



Ref. No. 413/ 1139

Geneva, 11 November 2023

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and Other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights, the Office of the Special Procedures Branch, and would like to refer to the letter's **JOINT COMMUNICATION Ref. UA SAU 8/2023 dated 11 September 2023**. The Permanent Mission has the honor to attach herewith the reply of the Saudi Government on the aforementioned communication.

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and Other International Organizations avails itself of this opportunity to renew to The Office of the High Commissioner for Human Rights; the Office of the Special Procedures Branch the assurance of its highest consecration.



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Permanent Mission of the Kingdom of Saudi Arabia To the United Nations, Geneva

Subject:

Claims and questions regarding the case of Saudi national [REDACTED] submitted by the United Nations special rapporteur on extrajudicial, summary or arbitrary executions, the working group on arbitrary detention, the special rapporteur on freedom of opinion and expression and the special rapporteur on the independence of judges and attorneys, as special procedures mandate holders of the Human Rights Council, ref. no. UA SAU 8/2023 (11 September 2023).

Study and opinion:

Having studied and become acquainted with the subject, we are minded to respond as follows:

1. Regarding the request to provide additional information and comments on the said allegations

- The Kingdom cooperates with and responds to the queries and requests of all United Nations human rights agencies. The Kingdom meets the international commitments arising from its accession to human rights conventions and its procedures are consistent with international standards and commitments under international humanitarian law. Allegations submitted are investigated and all relevant facts are clarified.
- The information in joint communication UA SAU 8/2023 (11 September 2023) is inaccurate, contains false claims and allegations and is based on unsubstantiated and unreliable sources. In this context, we would like to affirm the following:
- The laws of the Kingdom provide numerous legal assurances, guaranteeing the right of the accused to a fair and open trial before an independent judiciary.
- The laws of the Kingdom guarantee everyone due process and a fair, independent and open trial. The judiciary in the Kingdom draws its authority and principles from the Islamic sharia, which requires justice as the basis of judgement and is the guarantee of judicial independence. Article 46 of the Basic Law of Governance stipulates that the judiciary is an independent authority and there is no authority over judges in the dispensation of their judgements save the authority of Islamic sharia. *Article 1 of the Judiciary Act states that judges are independent and, in the administration of justice, shall be subject to no authority other than the provisions of sharia and the laws in force. No one may interfere with the judiciary.* Article 48 of the Basic Law of Governance stipulates that the courts shall apply the rules of Islamic sharia in the cases brought before them, guided by the Holy Qur'an, the Sunna of the Prophet and such laws as have been promulgated by the government in a manner consistent with the Holy Qur'an and Sunna. Under article 49 of the same Law, the courts in the Kingdom have jurisdiction to rule in respect of all disputes and criminal

cases save those falling under the jurisdiction of the Board of Grievances (the administrative judiciary).

- The laws of the Kingdom guarantee the fair and public trial of an accused person before a competent, independent and duly constituted court, enabling the accused to defend himself, engage an attorney and challenge judicial decisions. Verdicts are subject to judicial review before a higher court.
- Legal provisions in the Kingdom are designed to strengthen and protect human rights in general and the rights of the accused in particular. They guarantee enjoyment of numerous assurances, including access to essential legal assistance from the moment of arrest through the investigation and trials stages, in accordance with article 4(1) of the Code of Criminal Procedure, which affirms the right of the accused to appoint an attorney or counsel of his choosing to defend him during the investigation and trial.
- All the laws of the Kingdom are formulated with sufficient precision and clarity; they contain no ambiguity or loosely-worded expressions and can be understood by anyone in such a way as to enable him/ her to regulate his or her conduct accordingly. Laws are posted on government websites and published elsewhere. The Kingdom is committed to the human rights conventions to which it has become party and laws are subject to review, update and development on an ongoing basis, in line with local and international developments. National law criminalizes terrorism and punishes the perpetrators thereof. Thus, the Terrorist Crimes and Terrorism Financing Act provides a clear definition of terrorist crime and the financing of terrorism consistent with international rules and the Kingdom's international commitments. It sets out the appropriate measures to be taken and the procedural aspects relating to arrest, detention, appointment of attorneys, temporary release and the court having jurisdiction to hear relevant cases. It sets out criminal acts and punishments. Furthermore, the act covers the establishment of specialized centres tasked with educating detainees and convicts to promote their reformation; it also sets up reformatories and rehabilitation centres to facilitate the integration in society of those convicted of such crimes. In the light of the above, it is clear that the principle of legal certainty is one of the core criteria on which the Kingdom's legislature bases its penal provisions, including those of the Terrorist Crimes and Terrorism Financing Act.
- The death penalty is carried out only after a criminal has been found guilty of committing a crime punishable by death under the law and pursuant to a verdict that has acquired absolute finality. The ongoing comprehensive review and development of criminal law, including the death penalty and action to narrow the scope thereof, does not prevent implementation of a verdict. Having acquired absolute finality, a verdict must be carried out, pursuant to an operative legal provision. This is consistent with the settled, general rules of criminal law.
- International human rights law does not categorically forbid the death penalty, it merely puts checks on its application, including enforcement only in the most serious cases.

2. Regarding the request to provide detailed information on the consistency of capital punishment in the case of [REDACTED] with international

human rights law, in the light of allegations of improper trial procedures, noting that he was condemned for expressing his opinions on social media.

- An initial discretionary verdict (open to challenge) was handed down against the aforementioned on 17 August 2023, sentencing him to death for having been found guilty of committing criminal acts under the laws of the Kingdom. These acts include: embracing the criminal ideology of excommunication (*takfir*) and the excommunication of anyone having dealings with western States and entities, including security personnel (inciting murder by permitting them to be killed); supporting a terrorist entity whose aims include undermining the security and stability of the Kingdom; and supporting terrorist ideology and the methods of those who commit terrorist acts and promote terrorist ideology. This was adequately established by the court on the basis of evidence, including the confession of the aforementioned before the court, the arrest and search records, technical reports and deliberations of the court, including the hearing and discussion of statements. The court verified all the evidence brought against the defendant, according full respect to the Kingdom's international commitments. The evidence, facts of the case and crimes he is accused of having committed were assessed on a fair and individual basis.
- The procedures at the trial of the aforementioned were consistent with international standards of due process and accorded with the laws and executive regulations of the Kingdom and international human rights law: the aforementioned received a fair trial before an independent and impartial court (the Specialized Criminal Court), a court established by decision of the Supreme Judicial Council. Article 6 of the Judiciary Act grants the Supreme Judicial Council authority to establish courts, determine their territorial and special jurisdiction and to merge or abolish courts. The establishment of the Specialized Criminal Court is one of the measures taken to promote justice in the Kingdom. It is part of the system of public judiciary and applies the same judicial procedures as other criminal courts constituted under the Judiciary Act, the Code of Criminal Procedure and the Code of Sharia Procedure. The trial of the aforementioned took place in open court, attended by the defendant, his attorney and representatives of the Human Rights Commission, in implementation of the principle of openness, pursuant to article 154 of the Code of Criminal Procedure.
- The laws of the Kingdom protect freedom of thought and expression and guarantee that everyone can exercise this right as long as the law, public morals and social norms are not thereby transgressed. This limitation is consistent with relevant international standards, principally article 29(2) of the Universal Declaration of Human Rights which stipulates that, in the exercise of his rights and freedoms, the individual is subject to such limitations only as are determined by law in order to ensure recognition and respect for the rights and freedoms of others and the demands of public order, public interest and morality. Furthermore, article 19 of the International Covenant on Civil and Political Rights affirms the right of each person to hold and express his or her own views without harassment, while accepting that this right is subject to certain limitations, including

respect for the rights and reputation of others and the protection of national security, public order, public health and morality.

- Under Saudi law, the death penalty is only handed down and carried out for the most serious offences and within the narrowest of limits after all judicial procedures at all degrees of court have concluded. The laws of the Kingdom provide assurance of a fair trial and due process consistent with the Kingdom's international commitments under international human rights law. Initially, the case will be heard jointly by the court of first instance before three judges. Their verdict is then passed up to the second degree court (court of appeal), even if none of the parties seek to challenge the verdict; there it is scrutinized by a criminal chamber consisting of five judges. If the appeal court upholds the verdict, it must be passed up to the Supreme Court to be scrutinized by a further chamber of five judges. If the Supreme Court upholds the verdict, the stages of judicial hearing are complete and the verdict becomes final and must be applied.
 - The procedures and guarantees adopted in the case of the aforementioned are consistent with international standards for a fair trial and due process stated in articles 3, 9, 10, 11(1) and 19 of the Universal Declaration of Human Rights, article 14(1) of the International Covenant on Civil and Political rights and the safeguards protecting the rights of persons facing the death penalty adopted by the United Nations Economic and Social Council (E/RES/1984/50) on 25 May 1984.
 - The case of Saudi national [REDACTED] remains pending. The aforementioned and his attorney have challenged the verdict of the court of first instance and submitted an appeal. The case file has been sent to the specialized criminal court of appeal where the appeal will be heard.
 - The Human Rights Commission is monitoring the case of the aforementioned and it is evident to the commission that the procedures followed are sound. The commission also affirms that no human rights-related laws and regulations have been transgressed. Indeed, the commission has observed nothing that might indicate a violation of rights. The commission's competence includes ensuring compliance with rights and assurances and the implementation of human rights-related laws. The commission will continue to monitor the case.
- 3. Regarding the request to provide detail of tweets attributed to [REDACTED] which represent the basis of the criminal charges leading to imposition of the death penalty**
- It has already been explained that the aforementioned was found guilty of committing criminal acts under the laws of the Kingdom. These acts include: embracing the criminal ideology of excommunication (*takfir*) and the excommunication of anyone having dealings with western States and entities, including security personnel (inciting murder by permitting them to be killed); supporting a terrorist entity whose aims include undermining the security and stability of the Kingdom; and supporting terrorist ideology and the methods of those who commit terrorist acts and promote terrorist ideology. This was adequately established by the court on an evidentiary basis, including the confession of the aforementioned before the court, the arrest and search records, technical reports and deliberations of the court, including the hearing and discussion of statements. The court verified all the

evidence brought to bear against the aforementioned, with due regard to the Kingdom's international commitments; the evidence, facts of the case and crimes he is alleged to have committed evidence were assessed on a fair and individual basis.

- The laws of the Kingdom guarantee respect for the principle of presumption of innocence. A penal sentence may only be imposed after a person has been found guilty of committing an act outlawed in sharia or statutory law in a trial conducted in accordance with due process. The laws of the Kingdom contain numerous assurances to regulate the course of criminal cases and guarantee the rights of the accused, while ensuring that the presumption of innocence (the basic principle) is not abandoned in favour of a presumption of guilt, unless proven in court in the form of a final verdict.
- In delivering his verdict, the judge did not rely exclusively on confessions but on the totality of evidentiary support, including the confession of the aforementioned made before the court, the arrest and inspection records, witness statements and court deliberations and discussions, in the course of which a number of measures, including witness testimony and review of transcripts and eye witness statements, were admitted. He also called upon expert testimony, including that of the pathologist. The court is the final arbiter and the measures the judge adopts provide assurance and protection for the litigating parties.
- It is worth noting that the acts of which the aforementioned was found guilty have an impact on national security and seek to stir up dissension, create havoc and undermine public security. They are acts that cannot be justified under any circumstances, whatever considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature may be invoked to justify them, in accordance with paragraph 3 of the Measures to Eliminate International Terrorism. The verdict handed down against the aforementioned was the result of there being sufficient evidence to find him guilty of committing a number of terrorist offences. His trial is still to take place, within a reasonable period of time, taking into account the gravity of the offences with which he is charged and severity of the punishment. The aforementioned enjoys all his rights, including the right to defend himself against the charges levelled against him. Furthermore, the laws of the Kingdom provide adequate and necessary protection of human rights, pursuant to international standards.
- The Kingdom affirms that terrorism in all its forms and guises, regardless of the perpetrators, wherever committed and whatever its objectives may be, represents one of the most insidious threats to international peace and security, as affirmed by international charters, instruments and decisions, including resolutions of the United Nations General Assembly, such as A/RES/60/288 (2006).
- Terrorists and their backers are making increasing use of communications technology and the Internet to spread the ideology of extremism that begets terrorism and to mobilize and incite others to commit terrorist acts. The Kingdom seeks to work with Member States of the United Nations within a framework of cooperation to deny terrorists the use of telecommunications technology to incite support for terrorist acts while. At the same time, the Kingdom is anxious to respect human rights, core freedoms and compliance

with other existing obligations under international law, pursuant to S/RES/2178 (2014).

- The Kingdom's starting point in the fight against terrorism is its national laws, which are consistent with international standards. Under no circumstances are terrorist acts justifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature invoked to justify them. This is affirmed by S/RES/1566 (2004).

4. Regarding the request to clarify the legal basis for the arrest of [REDACTED] and how this is compliant with international human rights standards

- Saudi national [REDACTED] was arrested on 11 June 2022 under an arrest warrant issued by the competent authority and held at the prison of the General Investigation Directorate (*al-Mabahith*), Jeddah governorate, under a detention order, which was extended pursuant to articles 2, 5 and 19 of the Terrorist Crimes and Terrorism Financing Act. Charged with committing terrorist offences, his case is pending. The detention order is based on legal grounds that permit his detention given that the crime he is charged with is sufficiently serious to warrant being held in custody.
- The aforementioned was informed immediately on the day of his arrest (11 June 2022) of the reasons for his arrest and detention, the charges against him and his legal rights, appending his signature in acknowledgement. He was informed of his right to engage an attorney or counsel and the right to contact a person of his choice to advise of his arrest or detention, pursuant to article 36(1) of the Code of Criminal Procedure, which stipulates: *Detainees shall be treated decently and not subjected to any bodily or moral harm; detainees shall be advised of the reasons for their detention and entitled to contact a person of their choice to advise of their arrest.* Article 116 of the same code stipulates that anyone arrested or detained shall be notified immediately of the reasons for his arrest or detention and shall be entitled to contact a person of his choice to advise of the arrest or detention. Article 22 of the executive regulations of the Code of Criminal Procedure requires a person arrested or detained to be informed of the charges brought against him, to be entitled to engage an attorney at the investigation and trial stages and to contact a person of his choice to advise of the arrest. The accused shall sign in acknowledgement thereof. Article 101(1) stipulates that, when the accused appears for initial questioning, the investigator shall record all his personal information and inform him the charge sheet.
- The right to challenge the legality of arrest or detention is guaranteed to all persons in custody, pursuant to article 115 of the Code of Criminal Procedure, which stipulates: *Upon detention of the accused, the original text of the detention warrant shall be delivered to the detention centre officer who shall sign a copy thereof of as an acknowledgement of receipt.* A person on remand may appeal his detention order or extension thereof to the head of the relevant investigation department, the head of the branch of the Bureau of Investigation and Public Prosecution, the chairman of the Bureau of Investigation or the public prosecutor, according to the situation. Appeals shall be decided within five days of submission date. The Public Prosecution Service is an independent body and part of the judicial authority. No one may interfere with its work, pursuant to the Public

Prosecution Service Act. The service acts as a guarantee to protect the rights of detainees, ensuring that their personal freedom and security are not violated.

- The measures taken in the case of the aforementioned are consistent with relevant international standards, including those set out in article 9 of the Universal Declaration of Human Rights, which stipulates: *No one shall be subjected to arbitrary arrest, detention or exile.* Articles 9(1, 2) of the International Covenant on Social and Political Rights make reference to the right of the individual to enjoy personal freedom and security: *Everyone has the right to liberty and freedom of person.* It cautions against arbitrary arrest and detention and affirms that no one shall be deprived of liberty except on such grounds as are established by law. It points out the need to inform the detainee at once of the reasons for his detention and the charges brought against him. Principle 1 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment stipulates: *All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.* Principle 2 stipulates: *Arrest, detention and imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.*

5. Regarding the request to provide detailed information on the terrorist acts with which [REDACTED] is charged, including the reasons for imposing the death penalty and how this complies with the principles of legality, necessity, proportionality and non-discrimination

- It has previously been explained that the aforementioned was found guilty of committing terrorist crimes, including embracing the criminal ideology of *takfir* and excommunication of anyone having dealings with western States and entities, including security personnel (inciting murder by permitting them to be killed); supporting a terrorist entity whose aims include undermining the security and stability of the Kingdom; supporting terrorist ideology and the methods of those who commit terrorist acts; and promoting terrorist ideology. This was adequately established by the court on the basis of the evidence, including the arrest and search records, technical reports and deliberations of the court, including discussion of statements. The court verified all the evidence against the defendant, taking into account the Kingdom's international commitments. The evidence, facts of the case and crimes he is alleged to have committed were assessed on a fair and individual basis.
- Under Saudi law, capital punishment is only handed down for the most serious offences, within the narrowest of limits and after all judicial procedures in the different levels of court have been completed, as previously explained.
- Terrorist offences are among the gravest of crimes, punishable under the operative laws in the Kingdom. The Kingdom has suffered from such crimes, which have caused the deaths of innocent men, women and children, shed the blood of the blameless and damaged property and honour. Terrorists have even taken the lives of mothers and fathers. They have

targeted places of worship, government offices and the vital facilities on which the national economy depends. They have spied on, targeted and killed officials and delegates and impersonated and killed security personnel. They have laid landmines, thrown hand grenades and carried out kidnappings rape and armed robbery. They have smuggled firearms, ammunition and grenades into the Kingdom with the aim of undermining security, sowing dissension and strife, creating havoc and chaos and carrying out the plans of terrorist entities hostile to the Kingdom.

- The Kingdom affirms its protection and promotion of human rights by applying the principle of legality, whereby there shall be no crime or punishment save on the basis of a sharia or statutory provision and no punishment save for acts committed subsequent to the introduction of a statutory provision. The principles of necessity and proportionality are core standards upon which the legislature in the Kingdom bases penal stipulations such that the punishment is appropriate to the nature of the crime committed.
- All persons are equal before the law and have the right without discrimination and on the basis of equality to the protection and benefits afforded by the law. All nationals and residents are treated equally before the law. Neither the death penalty nor other punishments are handed down on a basis of discrimination. Everyone has the right to resort to national courts to seek justice and safeguard rights. Thus article 47 of the Basic Law of Governance stipulates that *the right to litigation is guaranteed to citizens and residents of the Kingdom on an equal basis. The law defines the required procedures.*
- The Kingdom affirms the principle of equality. As such, all nationals enjoy their rights in full on a basis of equality. They have the same rights and duties and enjoy equal rights in all spheres. The Kingdom's laws and legislation contain not a single instance of a discriminatory provision against anyone. In fact, discrimination is a crime and, as such, a punishable offence. Article 8 of the Basic Law of Governance seeks to promote equality and combat discrimination, stipulating: *Governance in the Kingdom of Saudi Arabia is based on justice, shura (consultation) and equality according to Islamic sharia.* Article 11 stipulates that *Saudi society is based on full adherence to God's guidance. The members of this society shall cooperate amongst themselves in charity, piety, solidarity and cohesion.* Article 26 stipulates that *the State shall protect human rights in accordance with the sharia.* The Kingdom is committed to the human rights conventions to which it has become party, including the International Convention on the Elimination of All Forms of Racial Discrimination, which it treats as part of national law.
- No one is detained in the Kingdom for exercising rights and freedoms. Indeed, all nationals and residents, both men and women, enjoy the exercise of their rights and freedoms, without discrimination, in accordance with the laws in force. No group, regardless of title or status has priority in respect of the enjoyment of rights or exercise of freedoms. Anyone whose rights have been violated may submit a complaint in accordance with the procedures for legal redress. All agencies of State are subject to the law and required to treat people

fairly regardless of religion, race, gender or nationality. In the event that an agency of State or one of its representatives violates any right, there are several mechanisms that provide practical and effective guarantees of redress in accordance with the law, including the judiciary and governmental and non-governmental human rights organizations.

- The Terrorist Crimes and Terrorism Financing Act makes it obligatory to combat terrorism and the financing of terrorism and to punish the perpetrators of such offences in order to preserve the security and peace of the local and international communities, in line with international standards and the United Nations Global Counter-Terrorism Strategy on combating and preventing terrorism.

6. Regarding the request to provide the legal reasons for holding ██████████ ██████████ in solitary confinement and isolated from the outside world, indicating a violation of acceptable international standards

- The law grants the investigating body the right to prevent the accused from contacting third parties for a set period of time in exceptional circumstances, without prejudice to the right of the accused to contact relatives or his 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) and principle 16(4) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

- In this regard, the Kingdom stresses that measures to prevent the accused from contacting third parties in the Kingdom are subject to certain legal restrictions. The Kingdom treats torture as a criminal offence, punishable by law. Thus, the Terrorist Crimes and Terrorism Financing Act stipulates that solitary confinement shall only be imposed in exceptional circumstances set out in law, without prejudice to the right of the accused to inform relatives of his arrest. The court has the right to issue an order forbidding communication with the accused or visiting him for a period of not more than 90 days, if it so requires (art. 20). If he objects then, pursuant to article 39 of the Code of Criminal Procedure, *a prisoner or detainee may submit, at any time, a written or oral complaint to the warden of the prison or detention centre and request that he refer it to a member of the Bureau of Investigation and Public Prosecution. The director shall accept the complaint and promptly report it, entering it in a special register, and provide the prisoner or detainee with proof of receipt. The administration of the prison or detention centre shall allocate an office for the designated member of the Bureau of Investigation and Public Prosecution to monitor the condition of prisoners and detainees.*

7. Regarding the request to clarify the measures taken during placement in solitary confinement to ensure that ██████████ was not subject to torture or mistreatment

- The aforementioned was well treated, ensuring his dignity and guaranteeing his rights in full. The laws of the Kingdom forbid doing bodily or moral harm to persons under arrest or subjecting them to torture or degrading treatment. Interrogation is to be conducted in a manner that does not affect the will of the accused to make a statement; he may not be asked to swear

on oath or be placed under duress. The Kingdom treats torture as a criminal offence, punishable by law.

- The Kingdom takes account of the gravity of the crime of torture and has adopted effective measures to prevent the commission or attempted commission of torture. Perpetrators are subject to the severest penalties in law, regardless of their status. If the court receives a complaint or has doubts or good reason to believe that the accused (the victim) has been tortured, it will immediately carry out an investigation, even if not called for. If it is established that torture has been committed, a criminal case will be brought against the accused, followed by punishment, bringing justice to and redress for the victim of torture.
- It is worth noting that the Kingdom's laws contain a body of assurances and measures to guarantee that no detainee or inmate is subjected to torture, mistreatment or other forms of cruel, inhuman or degrading treatment. Thus, article 2 of the Code of Criminal Procedure forbids doing bodily or mental harm to persons under arrest or subjecting them to torture or other degrading treatment. Article 36 of the Code stipulates: *Detainees shall be treated decently and not subjected to any bodily or moral harm; detainees shall be advised of the reasons for their detention and entitled to contact a person of their choice to advise of their arrest.* Article 102 stipulates: *Interrogation shall be conducted in a manner that does not affect the will of the accused to make a statement; he may not be asked to take an oath or put under duress.* Interrogations may only be conducted in the premises of the investigating authority, unless the investigator deems otherwise.
- Prisoners and detainees may not be assaulted for any reason whatsoever. Thus, article 28 of the Imprisonment and Detention Act affirms that prisoners and detainees may not be subjected to any form of assault and provides for disciplinary action against civil or military officials who commit such acts, without prejudice to any criminal penalties to which they may be liable. Under article 8(2) of Royal Decree No. 43 (1958), it is prohibited for anyone acting in an official capacity to engage in coercion and mistreatment involving torture, cruelty, confiscation of assets or denial of personal freedoms, as well as the imposition of exemplary punishment or fines, imprisonment, exile, house arrest and unlawful entry. The penalty for such acts is imprisonment for a term of up to 10 years.
- All prisons and places of detention in the Kingdom are subject to monitoring and inspection and, in the event of violation, the necessary measures will be taken. Members of the Public Prosecution Service shall supervise the actions of inspectors in the conduct of their duties, in accordance with article 25 of the Code of Criminal Procedure.
- To strengthen the mechanisms ensuring protection of the rights of prisoners and detainees, the Human Rights Commission, pursuant to article 5(6, 7) of its statute, makes unannounced visits to prisons to receive human-rights related complaints and check on the health of prisoners and detainees. The commission will then take the necessary legal measures. The National Society for Human Rights – a non-governmental organization – also visits prisons and places of detention to receive complaints. Furthermore, the Public Prosecution Service maintains offices in prisons. A number of prisons also host offices of the Human Rights Commission and National Society for Human Rights to monitor the condition of prisoners and receive

complaints at first hand. The laws of the Kingdom require all agencies of State to treat people fairly regardless of religion, ethnicity, gender or nationality. In the event that an agency of State or one of its representatives violates any right, there are several mechanisms that provide practical and effective guarantees of redress in accordance with the law, including the judiciary and governmental and non-governmental human rights organizations.

- The Kingdom is committed to the human rights conventions to which it is party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which have become part of national law and are consistent with the Kingdom's commitments in the sphere of human rights.
- Persons in custody receive suitable medical care free of charge in accordance with the operative laws and directives in the Kingdom. This includes a thorough check-up and all laboratory tests without exception upon admission. A detailed medical report is prepared, describing the inmate's health condition and giving the results of laboratory tests, as well as medical recommendations; additionally, a photograph is attached. If an inmate suffers from a pre-existing condition, the causes are identified medically and a course of treatment proposed. To protect inmate privacy, the authorities may not disclose any medical information. Depending on the nature of their condition an inmate may be referred to a hospital outside the prison on the basis of medical advice. All medication needed by inmates is available. The inmate is able to contact his family, as this has a positive impact on his/ her health. An inmate's consumption of the medication dispensed is monitored to ensure that it is taken at the proper times, as determined by specialists. Each prison has a general hospital staffed by trained medical personnel and there are clinics specializing in internal medicine, urinary tract, dermatology, dentistry, psychology, osteopathy, cardiology, neuropathy, ear, nose and throat, ophthalmology, obstetrics and gynaecology, physiotherapy, radiology, tomotherapy and magnet therapy. Clinics are provided with the most up-to-date medical equipment and on a single day may carry out operations to remove the tonsils, appendix, piles and gall bladder. Other operations are carried out in government hospitals outside the prison and inmate health is monitored.
- Prisoners and persons in custody are offered training and vocational programmes and financial assistance for themselves and families, as well as help repaying debts. Upon release, they receive financial support and help with finding suitable employment.

8. Regarding the request to provide the legal reasoning preventing [REDACTED] from being defended by an attorney of his choice during his detention and how this is consistent with international standards of due process

- The aforementioned was immediately informed of his legal rights on the day of his arrest (11 June 2022) and signed an acknowledgement thereof. These included the right to engage legal counsel or attorney of his choice at the investigation and trial stages, pursuant to article 4(1) of the Code of Criminal Procedure. This right is bolstered by article 22(b) of the executive

regulations of the Code of Criminal Procedure. If the accused lacks the financial ability to appoint an attorney, he may request the court to appoint one to defend him at State expense, pursuant to article 139 of the Code of Criminal Procedure.

- The aforementioned asked for an attorney to defend him and act on his behalf at State expense pursuant to an application submitted to the court.
- In this regard, we would like to stress the unsoundness of the allegation made in the joint communication that the attorney of the aforementioned was denied the opportunity to call witnesses. In fact, the memorandums of response submitted by him show that no witnesses were summoned to refute the accusations against the aforementioned.
- All parties to litigation have the right to request that their chosen witnesses be called and their evidence be . They also have the right, in accordance with article 163 of the Code of Criminal Procedure, to request that a specific investigative measure be taken.
- The laws of the Kingdom protect the legal profession and enable attorneys to perform their duties effectively and independently without fear of retribution, interference, intimidation, obstruction or harassment. The profession of attorney in the Kingdom involves contributing to the course of justice by defending the rights and freedoms guaranteed by law. Attorneys in the Kingdom enjoy independence, protection of the law and freedom to litigate on behalf of third parties without restriction save as the law stipulates. Under article 13 of the Code of Legal Practice, an attorney shall adopt the approach he believes is most likely to be successful in defending his client. He may not be held accountable for his written or oral pleadings in the exercise of the right of defence. To bolster the role of the attorney, article 19 of the same code requires all judicial bodies and investigative authorities to provide an attorney with the facilities he requires to carry out his duties, enabling him to peruse case papers and attend questioning. His requests may not be refused without legitimate reason. Furthermore, the statute of the Saudi Bar Association includes several provisions designed to support the role of the attorney in strengthening and protecting human rights.
- Given the foregoing, it is clear that the measures taken with regard to [REDACTED] are consistent with the relevant international standards, including principle 2 of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems; principles 17 and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; principle 9 of the Basic Principles and Guidelines on the Right to a Remedy and Reparation; the measures relating to the right of all persons deprived of liberty in the form of arrest or detention to bring a case before the courts; and article 14(3) of the International Covenant on Civil and Political Rights.

9. Regarding the request to provide information on the circumstances of the detention of [REDACTED], including communication with his family and attorney and access to medical care, in a manner consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)

- In common with other inmates and detainees, the aforementioned receives essential medical care and his health is good. He has attended a number of clinics (internal medicine and general medicine) and been prescribed appropriate medication. He is monitored by these clinics on a regular and systematic basis and enjoys good health.
- Since his arrest, he has enjoyed his right of visitation on a regular and systematic basis: he has received 11 public visits, the last of which was on 9 October 2023; six private visits, the last of which was on 8 October 2023; and he has received 48 calls, the last of which was on 22 October 2023. He is able to meet with his attorney regularly in his place of detention to discuss the case and seek advice.
- All inmates and detainees are subject to medical examination immediately upon admission. Furthermore, prisoners receive regular check-ups in accordance with paragraph 5 of the schedule of medical services. All prisoners and detainees receive medical care in accordance with article 22 of the Imprisonment and Detention Act. Furthermore, all places of detention and prisons are subject to judicial, administrative, health and social inspection pursuant to article 5 of the act, which stipulates: *prisons and places of detention shall be subject to judicial, administrative, health and social inspection, in accordance with the executive regulations*. Inmates and detainees enjoy the right to receive visits and to keep in touch with the outside world, in accordance with article 12 of the act. Furthermore, inmates and detainees have the right to file a complaint in the event of the violation of any of these rights, according to article 39 of the Code of Criminal Procedure, which stipulates: *Any prisoner or detainee may submit, at any time, a written or oral complaint to the warden of prison or detention centre and request that he refer it to a member of the Bureau of Investigation and Public Prosecution. The warden shall accept the complaint and promptly report it, entering such complaint in a special register, and provide the prisoner or detainee with proof of receipt. The administration of the prison or detention centre shall allocate an office for the designated member of the Bureau of Investigation and Public Prosecution to monitor the condition of prisoners and detainees*.
- The court did not prevent the aforementioned from submitting medical reports on his health. Indeed, the aforementioned and his attorney appended medical reports to the case file; some of these reports were issued more than 22 years ago. However, they contained nothing to absolve him from criminal responsibility.
- Referral of the aforementioned to the medical authorities for consideration of his mental and psychological condition was subject to judicial assessment: following perusal by the chamber hearing the case, the arraignment of the aforementioned and reading of the general indictment, the chamber saw no reason to refer the aforementioned to a specialist in psychiatric medicine.
- In the light of the above, it is clear that, since his arrest, the aforementioned has enjoined all the rights and assurances stipulated in Saudi law, which are consistent with the relevant international standards at the arrest, investigation and arrest stages.
- The measures taken in the course of the arrest of the aforementioned are consistent with the United Nations Standard Minimum Rules for the

Treatment of Prisoners (the Nelson Mandela Rules), particularly rule 58, which stipulates: *Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals*; rule 24(1), which affirms the role of the State in providing access to the same level of health care for all; rule 30, relating to the medical examination of prisoners upon admission to prison and as necessary thereafter; and rule 56(1), which stipulates: *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.*

10. Regarding the request to provide information on measures for pardoning individuals sentenced to death

- The Kingdom protects and promotes human rights in accordance with Islamic shariah, which protects human rights and dignity, chief among these being the right to life, right to bodily integrity, right to security and protection of property and honour.
- The case of the aforementioned remains pending before the courts. In respect of a verdict delivering a sentence of death, the law requires the case file to be passed to the court of appeal, even if neither of the litigating parties should request it.
- The right to challenge verdicts in criminal cases is guaranteed under article 9 of the Code of Criminal Procedure. Furthermore, article 204 of the Code of Criminal Procedure sets out the right of the litigating parties to request a reconsideration of a final verdict in specific cases.
- Under Saudi law, the death penalty is only handed down for the most serious offences and within the narrowest of limits. It is only delivered or carried out after all judicial procedures in the different levels of court have concluded, as previously explained.
- Saudi law provides full assurances of a fair trial within the framework of international standards and mandatory legal measures, consistent with the Kingdom's commitments under international human rights law. These include assurances protecting the rights of persons facing the death penalty, adopted by the United Nations Economic and Social Council (E/RES/1984/50) on 25 May 1984.
- It is clear from the above that the allegations and claims contained in the joint communication are unsound and that the soundness of the measures taken in the case of the aforementioned has been demonstrated. These measures are consistent with international human rights standards, the Kingdom's commitments under international human rights law and the human rights conventions to which it has become a party.
- In conclusion, the Kingdom affirms that it will respond to all letters, calls and communications submitted and clarify all associated facts with a view to promoting cooperation with international human rights bodies.
- The Kingdom reminds the Special Procedures Mandate-holders of the Human Rights Council who participated in this communication, of the Code of Conduct for Mandate Holders adopted by resolution 5/2 (18 June 2007), in particular the following:

1. Always seek to establish the facts, particularly regarding claims and allegations, based on objective, reliable information emanating from relevant credible sources that have been duly cross-checked to the best extent possible, pursuant to article 6(a) of the said code.
2. Take into account in a comprehensive and timely manner, information provided by the Kingdom concerned with situations relevant to their mandate, pursuant to article 6(b) of the said code.
3. Evaluate all information, particularly claims and allegations from sources received by mandate holders, 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, pursuant to article 6(c) of the said code.
4. Communications should not be manifestly unfounded or politically motivated, pursuant to article 9(a) of the said code.
5. The communication should be submitted by a person or a group of persons claiming to be victim of violations or by any person or group of persons, including non-governmental organizations, acting in good faith in accordance with principles of human rights, and free from politically motivated stands irrelevant or contrary to, the provisions of the Charter of the United Nations, and claiming to have direct or reliable knowledge of those violations supported by clear evidence, pursuant to article 9(d) of the said code.
6. The communication should not be exclusively based on reports disseminated by mass media, pursuant to article 9(e) of the said code.
7. Bear in mind the need to ensure that their personal political opinions are without prejudice to the execution of their mission, and base their conclusions and recommendations on objective assessments of human rights situations, pursuant to article 12(a) of the said code.
8. In implementing their mandate, therefore, [mandate holders] 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, pursuant to article 12(b) of the said code.
9. Bear in mind article 13(a) of the said code and indicate fairly and in full the replies given by the Kingdom.
10. While reporting on a concerned State, 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, pursuant to article 13(b) of the said code.