



Ref. No. 413/374

Geneva, 31 August 2023

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva presents its compliments to 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 and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and would like to refer to the latter's communication ref: UA SAU 4/2023 dated 6 July 2023.

In that regard, the Permanent Mission of the Kingdom of Saudi Arabia has the honor to attach herewith the reply of the Kingdom to the aforementioned communication.

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to 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 and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism the assurance of its highest consecration.



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

(Translated from Arabic)

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

Ref. No. 413/374

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1. With regard to the request to provide additional information and comments on the allegations

- The Kingdom has already submitted responses with regard to many cases, including communication No. AL SAU 1/2023, dated 16 February 2023, concerning Mr. [REDACTED] and Mr. [REDACTED] and communication No. AL SAU 8/2022, dated 13 June 2022, concerning Mr. [REDACTED]. The communications were submitted by a number of thematic special procedures mandate holders of the Human Rights Council, including the authors of the current communication, namely the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The communications addressed most of the allegations and assertions contained in the current communication. The allegations were examined and all relevant facts were clarified in detail. In addition, the applicable laws of the Kingdom and the measures taken with respect to the said persons' cases were described and shown to be consistent with international human rights principles and norms. The information contained in the communications was shown to be inaccurate and to comprise false allegations and assertions based on information received from the source, which was devoid of support or evidence. This is stated in the Kingdom's responses submitted to the Human Rights Council and Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights and should therefore be taken into account. We request the mandate holders who authored the current communication to examine the Kingdom's earlier responses, which provide clarification regarding the situation of the two individuals in question. The Kingdom considers that these responses are satisfactory and will provide updates concerning the cases in the present response, while noting that the same allegations and assertions have been repeated despite the Kingdom's previous responses and clarifications and its refutation of those claims.



- The information contained in communication No. UA SAU 4/2023, dated 6 July 2023, is inaccurate and comprises false allegations and assertions based on information received from the source, which is devoid of support or evidence. The Kingdom has reviewed the allegations and intends to clarify all relevant facts, in line with its policy of cooperation with international human rights mechanisms. In this context, we wish to highlight the information set out below.
- The laws of the Kingdom guarantee a fair and public trial for all persons before a competent and independent court. The Kingdom's judiciary derives its authority and principles from the Islamic sharia, which renders justice obligatory, making it the foundation of decision-making and guaranteeing judicial independence. Article 46 of the Basic Law of Governance stipulates that: "The judiciary is an independent authority. In their administration of justice, judges are subject to no authority other than the Islamic sharia." Furthermore, article 1 of the Judiciary Act stipulates that: "Judges are independent and, in their administration of justice, are subject to no authority other than the provisions of the Islamic sharia and the legislation in force. No one may interfere in judicial affairs." Article 48 of the Basic Law of Governance stipulates that the courts shall apply the provisions of the Islamic sharia to the cases brought before them, guided by the Qur'an and Sunna and such laws as may be promulgated by the authorities that do not conflict with the Qur'an and Sunna. Article 49 states that courts in the Kingdom shall adjudicate all disputes and crimes apart from cases that fall under the jurisdiction of the Board of Grievances (the administrative judiciary).
- No one is detained in the Kingdom for exercising his or her rights and freedoms. All citizens and residents, both men and women, enjoy their rights and exercise their freedoms without discrimination, in accordance with the legislation in force in the Kingdom. No group, regardless of its designation, is accorded precedence with regard to the exercise of those rights and freedoms. Any person whose rights are violated may lodge a complaint in accordance with the available legal remedies. State institutions have a legal obligation to ensure that all individuals are treated fairly, regardless of their religion, race, gender or nationality. If any of those institutions or their representatives violates a person's rights, effective legal action to guarantee human rights may be taken by a number of mechanisms, including the judiciary and governmental and non-governmental human rights institutions.

- The laws of the Kingdom guarantee a fair and public trial for all accused persons before a competent and independent court. They are entitled to present a defence, to seek the assistance of lawyers and to file an appeal against judgments handed down against them. Judgments are subject to judicial review before higher courts.
- All the Kingdom's laws are drafted in a precise and clear manner and contain no ambiguities or equivocal terms. They are published on governmental and other websites and are accessible to all. All persons are capable of understanding them and of regulating their behaviour accordingly. The Kingdom is committed to the human rights treaties that it has ratified. Its laws are continuously reviewed, updated and modified in line with domestic and international developments and changes. Its national legislation has criminalized terrorism and provides for the prosecution of perpetrators. The Terrorist Crimes and Terrorism Financing Act contains clear definitions of the crimes of terrorism and the financing of terrorism that are consistent with international norms and the Kingdom's international obligations. The Act specifies the measures to be taken and the procedural aspects of the arrest and detention of suspects, the assignment of legal counsel, the temporary release of detainees and the functioning of courts with jurisdiction to hear such cases. It also defines the offences and prescribes the penalties to be imposed in each case. In addition, the Act provides for the establishment of specialized centres for the re-education of persons detained and convicted of terrorist offences, and for the creation of correctional and rehabilitation facilities to promote their reintegration into society.
- Death sentences are enforced once the perpetrators have been convicted, in final and definitive judgments, of crimes that are legally punishable by the death penalty. In an approach that is consistent with the general rules of criminal law, the Kingdom takes continuous and comprehensive action to review and develop existing laws that criminalize and prescribe penalties for crimes, including the death penalty, and seeks to narrow their scope without precluding the implementation of final, definitive and enforceable judgments based on legally valid provisions.

2. With regard to the request to provide information about the progress of judicial proceedings against [REDACTED] and [REDACTED]

- The Kingdom's previous responses detail all the judicial measures taken with regard to Saudi citizen [REDACTED], including

the fact that a final judicial ruling, upheld by the Supreme Court, was issued against him imposing the death penalty.

- The Kingdom's previous responses detail all the judicial measures taken with regard to Saudi citizen [REDACTED], including the fact that his lawyers filed an appeal in cassation before the Supreme Court. His case file has been submitted to the Supreme Court, where the case is awaiting examination.
- Since the date of arrest of the persons in question, the procedures and safeguards observed have been consistent with international fair trial and due process standards, including safeguards guaranteeing protection for the rights of persons facing the death penalty, in accordance with the provisions of Economic and Social Council (ECOSOC) resolution No. 50/1984 of 25 May 1984.

3. With regard to the request to provide information about the factual and legal basis for the arrest and detention of [REDACTED]

- As indicated in the Kingdom's previous responses, the two individuals in question were arrested after evidence was found that they had committed terrorist crimes. That same day, they were promptly informed of the grounds for their arrest, in accordance with article 36 (1) of the Code of Criminal Procedure, which stipulates that: "Persons who are detained shall be treated in a manner conducive to the preservation of their dignity and shall not be harmed physically or mentally. They shall be informed of the reasons for their detention and shall have the right to contact anyone whom they wish to notify of their detention." Article 116 of the Code stipulates that: "Persons who are arrested or detained shall be promptly informed of the grounds for their arrest or detention and shall have the right to contact anyone whom they wish to notify". The individuals in question were informed of their legal rights and signed a document to indicate their awareness of such rights, including access to a lawyer or representative, in accordance with article 22 of the implementing regulations of the Code. They were also informed of the charges filed against them, in accordance with article 101 (1) of the Code, which stipulates that: "When the accused appears for the first time for interrogation, the investigator shall record all his personal information, inform him of the offence with which he is charged, and record any statements made by the accused regarding the charge. The investigator may confront the accused with any other accused persons or witnesses. The accused shall sign his statements after they have

been read out to him. If he declines to sign, a note to that effect, together with the reasons therefor, shall be entered into the record.”

- Upon completion of the investigation procedures, the Public Prosecution Service decided that there was sufficient evidence to charge the individuals in question, in accordance with article 126 of the Code of Criminal Procedure, which stipulates that: “If the Public Prosecution Service is of the opinion, following 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 referred their case files to the competent court (the Specialized Criminal Court), in accordance with article 15 of the Code, which stipulates that: “The Public Prosecution Service shall, pursuant to its Statute, institute and pursue criminal proceedings before the competent court”. Articles 3 (b) and (c) of the Statute also authorize the Public Prosecution Service to institute proceedings, close cases and conduct prosecutions before judicial bodies, in accordance with the law and all implementing regulations. The individuals in question were summoned to appear before the Court in accordance with article 135 of the Code of Criminal Procedure, which states that: “If the case is brought to court, the accused shall be summoned to appear before it”.

4. With regard to the request for information on the safeguards afforded to [REDACTED] [REDACTED] to ensure that their rights to due process were respected

- As indicated in the Kingdom’s previous responses, the individuals in question have enjoyed all the rights and safeguards guaranteed by Saudi law at all stages of arrest, investigation and trial. These rights and safeguards are consistent with the relevant international standards. They were informed of their legal rights and signed a document indicating their awareness of such rights, including the right to a lawyer or representative in accordance with article 22 of the implementing regulations of the Code of Criminal Procedure. They enjoy the right to regular and continuous visitation and communication, and they receive all necessary medical care on an equal footing with other detainees and prisoners. At all levels of adjudication, they had the right to contest the charges against them, respond to the evidence presented and appeal against judicial rulings.
- The individuals in question underwent a fair and public trial before an independent court, as guaranteed by numerous statutory safeguards,

including article 38 of the Basic Law of Governance, which states that there can be no offence and no penalty save on the basis of sharia or statutory provisions. In addition, article 3 of the Code of Criminal Procedure stipulates that no one may be sentenced to a criminal penalty except where proven to have committed an act that is prohibited by sharia or statutory law. Accordingly, the Kingdom's legislation contains many safeguards that control the conduct of criminal proceedings and guarantee the rights of the accused by ensuring that all persons are presumed innocent until proven guilty by a final judgment.

- The Saudi Human Rights Commission followed the case of the two individuals in question, during which it verified that the correct procedures were taken, that all laws and regulations related to human rights were applied and that no legal violations occurred. The Commission – which has jurisdiction to ensure that all rights and safeguards are upheld and all human rights laws applied – observed no instances of human rights violations against the individuals in question. The Commission continues to follow their cases.
- The safeguards granted to the persons in question are consistent with international fair trial and due process standards, including safeguards guaranteeing protection for the rights of persons facing the death penalty, in accordance with the provisions of ECOSOC resolution No. 50/1984 of 25 May 1984.

5. With regard to the request for detailed information on the initial phase of their detention and on their access to a lawyer and to their families

- As indicated in the Kingdom's previous responses, since their arrest the two persons in question have enjoyed the right to regular and continuous visitation and communication, and they have received all necessary medical care on an equal footing with other detainees and prisoners. [REDACTED] [REDACTED] has received 379 visits, the most recent of which was on 19 Muharram A.H. 1445 (6 August A.D. 2023), and 114 calls, the most recent of which was on 7 Safar A.H. 1445 (23 August A.D. 2023). He is in good health, having visited a number of medical clinics, including those specialized in dermatology, surgery, ear, nose and throat care and orthopaedics. [REDACTED] [REDACTED] has received 236 visits, the most recent of which was on 8 Safar A.H. 1445 (24 August A.D. 2023), and 112 calls, the most recent of which was on 6 Safar A.H. 1445 (22 August A.D. 2023). He is also in good health, having visited a number of medical clinics,

including those specialized in internal medicine, surgery, dentistry and dermatology.

- The persons in question hired a number of legal representatives to defend them. At his request, [REDACTED] was granted a State-funded lawyer to represent him. The legal representatives of both individuals attended their trials and are able to communicate with them. Under national law, all lawyers are able to perform their duties without intimidation, obstruction, harassment or inappropriate interference. The legal profession in Saudi Arabia, moreover, is based on achieving justice and defending the rights and freedoms guaranteed by law. Lawyers enjoy independence, legal protection and freedom to plea on behalf of others, within the limits of the law. Lawyers cannot be held accountable for any statements that they make in submissions before the court, in accordance with article 13 of the Act regulating the legal profession, which stipulates that lawyers may pursue whatever course they deem best in order to defend their clients and that they shall not be held responsible for anything stated in written or oral submissions as necessary to ensure the right to a defence. Under article 19 of the same Act, all judicial bodies and investigating authorities must provide lawyers with the facilities necessary to carry out their duties and must allow them to examine the case documents and be present during the investigation. Lawyers' requests, furthermore, may not be refused without legal justification. Additionally, the Charter of the Saudi Bar Association contains provisions to support the role of lawyers in promoting and protecting human rights.
- All detainees and prisoners undergo a medical examination upon arrival in prison, and periodically thereafter, in accordance with article 5 of the Medical Services Regulations. Medical care is provided for all prisoners and detainees, in accordance with article 22 of the Prison and Detention Act. All prisons and detention centres in the Kingdom are subject to judicial, administrative, health and social inspections, in accordance with article 5 of the Prison and Detention Act, which stipulates that: "All prisons and detention centres in the Kingdom are subject to judicial, administrative, health and social inspections, in accordance with the implementing regulations." Prisoners and detainees enjoy the right to visits and communications, in accordance with article 12 of the Act. Every detainee or prisoner has the right to lodge a complaint pursuant to article 39 of the Code of Criminal Procedure. These provisions are consistent with relevant international norms, such as the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),

rule 24 (1) of which stipulates that: “The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community”. They are also consistent with rule 56 (1), which stipulates that: “Every prisoner shall have the opportunity each day to make requests or complaints to the prison director or the prison staff member authorized to represent him or her.” In addition, they are consistent with rule 30 concerning medical examinations, rule 58 concerning visits and communications, and principle 24 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which stipulates that: “A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.” It may be concluded from the foregoing that the conditions of detention of the persons concerned are consistent with the Nelson Mandela Rules and with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

6. With regard to the request to indicate what the legal reasons were for their placement in solitary confinement

- The persons in question are treated in a manner that preserves their dignity and guarantees all their rights, just like other detainees and prisoners. The legal 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 Nelson Mandela Rules.
- The process of restricting an accused person’s communications is subject to heavy restrictions. The law prohibits and punishes the practice of torture. Article 20 (1) of the Prison and Detention Act stipulates that solitary confinement shall be imposed solely in exceptional circumstances and for a maximum of 15 days. Any prisoner or detainee who has been subjected to treatment that violates those restrictions is entitled to lodge a complaint pursuant to article 39 of the Code of Criminal Procedure, which stipulates that: “Any prisoner or detainee shall have the right to submit, at any time, a written or oral complaint to the director of the prison or detention centre and request that he communicate it to a member of the Public Prosecution

Service. The director shall accept and promptly communicate the complaint after registering it in the relevant file and shall provide the prisoner or detainee with an acknowledgement of receipt. The administration of the prison or detention centre shall reserve an independent office for the member of the Public Prosecution Service who is tasked with monitoring cases involving prisoners or detainees.”

7. With regard to the request to indicate what safeguards were in place during the solitary confinement of [REDACTED] to ensure that they were not tortured or otherwise ill-treated by investigators to force them to sign statements of guilt

- As indicated in the Kingdom’s previous responses, the persons in question were not subjected to any form of torture. Article 102 of the Code of Criminal Procedure requires the interrogation of accused persons to be conducted in a manner that does not influence their will to make statements. They must not be required to take an oath or be subjected to coercive measures. Furthermore, they may not be interrogated outside the premises of the investigating authority unless the investigator deems such action to be necessary. The persons in question confessed of their own free will to the investigating authority and confirmed their confessions to the charges filed against them before the judiciary, in accordance with article 101 (2) of the Code of Criminal Procedure. They had full legal capacity and were not brought before the court by force.

8. With regard to the request to indicate whether the allegations of torture made by [REDACTED] before the judges have been investigated, as required under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- The Kingdom 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. Article 28 of the Prison and Detention Act requires disciplinary measures

to be taken against any civilian or military officials who perpetrate such acts, without prejudice to any criminal penalty that they may also incur. Pursuant to article 2 (8) of Royal Decree No. 43 of A.H. 1377 (A.D. 1958), the penalty for such crimes is imprisonment for up to 10 years, plus the payment of damages to the victim.

- As indicated in the Kingdom's previous responses, the allegations of torture were brought before the court, which took all necessary measures to verify and investigate the allegations. The court found the allegations to be false. These procedures are in line with the provisions of article 12 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- As indicated in the Kingdom's previous responses, its laws contain a series of guarantees and measures aimed at ensuring that no detainee or prisoner is subjected to torture, ill-treatment or other cruel, inhuman or degrading treatment.

9. With regard to the request to indicate the nature of the evidence – besides the confessions of [REDACTED], which were reportedly extracted under duress – which provided the grounds for the determination of their guilt

- The verdict issued against the persons in question was based on evidence established by the court, including the confessions presented to the judges, the arrest and search records, technical reports, and the questioning and statements made during the proceedings. The court verified all evidence presented against the persons in question, with full respect for the Kingdom's international obligations. The evidence, facts and crimes of which the two persons were accused were evaluated fairly and individually.
- The court verified the authenticity of the confessions, confirming that the persons in question presented the confessions of their own volition and without coercion.
- 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. Since those proceedings constitute the final stage of investigation, the court is empowered to hear witnesses, visit and inspect the scene of the incidents and seek the opinions of experts, including

forensic physicians, in order to safeguard the rights of the parties involved in the case.

10. With regard to the request to provide detailed information about how the ages of [REDACTED] were determined and why the 2020 Royal Decree, which exempts persons who committed crimes when under the age of 18 from the death penalty, does not apply to them

- As indicated in the Kingdom's previous responses, both persons in question were adults over the age of 18 years at the time of committing the crimes for which they were sentenced to death. Accordingly, neither the Juveniles Act nor the Royal Decree of March 2020 applies to them.

11. With regard to the request to explain how the death sentences applied to the offences committed by [REDACTED] respect the principles of legality, necessity, proportionality and non-discrimination

- 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. In its previous responses, the Kingdom detailed the terrorist crimes committed by the persons in question, for which they were sentenced. [REDACTED] [REDACTED] was convicted of committing a number of terrorist crimes, including the following:
 - Joining an armed terrorist group in order to carry out terrorist operations inside the country, with the aim of disrupting internal security;
 - Attempting at various times to kill security personnel by firing directly at them; also, throwing Molotov cocktails at them and their vehicles with the intention of killing or injuring them;
 - Carrying out surveillance and planning with a view to targeting bases belonging to the security forces; also, firing a weapon at Al-Awamiyah police station;
 - Blocking roads with burning tyres and throwing the tyres at security vehicles with the aim of damaging and disabling those vehicles;
 - Financing terrorism and terrorist acts, which is punishable under the Anti-Money Laundering Act;

- Possessing and using weapons and ammunition without a licence with the intent of undermining internal security, which is punishable under articles 34 and 40 of the Arms and Ammunition Act;
- Possessing Molotov cocktails and explosives with the intention of using them to commit terrorist offences inside the country, which is punishable under the Explosives and Fireworks Act;
- Distributing narcotic substances on several occasions, taking such substances and concealing other distributors, which are punishable offences under the Drugs and Psychotropic Substances Act.

██████████ was also charged with committing terrorist crimes, including the following:

- Participating in the establishment of a terrorist entity that seeks to undermine the security of society and the stability of the State;
 - Attacking law enforcement officers with Molotov cocktails;
 - Possessing and using bombs, which are punishable offences under the Explosives and Fireworks Act;
 - Participating in shootings at the Administrative Control Department and Tarout Police Station;
 - Destroying public utilities and property in order to perpetrate a terrorist crime.
- Terrorist crimes are among the most serious crimes and are punished in accordance with the laws in force in the Kingdom. Saudi Arabia has experienced terrorist crimes that resulted in the killing of innocent men, women and children, the spilling of innocent blood, and the infliction of material and moral damage. The targets of these crimes included parents, places of worship, and various government offices and other places vital to the country's economy. The crimes involved the monitoring and targeting of officials and foreign nationals, the surveillance, assault and murder of security officials, the planting of mines, the commission of kidnappings, torture, rapes and armed robberies, and the smuggling of weapons, ammunition and bombs into the Kingdom. Such crimes were committed with the aim of undermining security and achieving the aims of terrorist entities and other terrorist organizations hostile to the Kingdom.

- The Kingdom protects and promotes human rights through its compliance with the principle of legality. Punishment is personal and there is no crime or punishment except as defined by sharia or statutory law. Penalties may be imposed only in respect of acts committed subsequent to the entry into force of a legal instrument. Necessity and proportionality are two of the basic principles used by legislators in Saudi Arabia when drafting criminal legislation, in such a way that the penalty is proportional to the gravity of the offence committed.
- All persons are equal before and under the law and are entitled without discrimination to equal protection and benefit afforded by the law. 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.
- 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 peace and security, in line with relevant international norms and the United Nations Global Counter-Terrorism Strategy.
- Terrorist acts seriously disrupt the enjoyment of human rights, threaten the social and economic development of all States and undermine global stability and prosperity, as confirmed in United Nations Security Council resolution 1566 (2004), adopted on 8 October 2004.
- 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. As noted in Security Council resolution 1566 (2004), there is an increasing number of victims, including children, as a result of acts of terrorism motivated by intolerance or extremism in various regions of the world.
- 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.
- As confirmed in Security Council resolution 2178 (2014) of 24 September 2014, terrorists and their supporters are increasingly using communications technology for the purpose of radicalizing to terrorism and recruiting and

inciting others to commit terrorist acts, including through the Internet. In that resolution, the Security Council underlines the need for Member States to act cooperatively to prevent terrorists from exploiting technology, communications and resources to incite support for terrorist acts.

- The Kingdom is combating terrorism through its national laws, which are consistent with international standards. Under no circumstances can terrorist crimes be justified on political, philosophical, ideological, racial, ethnic, religious or other grounds, in line with Security Council resolution 1566 (2004).
- Acts of terrorism constitute one of the challenges facing all States and humanity as a whole. The planning, preparation, support and commission of such acts are incompatible with the purposes and principles of the Charter of the United Nations, as stated in Security Council resolution 1377 (2001), adopted on 12 November 2001.
- As is further stated in that resolution, acts of terrorism endanger innocent lives and the dignity and security of human beings everywhere, threaten the social and economic development of all States and undermine global stability and prosperity.

12. With regard to the request to provide clarification concerning the precise scope of application of the 2020 Royal Decree exempting persons who were under the age of 18 at the time of committing a crime from the death penalty

- As stated in the Kingdom's previous responses, Saudi Arabia is committed to promoting and protecting human rights, the most important of which is the right to life.
- Article 1 of the 2018 Juveniles Act defines a juvenile as a male or female between 7 and 17 years of age. The Act defines the rules and procedures for dealing with juvenile offenders and the cases in which they are involved, including in relation to age-appropriate arrest, detention, investigation and trial procedures that serve the interest of correcting their behaviour. Article 15 stipulates that juvenile offenders who are under the age of 15 at the time of committing a punishable act or acts can receive only those penalties prescribed in the Act for this age group, namely: "a warning, deliverance to whichever parent with whom the juvenile lives, a ban on visiting certain locations for a set time period, a ban on performing certain jobs, referral to social monitoring in the home environment for a set period of time, an obligation to perform certain duties for a set period of time, or, where the

juvenile was 12 years or older at the time of the offence, placement in a social or therapeutic institution for a set period of time.” If the juvenile is aged 15 years or older at the time of committing the punishable act or acts, the prescribed penalties may be applied with the exception of imprisonment. Instead of imprisonment, juveniles are placed in detention centres; this penalty carries no minimum term and a maximum term of no more than half that prescribed for adult offenders. In the case of capital offences, juveniles are placed in a detention centre for no more than 10 years.

- The scope of the Royal Decree of March 2020 is clearly and precisely defined. It prevents the enforcement of final judgments imposing the death penalty on juveniles for *ta'zir* offences (for which punishment is at the discretion of the judge) and ensures that the penalties prescribed in the Juveniles Act are applied for all offences, without exception. According to the penalties prescribed in article 15 of the Act, capital offences shall be punishable by confinement in a detention centre for a period not exceeding 10 years. The Decree also provides for the inclusion or amendment of all implementing regulations applicable to accused juveniles and requires the imposition of the penalties prescribed in the Juveniles Act to all offences without exception at any stage of trial.
- As indicated in the Kingdom's previous responses, the 2020 Royal Decree was immediately brought into force and implemented following its promulgation in March 2020. Consequently, the State suspended the application of all death sentences issued for *ta'zir* offences against juveniles who were under the age of 18 years at the time of offence. The Public Prosecution Service transferred all relevant case files to the competent court, and the prosecutor requested that the judgments handed down against such persons be reviewed and that the penalties specified in article 15 of the Juveniles Act should be imposed. The juveniles were retried in accordance with the established procedures and sentenced by a court of first instance to a period of imprisonment of 10 years starting from the date of their arrest, in accordance with article 15 of the Juveniles Act and article 215 of the Code of Criminal Procedure, which stipulates that: “If a convicted person is sentenced to a term of imprisonment and has already served part of that term while being detained in connection with the case that has been adjudicated, the period of such detention shall be deducted from the prison term.” The rulings were subject to judicial review before a higher court, and the juveniles were released once they had served their sentences.

- The Kingdom is committed to the human rights treaties that it has ratified and carries out its obligations pursuant to them. 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.
- 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, consistent with international human rights standards set out in the Arab Charter on Human Rights and 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.
- The Kingdom respects international norms applicable to juveniles, including the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).
- The Kingdom wishes to reaffirm that it responds to all letters, appeals and communications and clarifies all relevant facts in line with its policy of cooperation with international human rights mechanisms.
- The Kingdom wishes to remind the thematic special procedures mandate holders of the Human Rights Council who authored the joint communication of the Code of Conduct for Special Procedure Mandate Holders of the Human Rights Council issued under Human Rights Council resolution 5/2 of 18 June 2007. In particular, it wishes to draw attention to the following:
 1. Mandate holders should always seek to establish the facts, especially with regard to allegations and assertions from sources, on the basis of 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 provided by the Kingdom concerning cases, in accordance with article 6 (b) of the Code of Conduct.
 3. They should evaluate all information, in particular allegations and assertions received from sources, in the light of internationally recognized human rights standards relevant to their mandate and of international

conventions to which the State concerned is a party, in accordance with article 6 (c) of the Code of Conduct.

4. They should ensure that communications regarding cases are not manifestly unfounded or politically motivated, in accordance with article 9 (a) of the Code of Conduct.

5. They should ensure that the person or group of persons who submit the communication are acting in good faith, in accordance with human rights principles, that they are free from politically motivated stands or stands that are contrary to the provisions of the Charter of the United Nations, and that they claim to have direct or reliable knowledge of the violations substantiated by clear information, in accordance with article 9 (d) of the Code of Conduct.

6. They should ensure that communications regarding cases are not based exclusively on reports disseminated by mass media, in accordance with article 9 (e) of the Code of Conduct.

7. They should bear in mind the need to ensure that their personal political opinions are without prejudice to the execution of their mission, and they should base their conclusions and recommendations on objective assessments of human rights situations, in accordance with article 12 (a) of the Code of Conduct.

8. In implementing their mandate, they should show restraint, moderation and discretion so as not to undermine the recognition of the independent nature of their mandate or the environment necessary to properly discharge the said mandate, in accordance with article 12 (b) of the Code of Conduct.

9. They should indicate fairly and without any curtailment what responses were given by the Kingdom, in accordance with article 13 (a) of the Code of Conduct.

10. They should ensure that their declarations on the human rights situation in the country are at all times compatible with their mandate and the integrity, independence and impartiality which their status requires, and which is likely to promote a constructive dialogue among stakeholders, as well as cooperation for the promotion and protection of human rights, in accordance with article 13 (b) of the Code of Conduct.