**Input for the High Commissioner report on Terrorism and Human Rights**

 ***Submission on Saudi Arabia
by European Saudi Organisation for Human Rights***

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**European Saudi Organization for Human Rights (“ESOHR”)** is a non-profit organization established by a group of activists aiming to strengthen commitment to human rights principles in Saudi Arabia. ESOHR’s vision is to expand the area of human rights in all fields, by working to urge the legislature and executive to uphold human rights, to raise awareness and to empower citizens through education

Title: Counterterrorism System and Financing in the Kingdom of Saudi Arabia

**General Framework:**

In 2017, a royal decree was issued approving the counterterrorism and financing system in Saudi Arabia. Saudi Arabia relies on anti-terrorism laws and their enforcement in the penal code against what it considers terrorism, and trials are held in the specialized criminal court for terrorism cases.

According to the law, a terrorist crime is defined as any behavior carried out by the perpetrator, whether individually or collectively, directly or indirectly, intending to disrupt public order, undermine societal security and state stability, endanger national unity, obstruct the basic system of governance or some of its provisions, cause harm to any of the state's facilities or its natural, economic, or financial resources, attempt to coerce any of its authorities into performing or refraining from an action, harm or cause the death of any person when the purpose - by its nature or context - is to intimidate people or coerce a government or international organization into performing or refraining from any action, or threatening to carry out acts that serve the mentioned purposes or inciting them.

Based on the cases of some individuals who have been tried according to the anti-terrorism law, the definition of terrorism is very broad, and the charges related to this crime are discretionary and cannot be limited. For example, individuals are being prosecuted for expressing their opinions and using social media on charges related to terrorism, in addition to participating in peaceful assemblies. Furthermore, public prosecutors have referred human rights defenders, activists, alongside activists, to the specialized court on terrorism charges.

The law stipulates imprisonment for a period of not less than five years and not exceeding 10 years for anyone who directly or indirectly describes the king or crown prince in a manner that undermines religion or justice. It does not require causing death, serious bodily harm, or causing widespread

destruction to issue judgments, including death sentences, allowing the state to use it to suppress protected human rights.

**Measures Taken:**

The provisions of the system show a wide range of measures considered violations of human rights and international law, especially the "Global Counterterrorism Strategy" agreed upon internationally.

The system allows arbitrary arrest and enforced disappearance, as Article 5 allows the public prosecutor to detain the suspect for up to 7 days without a written order, and under Article 19, the public prosecutor is given the right to order the detention of any suspect under the terrorism law for a period of up to 12 months without referring to a court order. In addition, Article 20 of the system deprives the accused of the right to communicate with the outside world, stating that without prejudice to the right to inform the detainee's relatives of his arrest, the public prosecution may order the prevention of contact with the accused or his visit for a period not exceeding ninety days if the interests of the investigation so require. If the investigation requires a longer period of prevention, the matter is referred to the competent court to determine what it sees fit

Furthermore, Article 21 limits the right of the accused to sufficient self-defense from the moment of arrest, stating that without prejudice to the right of the accused to seek the assistance of a lawyer or defense agent, the public prosecution - during the investigation stage - may restrict this right whenever the interests of the investigation so require.

In addition, the counterterrorism and financing system grants extensive powers in detention, surveillance, and travel bans. According to Article 53, in addition to that, anyone tried under the anti-terrorism law is sentenced to a travel ban for the same period as the imprisonment sentence, which is considered a doubled punishment.

**Counter Terrorism and Human Rights:**

The public prosecutor refers cases stipulated in the system to the specialized criminal court, which operates on different principles from ordinary courts, which may make it lacking in fair trial standards.

There is no clear mechanism for legislation in Saudi Arabia, and with the absence of a parliament or elected individuals, laws are not evaluated before adoption in terms of their compatibility with human rights. There is also no civil society in Saudi Arabia capable of monitoring and evaluating any violations in legislation and enforcement. The only specialized entity in Saudi Arabia is the official government Human Rights Commission, which has affirmed that it lacks independence and does not play an active role in protecting and promoting human rights but rather contributes more to whitewashing the image of the Saudi government.

There are no clear mechanisms for redress and accountability in Saudi Arabia with the lack of independence of responsible official bodies, and individuals who are tried under the anti-terrorism law, attempting to file complaints to bodies that are supposed to be responsible such as the Human Rights

Commission or the court, especially regarding torture and ill-treatment in prison, are met with ignorance and, in some cases, punishment.

**Cases:**

The specialized court in Saudi Arabia relied on the anti-terrorism law to issue harsh judgments since 2016. Officially, the Kingdom of Saudi Arabia has implemented death sentences issued by the specialized criminal court in terrorism cases, but arbitrarily, without relying on standards, cases related to expressing opinions and participating in protests have been included as terrorism.

The European Saudi Organization for Human Rights has documented 229 executions carried out by Saudi Arabia from the beginning of January 2016 until the end of February 2024, with judgments issued by the specialized court and in mass executions.

Currently, the European Saudi Organization for Human Rights is monitoring 68 cases of individuals facing the risk of execution after being tried under the counterterrorism and financing system, including 9 minors. According to the information, 2 of the minors, Abdullah al-Durazi and Jalal al-Labbad, face final judgments, and therefore execution could occur at any moment. Additionally, 7 other minors are awaiting approval from the Supreme Court.

In addition to minors, the young man Mohammed al-Faraj faces the death penalty on charges including insulting the royal family by chanting offensive slogans during protests and gatherings. Despite surrendering himself after promises of amnesty due to not facing serious charges, the court sentenced Mohammed al-Labbad to death. The specialized court also sentenced young men from the Huwaitat tribe to death for objecting to plans to forcibly relocate them from their areas.

The public prosecutor also demands, according to the counterterrorism law, the death penalty for detainees on charges related to expressing opinions, such as Sheikh Hassan al-Maliki, Salman al-Awda, and preacher Awad al-Qarni.

In 2023, the specialized criminal court sentenced Mohammed al-Ghamdi, in a trial lasting less than a month, on charges related to expressing opinions and using social media.

In addition to death sentences, Saudi Arabia has used the counterterrorism law to issue harsh judgments, such as sentencing Nora al-Qahtani to 90 years in prison and a travel ban for charges related to tweeting and criticizing the justice and religion of the king and crown prince. Furthermore, Salma al-Shihab was sentenced to 54 years in prison and a travel ban on charges including disturbing societal security and state stability and inciting strife, while Loujain al-Hathloul was sentenced to 5 years in prison and a travel ban for her activities in defending human rights.