphere of conviction only after a final judgment has been handed down.
- The accused has the right to be assisted by a lawyer at the investigation and trial stages and, if the accused does not have the financial capacity to be assisted by a lawyer, he/she may request the court to appoint a lawyer to defend him/her at the State's expense.
- The Kingdom's laws prohibit subjection of an arrested person to physical or psychological abuse, torture or degrading treatment and the accused must be questioned in conditions that have no impact on his/her willingness to make statements. The accused must not be coerced or forced to make a sworn confession.



- The Kingdom's laws criminalize and punish torture and include a range of safeguards and measures to ensure that no detainee or prisoner is subjected to torture, ill-treatment and other cruel, inhuman or degrading treatment.
 - The Kingdom's laws strictly enforce the rights of an accused person from the time of his/her arrest to his/her release and any accused person has the right to bring proceedings before a court to determine the lawfulness of his/her arrest.
 - Any person arrested or detained has a guaranteed right to challenge the lawfulness of his/her arrest in accordance with article 115 of the Code of Criminal Procedure which stipulates that: "At the time of the suspect's remand in custody, the original remand order shall be handed to the warden of the detention facility after he has signed a copy of the order in acknowledgement of its receipt. A person detained pending investigation may lodge a complaint against his/her remand order or an order extending it; the complaint shall be lodged with the head of the investigating department to which the investigator belongs, with the head of the branch or with the Public Prosecutor, depending on the circumstances, and a decision thereon shall be taken within five days from the date of its submission." The Public Prosecution is an independent body forming part of the judiciary in accordance with its Statutes, which also stipulate that no one may interfere in its work. When the said persons were referred to the judiciary, the court decided that they should be remanded in custody pending trial.
 - The Kingdom's laws protect freedom of opinion and expression and guarantee everyone's right to exercise this freedom, unless it would breach the general law or infringe the rights of members of society or their firmly established principles. This limitation is in conformity with the relevant international standards, most notably, article 29, paragraph 2, of the Universal Declaration of Human Rights which stipulates that the exercise of one's rights and freedoms is subject to such limitations as are determined solely by law to ensure the recognition of and respect for the rights and freedoms of others and to meet the just requirements of public order and the public interest. Under article 19 of the International Covenant on Civil and Political Rights, everyone has the right to hold opinions without interference and the right to freedom of expression, which may be subject to certain limitations, including respect for the rights or reputations of others and protection of national security, public order, public health or morals.
 - The said persons' remand in custody was in conformity with the Kingdom's laws, as well as with the international standards referred to by the thematic mandate holders supporting this allegation, including principle 39 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, namely that the necessity of pre-trial detention must continue to be reviewed by the judiciary, as has been done in the said cases.
- **By way of comment on the communication's allegations and claims concerning the individual cases, we wish to clarify the following:**



- The joint communication alleged that the penalties imposed on the said persons were simply for expressing their opposition to the evictions, which is totally untrue. The penalties imposed on them were for being convicted of terrorist offences, as will be explained later in this reply.
- Under the Kingdom's law, the accused is prohibited from communicating with others for a fixed period of time, without prejudice to his/her right to communicate with his/her family or legal representative. This is in conformity with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).
- The joint communication includes references to allegations of the use of disgraceful means of torture. Such practices are not accepted by the Kingdom as they are contrary to its principles, values and laws. In fact, the Kingdom's laws criminalize and punish torture, in an absolute and non-derogable manner, and impose severe penalties for its perpetrators.
- The Kingdom is committed to the promotion and protection of human rights, in keeping with its firm approach derived from its Constitution which protects and safeguards the human right to life as an inherent right, requires the protection of human rights and prohibits any violation thereof in a manner that balances the interests of the individual and society.
- The thematic mandate holders submitting the communication indicated their desire not to prejudge the accuracy of these allegations. Nevertheless, they pointed out that the sentences handed down against the said persons appeared to be punishment simply for exercising their legitimate rights to freedom of opinion and expression and they expressed concern regarding the reported acts of torture and other cruel and degrading treatment, which precluded their obligation not to prejudge.
- The Kingdom's laws are formulated with sufficient and clear precision and are published and made public on governmental and other websites. Anyone has access to them, and anyone can understand them and regulate his/her behaviour in conformity therewith. All laws in the Kingdom are subject to continuous review and development in the light of local and international developments and changes, including criminalization and penal laws in which efforts are being made to narrow the scope of the death penalty. This does not preclude the enforcement of final judgments based on an effective legal text, which is consistent with the general rules of the criminal law.
- The Law on Combating Terrorism Offences and its Financing penalizes terrorist offences and defines them clearly in conformity with international norms and the Kingdom's international obligations. The Law defines the procedural aspects of arrest, detention, assignment of lawyers and provisional release, as well as the court competent to hear the cases concerned, and specifies the offences and penalties. The Law also makes provision for the establishment of specialized centres to educate and correct the mindset of detainees and persons convicted of such crimes, in addition to the establishment of reform and rehabilitation institutions to facilitate the social reintegration of convicted persons.



- The crimes committed by the said persons have nothing to do with freedom of opinion and expression or objection to evictions; they are punishable terrorist offences, as will be explained later in this reply. In this regard, we would like to emphasize that the Kingdom takes into account the provisions of United Nations Security Council resolution 1566 of 8 October 2004 which states that under no circumstances can terrorist offences be justified as being of a political, philosophical, ideological, racial, ethnic, religious or any other nature. The provisions of the Law on Combating Terrorism Offences and its Financing include the criminalization of terrorist acts and specification of the penalty for any act that would violate national or international security. It is therefore evident that the principle of legal certainty is one of the fundamental criteria on which the Kingdom's legislature formulates criminal legislation, including the provisions of the Law on Combating Terrorism Offences and its Financing.

- The Human Rights Commission is following up on the situation of the said persons and has found that the measures taken against them were correct. It has ensured that the laws and regulations in force and the Kingdom's human rights obligations are implemented and not disregarded and it has not observed any indication of a violation of rights in its field of competence that includes ensuring the enjoyment of rights and safeguards and the application of human rights laws.

2. Request for the provision of detailed information about the judicial proceedings initiated against these persons from the day of their arrest and detention and the factual and legal basis for their arrest, detention and prosecution, and clarification of whether an arrest warrant was issued and whether safeguards were put in place to ensure a fair trial and due process standards, including access to lawyers and how they were effectively implemented with respect to the defendants.

Cases of citizens referred to in the allegation:

- The cases of citizens Shadly bin Ahmad al-Huwaiti, Ibrahim bin Salih al-Huwaiti, Atallah bin Moussa al-Huwaiti, Abdelnasser bin Ahmad al-Huwaiti, Mahmoud bin Ahmad al-Huwaiti and Abdullah bin Dakhilallah al-Huwaiti. They were arrested, after evidence was found of their commission of terrorist offences, under arrest warrants issued by the competent authority in accordance with article 5 of the Law on Combating Terrorism Offences and its Financing, and each of them was remanded in custody in accordance with a remand order that was extended in conformity with articles 2 and 19 of the Law.

- The situation of citizens: Shadly bin Ahmad al-Huwaiti detained at the *Mabahith* prison in the Makkah area, Ibrahim bin Salih al-Huwaiti and Atallah bin Moussa al-Huwaiti detained at the *Mabahith* prison in the al-Qasim area, on charges of the commission of a number of terrorist offences, including:

1. Participating in the establishment of a terrorist entity with a view to undermining the security of society and the stability of the State through armed insurrection.



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2. Joining a terrorist entity seeking to corrupt the country through armed insurrection against the State.
3. Supporting terrorist ideology and terrorist crime and the methodology of its perpetrators, expressing sympathy for and praising a terrorist, and supporting two terrorist entities (Daesh and Al-Qaida).
4. Incitement to participate in terrorist acts.
5. Possession of weapons and ammunition for use in terrorist operations.

In addition, Ibrahim al-Huwaiti has been charged with other terrorist offences, including:

1. Financing of terrorism and supply of weapons and ammunition to terrorists for use in terrorist operations.

2. Assisting a number of terrorists by facilitating their departure from the Kingdom to join a terrorist entity (Al-Qaida) in areas of armed conflict.

- The case of Abdelnasser al-Huwaiti detained at the *Mabahith* prison in the Makkah area, accused of a number of terrorist offences, including:

1. Perpetrating acts aimed at disrupting public order, undermining the security of society and the stability of the State and endangering its national unity.

2. Supporting terrorist ideology and terrorist crime and the methodology of its perpetrators, and expressing sympathy and praise for a terrorist.

- The case of Mahmoud al-Huwaiti detained at the *Mabahith* prison in the Makkah area, accused of committing a number of terrorist offences, including:

1. Perpetrating acts aimed at disrupting public order, undermining the security of society and the stability of the State and endangering its national unity.

2. Supporting terrorist ideology and terrorist crime and the methodology of its perpetrators and expressing sympathy and praise for a terrorist.

3. Possession of a number of weapons and ammunition for use in terrorist operations.

- The case of Abdullah al-Huwaiti detained at the *Mabahith* prison in the Makkah area, accused of committing a number of terrorist offences, including:

1. Perpetrating acts aimed at disrupting public order, undermining the security of society and the stability of the State and endangering its national unity.

2. Supporting terrorist ideology and terrorist crime and the methodology of its perpetrators and expressing sympathy and praise for a terrorist.



3. Possession of weapons and ammunition for use in terrorist operations.

- Shadly al-Huwaiti, Ibrahim al-Huwaiti and Atallah al-Huwaiti were sentenced to the death penalty, upheld by the Court of Appeal, after being convicted of the said terrorist offences and their cases are still pending before the Supreme Court.
- Final sentences were imposed on Abdelnasser al-Huwaiti (25 years' imprisonment), Mahmoud al-Huwaiti (35 years' imprisonment), and Abdullah al-Huwaiti (50 years' imprisonment) after they were convicted of the said terrorist offences.
- All the aforementioned persons enjoyed the right of access to legal representatives whom they assigned to defend them and plead in their cases, and a number of them requested the provision of legal counsel at the State's expense. Their requests were granted and they enjoyed the right to lodge an appeal against the judgments handed down against them.
- All the procedures and safeguards applied in the cases of those persons are consistent with the relevant international standards, including the right to liberty and security of person. The Kingdom's laws prohibit restriction of the freedom of movement of any person, or the detention or imprisonment of any person, except as provided 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.
- Those persons were arrested after evidence was found of their commission of terrorist offences and, after being questioned and confronted with this evidence, they confessed of their own free will before the investigating authority and reaffirmed their confessions to the charges brought against them in court, in accordance with article 101, paragraph 2, of the Code of Criminal Procedure insofar as they enjoyed full legal capacity and did not enter a plea of coercion. The evidence presented before the court and the confessions reconfirmed by the said persons constitute valid grounds for their arrest and trial since the Law on Combating Terrorism Crimes and its Financing requires punishment of the perpetrator in order to protect the security and safety of domestic society and the international community. This is in conformity with international standards and with the United Nations Global Counter-Terrorism Strategy to prevent and combat terrorism.
- The said persons are enjoying proper treatment and respect for their dignity and all their rights in the same way as other detainees and prisoners. They have not been subjected to any form of physical or psychological torture or ill-treatment. The allegations of the admission of evidence obtained under torture are false, and the law grants the investigator the right to prevent the accused from communicating with others for a specified period without prejudice to his/her right to communicate with his/her family or legal representative. This is a legal procedure consistent with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).



- Regarding the legal proceedings against those persons, they were immediately informed of the reasons for their arrest in accordance with article 36, paragraph 1, of the Code of Criminal Procedure under which "A detainee must be treated with dignity and shall not be physically or mentally harmed. He/she shall be informed of the reasons for his/her arrest and shall have the right to communicate with any person whom he/she wishes to notify thereof. Article 116 of the same Code stipulates that any person who is arrested or detained shall be immediately informed of the reasons for his/her arrest or detention, shall have the right to communicate with any person whom he/she wishes to notify, and shall be informed of the charges brought against him/her in accordance with article 101, paragraph 1, of the Code under which, when the suspect appears for the first time for questioning, the investigator must record all of his/her personal data, inform him/her of the charge against him/her and ensure that he/she understands his/her statutory rights in accordance with article 22 of the Implementing Regulations of the Code of Criminal Procedure, including the right to legal counsel.
- After the investigation proceedings were completed, the investigating authority (Public Prosecution) deemed the evidence to be sufficient and they were charged in accordance with article 126 of the Code of Criminal Procedure which states that "If, on completion of the investigation, the Public Prosecution deems the evidence against the suspect to be sufficient, the case shall be referred to the competent court and the accused shall be brought before it". Their case files were referred by the Public Prosecution to the competent court (the Specialized Criminal Court) and they were required to appear before it in accordance with article 15 of the same Code which stipulates that "The Public Prosecution shall be competent, in accordance with its Statutes, to initiate and conduct criminal proceedings before the competent courts". Article 3, paragraphs (b) and (c), of the said Statutes stipulates that the Public Prosecution shall be competent, in accordance with the laws and their regulatory provisions, to act in the investigation by initiating or closing proceedings and conducting the prosecution before the judicial authorities.
- The Kingdom of Saudi Arabia attaches great importance to death sentences, to which it devotes a number of mandatory procedures to guarantee that the accused receives a fair trial. These procedures ensure that the arrest and investigation are carried out correctly and that the judgment handed down by the court of first instance is valid and becomes final. The case is heard by three judges in the court of first instance, in which the accused enjoys all his/her rights such as the assistance of a lawyer or representative in accordance with article 4, paragraph 1, of the Code of Criminal Procedure and if he/she does not have the financial capacity to engage a lawyer, he/she may request the court to appoint legal counsel to defend him/her at the State's expense in accordance with article 139 of the Code which stipulates that "A person accused of major offences shall appear in court in person without prejudice to his/her right to be assisted by counsel for his/her defence and, if he/she does not have the financial capacity to be assisted by a lawyer, he/she may request the court to appoint a lawyer to defend him/her and answer the case at the State's expense as indicated in the Regulations". After the first-instance judgment is handed down, the accused has the right to challenge the judgment and submit a memorandum



of objection within thirty days from the date of his/her receipt of a copy of the judgment, in accordance with article 196 of the Code which stipulates that "The Chamber which rendered the contested judgment shall consider the memorandum of objection from the standpoint of its merits without a plea, unless such appears to be necessary, and it may confirm or amend its judgment as it sees fit. If it confirms its judgment, it shall submit the latter, together with a copy of the case file, the memorandum of objection and all the documents, to the Court of Appeal. If amended, the judgment shall be communicated to the opposing parties and the customary procedures shall apply to it". After examination and consideration of the objection and upon confirmation of the judgment, the case file is submitted to the Court of Appeal in accordance with the article 192, paragraph 1, of the Code under which "The convicted person, the public prosecutor and the civil claimant may request an appeal or a review of judgments rendered by the courts of first instance within the legally prescribed period" and, in the event of a death sentence, the case file must be submitted to the Court of Appeal, even if none of the opposing parties so request, in accordance with article 194 of the Code. The chamber competent to hear such a case in the Court of Appeal consists of five judges, in accordance with article 15, paragraph 1, of the Statutes of the Judiciary which states that "The Court of Appeal shall conduct its work through specialized chambers consisting of three judges, except for the criminal chamber dealing with murder cases which shall consists of five judges ". If the Court of Appeal upholds the judgment, it must refer it to the Supreme Court, in accordance with article 199 of the Code of Criminal Procedure, even if none of the opposing parties so request. The judgment becomes final only after its confirmation by the Supreme Court, in accordance with article 10 of the Code which stipulates that "Death sentences rendered or upheld by the Court of Appeal shall not become final until they have been confirmed by the Supreme Court". The convicted person may file an appeal in cassation in accordance with article 198 of the Code which states that "The convicted person, the public prosecutor and the civil claimant may lodge an appeal in cassation before the Supreme Court against judgments and decisions rendered or upheld by the courts of appeal." Death sentences upheld by the Court of Appeal must be reviewed by five judges of the Supreme Court in accordance with article 10, paragraph 4, of the Statutes of the Judiciary which stipulates that "The Supreme Court shall exercise its jurisdiction through a requisite number of specialized chambers consisting of three judges, except for the criminal chamber responsible for hearing death sentences which shall consist of five judges" and article 11, paragraph 1, of the said Statutes under which judgments and decisions involving the death penalty which are rendered or upheld by Appeal Courts must be reviewed and may be enforced only if they become final in accordance with article 212 of the Code of Criminal Procedure which stipulates that "criminal judgments may be enforced only if they become final". Under article 210 of the Code, "Final judgements are those that have become preemptory either due to the absence of any objection to them within the legally prescribed period or by being upheld or rendered by the Supreme Court." It is clear from the aforementioned and other legal texts that the Kingdom has enacted laws and legislation guaranteeing the accused's access to a fair trial at all stages of the criminal proceedings until a



judicial judgment has been handed down thereon by a competent court which is independent in the rendering of its judgments.

- The procedures and safeguards in the cases of the said persons are consistent with international standards of fair trial and due process from the date of their arrest, including those guaranteeing protection of the rights of persons facing the death penalty as set forth in United Nations Economic and Social Council (ECOSOC) resolution 50/1984 of 25/5/1984.
- As already indicated, the above-mentioned persons were taken into custody, after evidence was found of their commission of terrorist offences, under arrest warrants issued by the competent authority in accordance with article 5 of the Law on Combating Terrorism Offences and its Financing, and each of them was detained under the terms of a detention order that was extended in accordance with articles 2 and 19 of the Law. Accordingly, there were valid reasons for their arrest, detention and trial insofar as the Law on Combating Terrorism Offences and its Financing requires the punishment of terrorist crimes in order to safeguard the security and safety of domestic society and the international community. This is in conformity with international standards and the United Nations Global Counter-Terrorism Strategy to prevent and combat terrorism.
- The Kingdom's laws ensure that any accused person is tried by a competent and independent court in a fair and public trial during which he/she can defend himself/herself, be assisted by lawyers and challenge the judgment handed down against him/her. Judgments are subject to judicial review by higher courts.
- As previously indicated, the said persons enjoyed the right to be assisted by legal representatives whom they assigned to defend them and plead in their cases, and a number of them requested that a lawyer be appointed at the State's expense. Their request was granted. The Kingdom's laws enable all lawyers to perform their duties. The legal profession in the Kingdom is based on contributing to the achievement of justice and defending the rights and freedoms guaranteed by the laws. Lawyers in the Kingdom enjoy autonomy and protection of the law, may pursue the path that they regard as most conducive to their clients' best interests and cannot be held accountable for what their right of defence requires them to present in writing or orally. Under the Code of Practice governing the legal profession, all judicial and investigative authorities are required to provide the lawyer with the facilities needed to carry out his duties and to enable him to consult the case file and attend the questioning. The lawyer's requests may not be rejected without legitimate justification. Furthermore, the regulations of the Saudi Bar Association contain a number of provisions that bolster the role of lawyers in the promotion and protection of human rights.

3. Regarding the request for the provision of detailed information on the terrorism and national security-related charges against the accused, including information on why Messrs. Shadly al-Huwaiti, Ibrahim al-Huwaiti and Atallah al-Huwaiti were sentenced to death and Messrs. Abdelnasser, Mahmoud and Abdullah al-Huwaiti to lengthy terms of



imprisonment, and how these sentences respected the principles of legality, necessity, proportionality and non-discrimination.

- The terrorism charges on which the aforementioned persons were convicted and sentenced have already been clarified in the above reply to request No. 2.
- In this connection, it should be noted that, far from totally prohibiting the death penalty, international human rights law merely regulates its application by confining it to the most serious crimes and establishing safeguards to protect the rights of persons facing this penalty, in accordance with United Nations Economic and Social Council (ECOSOC) resolution 50/1984 of 25/5/1984. The laws of the Kingdom are in conformity with the relevant international regulations, safeguards and standards.
- Terrorist offences carrying the death penalty are among the most serious crimes and are punishable in accordance with the Kingdom's laws. These crimes include the killing of innocent men, women and children, the spilling of innocent blood and attacks on property and honour with the aim of disrupting security, sowing unrest, provoking riots and chaos and implementing the plans of terrorist entities and organizations hostile to the Kingdom.
- The Kingdom stresses that terrorism in all its forms and manifestations, wherever and for whatever purposes and regardless of the identity of its perpetrators, constitutes one of the most serious threats to international peace and security, as affirmed in international instruments and resolutions, including General Assembly resolution 60/288 of 8/9/2006 concerning the United Nations Global Counter-Terrorism Strategy.
- Terrorist crimes violate public and private rights as well as human rights and dignity, notably the right to life, the right to physical integrity and the right to security.
- The Kingdom emphasizes its protection and promotion of human rights through its application of the principle of legality, as punishment is personal and there is no crime or punishment except as provided by a legitimate legal text. Only acts committed subsequent to the promulgation of the legal text prohibiting them are punishable and the principles of necessity and proportionality are fundamental norms on which the Kingdom's legislature builds the criminal legislation needed to ensure that the penalty is commensurate with the nature and the gravity of the offence committed, as already indicated.
- All persons are equal before and under the law and have the right, without any discrimination, to the equal protection and benefit afforded by law. All citizens and residents are treated equally before the law. No persons are sentenced to death or other penalties in the Kingdom on discriminatory grounds.

4. Regarding the request for the provision of detailed information on the measures taken by the court to ascertain that evidence presented by the authorities, including any confessions of guilt, was obtained in full respect of the State's obligations pertaining to the prohibition of torture and other forms of ill-treatment.



- The Court verified all the factual and other evidence presented against the said persons, taking into account the need to fully respect the Kingdom's international obligations with regard to the prohibition of torture and other forms of ill-treatment. As already stated, those persons had not been subjected to any form of torture and they confessed of their own free will before the investigating authority and reaffirmed their confessions to the charges brought against them in court in accordance with article 101, paragraph 2, of the Code of Criminal Procedure insofar as they enjoyed full legal capacity and did not enter a plea of coercion. When some of them made allegations in this regard during the trial hearings, the Court took the necessary steps to verify and investigate them and they were found to be false.
- The court's judgment depends not solely on a confession but also on evidence, including records of arrest, search and witness statements and the discussions and statements recorded during the trial's deliberations, for which purpose a number of procedures may be applied such as the hearing of witnesses, field inspection visits and the use of forensic and other experts since the trial is the final investigation and, as such, constitutes a safeguard and protection for the parties to the case.
- The Kingdom takes into account the gravity of the crime of torture, takes effective measures to prevent its perpetration or attempted perpetration, and imposes severe penalties on perpetrators, regardless of their status, and if the court has any suspicions or a valid reason to believe that a crime of torture has been committed against the accused (the victim), the court immediately conducts investigations into the case even in the absence of any allegation of torture. If it is confirmed that a crime of torture was committed, criminal proceedings are instituted against the persons accused thereof in preparation for the imposition of penalties on them and redress and reparation for the victim of the torture.

5. Regarding the request for the provision of detailed information on any investigation which may have been undertaken, and any results thereof, concerning the allegations of torture and ill-treatment in the above-mentioned cases and, if no investigations have been initiated, how this is consistent with Saudi Arabia's international human rights obligations.

- As previously stated in the reply to request No. 4, some of the above-mentioned individuals made those allegations during the trial hearings and the court, after taking the necessary measures to verify and investigate them, found them to be invalid.
- The Kingdom's laws include a range of safeguards and measures to ensure that no detainee or prisoner is subjected to torture, ill-treatment or other cruel, inhuman or degrading treatment. Article 2 of the Code of Criminal Procedure prohibits physical or psychological abuse, as well as torture or degrading treatment, of an arrested person and article 36, paragraph 1, of the Code stipulates that a detainee must be treated with dignity, that he/she may not be physically or psychologically harmed, that he/she must be informed of the reasons for his/her arrest, and that he/she has the right to communicate with those whom he/she wishes to notify.



Under article 102 of the Code, the suspect must be questioned in conditions that have no impact on his/her willingness to make statements and he/she must not be coerced or forced to make a sworn statement. Moreover, the suspect may be questioned outside the investigating authority's premises only if the investigator deems such to be necessary.

- Article 28 of the Imprisonment and Detention Act stipulates that prisoners and detainees must not be subjected to any form of assault and requires disciplinary action against civil servants or military personnel who commit such offences, without prejudice to the imposition of criminal penalties on them. Article 2, paragraph 8, of Royal Decree No. 43 of 1377 A.H. (1958) prohibits ill-treatment or coercion by a person acting in his official capacity, such as torture or cruelty, confiscation of property and deprivation of personal liberties, including exemplary punishment, imposition of fines, imprisonment, exile, compulsory residence in a particular place and unlawful entry into homes. The punishment for such acts is up to 10 years' imprisonment.

- All prisons and detention facilities in the Kingdom are subject to control and inspection and the necessary action is taken in the event of any breach of the regulations. Members of the Public Prosecutor supervise the activities of criminal investigation officers in connection with their investigative functions, as stipulated in article 25 of the Code of Criminal Procedure.

- In order to strengthen the oversight mechanisms needed to ensure the protection of prisoners' and detainees' rights, the Human Rights Commission, as required by the provisions of article 5, paragraphs 6 and 7, of its Statutes, makes unannounced visits to prisons and detention facilities at any time, receives and verifies human rights complaints and takes legal action in respect thereof. The National Society for Human Rights – one of the civil society institutions - also visits prisons and detention facilities and receives complaints. Offices have been opened in prisons for the Public Prosecution, and in some of them for the Human Rights Commission and the National Society for Human Rights, so that they can monitor the situation of prisoners and receive their complaints on site. The Kingdom's laws require all government agencies to treat all persons equitably, regardless of their religion, race, gender or nationality. In the event that any of these agencies or their representatives violate any rights, there are a number of mechanisms that constitute real and effective human rights safeguards in conformity with legal procedures, including judicial bodies and governmental and non-governmental human rights institutions.

- The Kingdom is committed to the human rights conventions to which it is a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which have been incorporated in its legislation in a manner consistent with the Kingdom's human rights obligations.

6. Regarding the request for explanation of how the imposition of the death penalty in the above-mentioned cases is compatible with Saudi Arabia's international obligations.



- The procedures and safeguards observed in the aforementioned cases are consistent with international standards of fair trial and due process, including those guaranteeing protection of the rights of persons facing the death penalty as set forth in United Nations Economic and Social Council (ECOSOC) resolution 50/1984 of 25/5/1984, and the Kingdom's laws and their applications are consistent with those guarantees, as can be seen from the following:
 - The death penalty may be imposed in the Kingdom only within strict limits and for the most serious crimes, such as lethal crimes or their lethal or extremely serious consequences, in accordance with safeguard No. 1 of the above-mentioned international safeguards.
 - Punishment is personal and there is no crime or punishment except as defined in a legal or statutory text. In accordance with article 38 of the Basic Law of Governance, only acts committed subsequent to the promulgation of the legal text prohibiting them are punishable. A penalty may be imposed on a person only after he/she has been found guilty of a legally prohibited act and after a trial conducted in accordance with the legal requirements laid down in article 3 of the Code of Criminal Procedure. The Juveniles Act of 2018 abolished the discretionary death penalty for juveniles in conformity with safeguard No. 2 of the above-mentioned international safeguards.
 - If the juvenile was over 15 years of age at the time of committing a punishable act or acts, the penalties prescribed therefor, with the exception of imprisonment, are applied. He/she is liable to placement in an institution for a period not exceeding one half of the maximum penalty prescribed for such act and without the minimum penalty being observed. If the offence is punishable by a discretionary death penalty, placement in an institution is imposed for a period not exceeding ten years in accordance with article 15, paragraph 2, of the Juveniles Act and, if it appears from the medical examination that the convicted person is pregnant, in childbed or breastfeeding, enforcement of the death penalty is postponed until she gives birth, is no longer in childbed and her child has been weaned in conformity with article 157, paragraph 3, of the Implementing Regulations of the Code of Criminal Procedure. Criminal penalties may be imposed and enforced only on persons who enjoy full legal capacity and who can be held legally responsible at the time of committing the offences and at the time of enforcement of the penalties. The Kingdom of Saudi Arabia's jurisprudence is based on its Constitution which protects and safeguards the human right to life as an inherent right. This is consistent with safeguard No. 3 of the above-mentioned international safeguards.
 - A criminal penalty may not be imposed on any person unless he/she has been found guilty of a legally prohibited act after a trial conducted in accordance with the legal requirements of article 3 of the Code of Criminal Procedure. The court's judgment is based on the evidence presented to it during the hearing of the case and, in accordance with article 179 of the Code, the judge may not render his judgment solely on the basis of what he knows or does not know. The death penalty is imposed only in the light of specific and strictly regulated means of proof. This is consistent with safeguard No. 4 of the above-mentioned international safeguards.



- Death sentences are not imposed or enforced in the Kingdom until the judicial hearing proceedings have been completed in the courts at all three levels (first instance, appeal and supreme) and after the case has been examined by thirteen judges in public hearings in accordance with article 154 of the Code of Criminal Procedure and article 64 of the Code of Sharia Procedure. Sentences may be enforced only after they become final in accordance with article 212 of the Code of Criminal Procedure and the judgment must be read out at a public hearing in the presence of the parties to the proceedings and all the judges who participated in the sentencing in accordance with article 181, paragraph 1, of the Code. Article 3 of the Code stipulates that a penalty may not be imposed on any person unless he/she has been found guilty of a legally prohibited act after a trial conducted in accordance with the legal requirements. The Code emphasizes that a detainee must be treated with dignity and must not be physically or psychologically harmed. He/she must be informed of the reasons for his/her arrest and has the right to communicate with those whom he/she wishes to notify. He/she must be enabled to seek the assistance of a representative or lawyer to defend him/her at the investigation and trial stages and may request the court to appoint a lawyer to defend him/her at the State's expense for major offences. The Code allows the accused to comment on the statements of witnesses and he/she may ask the investigator to hear statements of witnesses concerning other points that he/she makes. He/she may request the court to hear the views of witnesses and consider the evidence that they provide, and may also request a particular investigative procedure. The Code stipulates that the accused must be questioned in conditions that have no impact on his/her willingness to make statements and he/she must not be coerced or forced to make a sworn statement. In the event that the accused confesses during the investigation to a crime carrying the death penalty, his/her confession must be certified by the competent court and placed on record in the presence and with the signature of the clerk of the court in accordance with article 101, paragraph 2, of the Code. During the trial, the court hears and discusses the statements of the accused in detail. If it is convinced that the confession is valid and believes that there is no need for further evidence, it must be satisfied therewith and adjudicate the case; otherwise it must complete the investigation if it deems such to be necessary. The Code also takes the situation of juveniles and young women into account in order to ensure that they are investigated or prosecuted only in accordance with the laws and regulations governing the matter at issue. Anyone who has suffered harm as a result of a false accusation or prolonged imprisonment or detention beyond the prescribed period is entitled to claim compensation before the court in which the original suit was filed, in accordance with article 215 of the Code. Article 186 of the Code enshrines the principle that a person cannot be prosecuted twice for the same offence, which is one of the fundamental legal principles for a fair trial in the Kingdom. Public criminal proceedings are terminated in the event of a final judgment in accordance with article 22 of the Code, which means that the delivery of a final judgment and the conclusion of all stages of litigation end the criminal case and render the judgment final, in conformity with safeguard No. 5 of the above-mentioned international safeguards.



- Criminal judgments may be challenged through appeal, cassation or petition for review in accordance with the provisions of the Code of Criminal Procedure and the Code of Sharia Procedure. This is in conformity with safeguard No. 6 of the above-mentioned international safeguards.
- A person sentenced to death has the right to seek pardon or commutation of sentence. Pardon may be granted by the King in respect of discretionary judgments or by one or more of the persons entitled to the blood money in crimes in which retribution is recognized as a private incontestable right. This is consistent with safeguard No. 7 of the above-mentioned international safeguards.
- Death sentences may be enforced only if they become final after the three levels of litigation (first instance, appeal and supreme) have been exhausted. This is consistent with safeguard No. 8 of the above-mentioned international safeguards.
- The convicted person must be brought to the place of enforcement of the death sentence without violence or any psychological or physical harm and a medical examination must be carried out by a competent physician to ascertain the convicted person's state of health prior to the enforcement of the death sentence, which is carried out by the instrument stipulated in the sentence. In the absence of such stipulation, any appropriate instrument may be used in conformity with the Implementing Regulations of the Code of Criminal Procedure. This is consistent with safeguard No. 9 of the above-mentioned international safeguards.
- The Kingdom is committed to the human rights conventions to which it is a party and it is fulfilling its obligations arising therefrom. All of the Kingdom's laws are subject to continuous review and development, including criminalization and penal laws in which efforts are being made to narrow the scope of the death penalty.
- Under Saudi law, a death penalty may be imposed only for the most serious crimes and within strict limits. Death sentences cannot be imposed or enforced until the judicial hearing proceedings in the courts have been completed at all levels. The Kingdom's laws provide all the safeguards needed for a fair trial and equitable proceedings that are consistent with the Kingdom's international human rights obligations. The case must be heard jointly by the three judges of the Court of First Instance, the judgment of which is referred to the second level of jurisdiction (the Court of Appeal), even if it is not challenged by any of the parties, after which it is reviewed by a criminal chamber consisting of five judges. If the Court of Appeal upholds the death sentence, it must be brought before the Supreme Court to be scrutinized by five judges and, if the Supreme Court ratifies the judgment, the judicial review stages are completed and the judgment becomes final and enforceable.
- The procedures and safeguards applied in the cases of the said persons are consistent with international standards of fair trial and due process.

Section II. Response to allegations and queries concerning the NEOM project:

In addition to what was stated in the Kingdom's previous reply to the Special Procedures Section of the Office of the High Commissioner for Human Rights (OHCHR) in document No. 376/413 dated 6 October 2020, we wish to clarify the following:

1. About the objectives and importance of the Neom Project:

- Community development is one of the most important pillars of modern societies because of its field of concern which focuses on human empowerment in order to strengthen the socio-economic situation, thereby contributing to the stability of communities. Societal development has therefore become a science with its own methodologies, theories and applications and the development and modernization projects of States are implemented by twinning them with neutral programmes specializing in community development.
- The NEOM project, which is being established in the Kingdom's north-west, reinforces the principle contained in the 1986 United Nations Declaration on the Right to Development which states that "the human person is the central theme of development and should be the active participant in and beneficiary of the right to development". The project will help to promote a range of human rights as well as the economic benefits which, in turn, will promote the right to development in general, including the right to work, the right to education, the right to health, the right to food and the right to safe water, etc.
- Announced in 2016, NEOM is one of the outputs of Vision 2030, which is based on three main themes (a vibrant society, a thriving economy, and an ambitious homeland). NEOM is the largest national economic, sustainable and inclusive ecological transformation project based on optimal investment of all available resources. It includes a range of programmes and initiatives seeking to achieve all the objectives, with due regard for human rights and the assurance of a decent life for its beneficiaries, in order to contribute to social progress and prosperity.
- The Kingdom of Saudi Arabia is implementing numerous development projects in various regions in order to realize Vision 2030. It believes in the need for a national community development institution which carries out its activities and achieves its objectives in conformity with international standards and takes into account the local mechanisms in place to monitor these development projects and approve appropriate development interventions for local communities in order to ensure the protection of human rights.

2. National Programme for Community Development in "Development" Areas:

- In view of the importance of major development projects and of the situations in which their implementation may be accompanied by the relocation of residents to other regions, the Kingdom has taken all the measures needed to ensure safe transition since they are national projects that serve the national economy and help to improve the quality of life, the conservation of natural resources and environmental sustainability. This was done through the establishment

of a national entity capable of acting effectively in such cases. The National Community Development Programme, which was established in the "Development" areas in 2018, is an impartial body that oversees and structures all population transfers in accordance with local regulations and in conformity with relevant international standards, including those relating to human rights, in order to achieve the safe transition of the population, ensure the restoration and enhancement of their standard of living and achieve sustainable community development in accordance with best practices through operational mechanisms based on real-time and reliable studies, information and data and detailed plans of action for human welfare in the areas of the new development and investment projects.

- The objectives of "Development" are achieved by orienting population transfers - before, during and after the transition - from one local community to another for development purposes. Scientific plans, field studies, development interventions and support packages have been designed to achieve the best standards of population transfer that safeguard their rights, show regard for national laws and international human rights standards and strive for sustainable development with a view to promoting the advancement of communities and building their future in collaboration with strategic partners from governmental, private and non-profit bodies.
- Since its establishment, "Development" has worked to establish an upgradable framework for population transfer and to plan developmental interventions in order to achieve the safe transition of the population and ensure the restoration and enhancement of their living standards. It is endeavouring to mitigate the effects of the transition in order to achieve the development goals by:
 - Guiding population transfer and community development processes and addressing their implications in conformity with local regulations and relevant international standards, including human rights standards.
 - Developing a framework using best practices and methods for population transfer and community development.
 - "Development" designs developmental interventions and social support initiatives with partners and stakeholders based on the recommendations of the studies, which assess social risks associated with the network of relationships and social fabric, economic risks associated with sources of income and livelihoods, and environmental risks resulting from population transfer and seek to avoid, mitigate and manage their effects. "Development" is endeavouring, through these interventions, to meet the needs of those affected and to restore or improve their standard of living through, inter alia:
 - Financial support: "Development" provides additional financial support for the resident population in order to ensure the restoration and improvement of their standard of living and their access to adequate housing.

- Jobs: "Development", in collaboration with partners, is working to ensure conditions conducive to transition, continuity of work and empowerment to secure suitable employment opportunities for the able.
- Empowerment: "Development", in collaboration with partners, is working to improve the efficiency of the workforce through specialized training and courses, to provide career opportunities and internal and external student scholarships and to support entrepreneurship.
- Education: "Development" supports students and teachers in order to guarantee their safe transition and ensure that the educational process is not affected or interrupted, in accordance with their wishes and in collaboration with partners. It is also working to provide educational opportunities and ensure full access to education.
- Health: "Development", in cooperation with partners, is working to provide health programmes and ensure access to health services for all those affected.
- Special initiatives: "Development", in collaboration with partners, is working to formulate special initiatives for each project that are commensurate with the nature of the needs and potential.
- The "Community Development and Population Transfer Policy", which turns its population transfer and housing and property valuation efforts into clear and integrated institutional work, has been adopted.
- A number of principles have been adopted, such as development packages for vulnerable groups and development interventions to bridge the gap during the transition to the host society.

3. By way of comment on the communication's allegations and claims regarding the NEOM project, we wish to clarify the following:

- The communication included an allegation that residents of the villages of Al Khuraiba and Sharma were informed that they must leave their land or risk eviction. This allegation is false and contrary to reality since the process of population relocation passed through a number of phases beginning with consultation sessions, followed by citizens' reception and then the provision of development interventions. In the course of population relocations, evacuations are requested only after all compensation and development support has been handed over to the affected population. The duration of the evacuation varies depending on the family's specific circumstances and may be up to several months, taking into account the circumstances of the population.
- Through its development programmes and projects, the Kingdom is seeking to increase community participation, develop human capital and maximize the developmental impact of projects. The relocated population has benefited from the region's development work in terms of improved infrastructure and housing quality services, as well as improved access to services in host destinations and increased female participation in the labour market, entrepreneurship

and higher education. A number of residents have benefited directly from development support programmes, organized in cooperation with partners, which have helped them to obtain training courses as well as educational missions and employment opportunities.

- The communication contained totally false and unfounded allegations to the effect that the authorities offered financial incentives to tribal elders on the condition that they condemn opposition to the NEOM or other projects.

- The communication contained allegations of inconsistency in the compensation policy, claiming that it was not applied equally and that many persons were forced to live in slums in large cities because of insufficient compensation paid in respect of the confiscation of their property in order to implement the NEOM project. These allegations are totally untrue. The compensation is assessed by an impartial committee comprising members from several government agencies as well as two independent members. This committee relies on the regulations and guidelines approved by the Saudi Authority for Accredited Valuers, which are periodically updated. These procedures are followed in all the projects.

- In addition to compensation for homes, compensation has been provided for immovable assets and financial support for relocation burdens, and additional financial support has been granted to permanent resident beneficiaries in order to restore or improve their standard of living.

- In addition to the compensation and support referred to, "Development" has accorded an additional residential land grant, in appropriate housing schemes approved in the new neighbourhoods, to each family permanently residing in the project area.

- **The following additional financial subsidies have been paid to beneficiaries residing in the project area:**

1. An amount of 500,000 Saudi riyals in additional financial support, equivalent to approximately US\$ 133,300, to improve the standard of living.

2. An amount of 100,000 Saudi riyals, approximately US\$ 26,700, in respect of the burden of relocating, securing temporary accommodation or providing furniture for the new dwelling.

3. A residential land grant valued at 206,250 Saudi riyals, equivalent to US\$ 55,000.

- The communication included an allegation that, although some residents were willing to move from their homes, the authorities rejected their request for resettlement in nearby villages and instead offered compensation to those wishing to move to remote areas of the country. This allegation is incorrect. As indicated above, the mechanism for selecting host destinations is based on the families' wishes and gives them the full right to freely choose any region or governorate to move to with facilities for the relocation, the transfer of jobs for those who work, and access to health services and education. The first preference of the majority of the relocating population was Tabuk and Duba cities, where social reach and most fishing,

pastoral and agricultural occupations were compatible and infrastructure, services and opportunities were available.

- Only requests for relocation to places within the scope of the project have been rejected.
- The allegations concerning the requirement for citizens to sign waivers are incorrect. They were made aware of all their rights, including the right to complain about any procedure and to have recourse to the courts, in order to promote the principle of transparency and the availability of legal assistance.
- Expropriations for public benefit are based on the principle of "equality" insofar as they must not involve discrimination based on race, colour, gender, language, religion, belief, age, disability or other unlawful forms of discrimination.

7. Regarding the request for clarification on the number of people and settlements that the NEOM project envisions displacing, including how many of those belonging to the Huwaitat tribe, and provision of information on the number of people who have already been displaced by the NEOM project and on the number of those who still remain living in their homes threatened by evictions and displacement.

- The area is characterized by the diversity of its social fabric, being inhabited by a number of tribes, including the Huwaitat. The majority of its population live in Tabuk city and governorates outside the boundaries of the NEOM project. The total population in the NEOM project area constitutes around 3 per cent of the total population of the Tabuk region. The population so far affected by relocation amounts to 1,143 families comprising a total of 6,360 individuals.

8. Regarding the request for provision of information on how the Government has ensured that the people threatened with forced evictions and displacement by the NEOM project have been genuinely consulted, have provided their free, prior and informed consent, and have had effective access to remedies.

- The method of forced eviction or displacement is not practised in the NEOM or other projects, regardless of whether the population have or do not have documentary proof of property ownership meeting the legal requirements. Under the terms of an order issued by the Prime Minister, given their circumstances, persons lacking such documentary proof were exempted from the provisions of the Law on Expropriation of Property for Public Benefit and Provisional Seizure of Real Estate by compensating them for all contents and debris and placing them on an equal footing with persons possessing full documentary proof for the purposes of the provision of additional financial support and all development programmes. It must be emphasized that the population is evacuated only after completion of the statutory procedures, in accordance with the approved mechanism, and after their receipt of the compensation and additional subsidies allocated to them and, when they have received such compensation and benefits, they are granted a period of grace before evacuation.



- In the planning of expropriation for public benefit under the NEOM Project, account is taken of all procedural means of protection, including provision of an opportunity for genuine consultation with and adequate notification to all persons concerned prior to the scheduled evacuation, briefing them on the proposed evacuation, the purpose for which the land or homes are to be used, and making such information available to all persons concerned in a timely manner. Information is also provided concerning the trained personnel appointed during the evacuation, including legal officers and human rights specialists, the identification of all persons conducting the evacuation, the timeliness of the evacuation and the availability of legal remedies, including the Administrative Court/Board of Grievances, judicial bodies and the Human Rights Commission. It is noteworthy that the State ensures that the competent authorities enforce judgments rendered in favour of the complainants and provide legal assistance whenever possible for those who need it in order to lodge a complaint with the judicial authorities.
- Accordingly, several meetings were held under the auspices of His Highness the Emir of the Tabuk region before and during the field survey and evaluation work and they were attended by residents of the affected areas and the relevant officials. Through these meetings, the phases of the project were presented and the short- and long-term economic and social returns to the people of the region were explained. They were consulted in regard to the social packages and their questions were answered, after which they expressed support for the project. In addition, consultation sessions were held in the project's offices, which were established to receive people in accessible locations, and direct channels of communication with residents were opened through the unified telephone call centre and through the website, reception offices and field visits to familiarize them with the nature of the project. Details of the project were also officially posted at conspicuous locations within its area.
- “Development” held consultation and preparation sessions to achieve the following objectives:
 - Informing the community of the project's plan of action and objectives;
 - Informing the population about the statutory mechanisms (rights and duties);
 - Identifying concerns and priorities;
 - Consultation on proposals, alternatives and compensation;
 - Learning more about the nature of the community and the groups most affected;
 - Answering questions and requests for information;
 - Options, destinations, host areas and principal needs;
 - Explanation of the mechanism for objections and grievances;
 - Establishing focal points for communication within the community;

- Lobbying and community participation.

The National Programme for Community Development in the Regions received citizens at its offices in the NEOM project area. Their questions were answered and clarifications were given concerning compensation, subsidies, grants and social packages for families and individuals in the areas affected by the first phase of the NEOM project.

- All these procedures are subject to monitoring, evaluation and follow-up to avoid possible negative economic, social or environmental impacts.
- In accordance with its mandate, the Human Rights Commission is monitoring expropriations for public benefit and reviewing them in the light of the Kingdom's laws and relevant international human rights standards. If any infraction or violation is discovered, the Commission is duty-bound to take the statutory measures needed to hold accountable and punish their perpetrator and remedy the harm caused.
- With regard to the possibility of appealing decisions on compensation, offices have been established and equipped to receive complaints and objections from citizens in their areas and, if a citizen is not satisfied with the result, article 24 of the Law on Expropriation of Property for Public Benefit and Provisional Seizure of Real Estate guarantees the right to challenge decisions of administrative bodies and committees before the Administrative Court/Board of Grievances.

9. Regarding the request for provision of information on any complaints against eviction that may have been lodged with the Board of Grievances, the Human Rights Commission or any other body and whether any remedies have been granted by either of these bodies.

- "Development" applies the principle of transparency by familiarizing the population with all their rights, including the right to appeal against any procedure, and with the scope for the submission of complaints to the judiciary at all levels in accordance with the laws of the State. Bilateral consultation sessions have been held with property owners and persons scheduled for relocation, who were informed about their material and moral rights, additional financial subsidies, development interventions and mechanisms for lodging complaints if they do not accept the compensation offered. The right of legal redress is guaranteed equally to all citizens and residents of the Kingdom, as stipulated in article 47 of the Basic Law of Governance. "Development" deals with complaints in an objective and transparent manner and has received a total of 1,352 grievances on a wide variety of matters from property owners and residents affected by relocation. Many of these grievances have been addressed and settled and others are still pending before the Administrative Court/Board of Grievances.
- Moreover, it was decided to provide additional financial support in the form of State-approved subsidies to improve the standard of living of 63 affected families in the light of the findings of review procedures consisting in monitoring, evaluation and follow-up.



10. Regarding the queries contained in questions 10, 11 and 12 concerning principles on business and human rights and the impact of the aforementioned events on their implementation.

- The Kingdom's laws and their applications are consistent with the United Nations Guiding Principles on Business and Human Rights, unanimously endorsed by the Human Rights Council in its resolution A/HRC/RES/17/31 of 2011, under which the Kingdom is committed to respect, protect and apply human rights and fundamental freedoms. Businesses are obliged to comply with all the Kingdom's laws by, inter alia, respecting and protecting human rights and the Kingdom provides appropriate and effective remedies for violations of these rights and obligations. The Kingdom's laws require all government agencies to treat all persons equitably regardless of their religion, race, gender or nationality and, in the event that any of these agencies or their representatives violate any rights, there are a number of mechanisms, including judicial bodies and governmental and non-governmental human rights institutions, that constitute real and effective human rights safeguards in conformity with legal procedures.
- The Kingdom confirms that it is respecting human rights, fulfilling its obligations under the conventions to which it is a party and complying with international human rights standards, including those relating to business and human rights.
- Companies do not directly or indirectly exercise any jurisdiction in regard to expropriation, compensation, relocation or any other matter affecting the population, this being the prerogative of official national institutions, as already indicated.
- The Kingdom requires all companies to abide by its laws, including the legal principles relating to human rights and the relevant international obligations of the Kingdom. It exercises control over them to ensure their compliance.
- The Kingdom requires all companies to respect human rights and, to this end, takes many measures to ensure respect for the rights of local communities, the right to life, the right to environmental integrity and protection from risks and social impacts, the right to work, the protection of workers' rights, the preservation of resource efficiency and prevention of pollution, the right to community health, safety and security, the conservation of biodiversity, the sustainable management of living natural resources and protection of the region's cultural heritage.
- The Kingdom's laws guarantee protection from human rights violations by any third party as well as implementation of the measures needed to prevent their occurrence, to investigate and punish any such violations that might occur and to provide appropriate and effective remedies for anyone whose rights are violated.
- The Kingdom emphasizes that companies should avoid causing or contributing to adverse human rights impacts through their activities and should address such impacts



whenever they occur. Companies are also required to prevent adverse human rights impacts that are directly linked to their operations, products or services within the context of their business relationships, and to fulfil their responsibility to respect and show due regard for human rights.

- The Kingdom has taken positive steps to protect and promote human rights in business through a series of regulatory measures, including commercial law, commercial mortgage laws, anti-fraud and branding laws and rules governing business relationships, e-commerce, bankruptcy, professional companies and the environment. It has also established specialized commercial courts, launched a wages protection programme and an initiative to improve contractual relationships, and introduced amendments to the Labour Law and other enactments in order to develop the legislative system in such a way as to promote rights in the business environment. It is noteworthy that the Kingdom, in its capacity as a member of the International Labour Organization, has ratified 18 ILO conventions.
- The Human Rights Commission is monitoring developments in the NEOM project to ensure that the laws and regulations in force and the Kingdom's human rights obligations are being faithfully complied with, in accordance with its mandate to ensure the adequacy of rights and safeguards and the application of human rights laws.

It is clear from the foregoing that the allegations and claims contained in the joint communication are incorrect, as the appropriateness of the measures taken in the said cases and the soundness of the procedures followed in the NEOM project have been established and shown to be in conformity with international human rights standards and with the human rights conventions to which the Kingdom is a party, including the obligations arising from its accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the General Comment No. 7 of the Committee on Economic, Social and Cultural Rights on forced evictions, the Basic Principles and Guidelines on Development-based Evictions and Displacement, and the Guidelines for the Realization of the Right to Adequate Housing.

In conclusion, the Kingdom reaffirms that it responds to the letters, appeals and communications submitted to it and clarifies all the facts relating thereto in collaboration with the international human rights mechanisms.

The Kingdom draws the attention of the thematic mandate holders signing this communication to the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council adopted in resolution 5/2 of 18 June 2007, particularly in regard to the following requirements:

1. Always endeavour to investigate the facts, in particular claims and allegations from sources, in the light of objective and reliable information from relevant and trustworthy sources, duly verified, to the greatest extent possible in accordance with article 6 (a) of the Code of Conduct.



2. Take fully into account the information provided by the Kingdom on the situation in accordance with article 6 (b) of the Code.
3. Assess all information, and particularly allegations and claims received by thematic mandate holders from sources, in accordance with article 6 (c) of the Code of Conduct in the light of internationally recognized human rights standards relevant to their mandate and also in the light of the international conventions to which the State concerned is a party.
4. Ensure that communications on the case are not manifestly unfounded or politically motivated, in accordance with article 9 (a) of the Code of Conduct.
5. Ensure that the author or authors of the complaint are acting in good faith in accordance with human rights principles, have no politically-motivated opinions unrelated or contrary to the provisions of the Charter of the United Nations, and claim to have direct or reliable knowledge of these violations, supported by clear information, in accordance with article 9 (d) of the Code of Conduct.
6. Ensure that communications on the case are not based exclusively on reports published in the media, in accordance with article 9 (e) of the Code of Conduct.
7. Take into account the need to ensure that their personal political views do not affect the fulfilment of their mission, and that their conclusions and recommendations are based on objective assessments of human rights situations, in accordance with article 12 (a) of the Code of Conduct.
8. Show prudence, moderation and discretion in the discharge of their mandate in order to avoid undermining recognition of the independent nature of their mandate or of the environment needed for the proper fulfilment of their mandate, in accordance with article 12 (b) of the Code of Conduct.
9. Show regard for article 13 (a) of the Code of Conduct by referring, in an impartial manner and without undue abridgement, to the replies received from the Kingdom.
10. Ensure that their statements on the human rights situation in the country concerned are consistent, at all times, with their mandate and with the integrity, independence and impartiality of their status and are likely to promote constructive dialogue among stakeholders, as well as cooperation in the promotion and protection of human rights, in accordance with article 13 (b) of the Code of Conduct.