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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, special rapporteur of promoting and protecting human rights and principal freedoms in the context of anti-terrorism. We would like to refer to the call of inputs regarding the thematic report on "Pay Due Attention to the Negative Impact of Terrorism on the Enjoyment of all Human Rights and fundamental Freedoms ". In that regard, the Permanente Mission has the honor to attach herewith contribution of the Kingdom of Saudi Arabia to the afore-mentioned report.

The Permanent Mission of the Kingdom of Saudi Arabia avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, special rapporteur of promoting and protecting human rights and principal freedoms in the context of anti-terrorism the assurance of its highest consideration.



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This Memorandum is prepared as a response to the request of the special rapporteur of promoting and protecting human rights and principal freedoms in the context of anti-terrorism, according to the resolution of Human Rights Council 51/24, entitled, "Terrorism and Human Rights," in respect of a request of contribution in preparing his report on "Pay Due Attention to the Negative Impact of Terrorism on the Enjoyment of all Human Rights and fundamental Freedoms," to be provided during session no. (57) of the Human Rights Council. The following is the contribution of the Kingdom of Saudi Arabia to answer the questions of the special rapporteur's questionnaire prepared in this respect:

1. Please provide information on the application of administrative measures in the context of countering terrorism. This includes, but is not limited to, the use of administrative - or security - detention, travel or entry-into-own country bans, movement restrictions, deportation orders, countering the financing of terrorism, terrorism listing of entities and individuals, surveillance, and deprivation of nationality.
2. Please provide information on the regulatory framework used for implementing administrative measures in countering terrorism, and elaborate on the interrelationship between these measures and the use of the criminal justice system to prevent and counter terrorism.

- Article (36) of the Basic Law of Governance states that the State shall provide safety to all its citizens and residents on its territories. It is not premised to restrict freedom of the attitudes of anyone, arrest, or imprison him, except under the provisions of the Law.

- Law of Combating Crimes of Terrorism and its Financing issued by gracious Royal Decree no. (21/m) dated 1/11/2017 and modified by Royal Decree no. (142/m) dated 11/6/2020 includes terrorist crime definition, procedure details concerning arrest,



detention, hiring a lawyer, provisional release, competent court in examining the relevant cases, and determining crimes and penalties. This Law is integrated with criminal procedure Law in criminal justice promotion. Executive regulations of Law were issued under the Prime Minister resolution no. (228) dated 8/1/2019, including detailed provisions of its application.

- Article (4) of Law of Combating Crimes of Terrorism and its Financing and its Funding states the following: "The Presidency of State Security shall be in charge of the investigation of crimes stipulated in this Law, including search, inquiry, and detection; criminal and administrative prosecution; collection of evidence; financial investigation; undercover operations; and the identification, tracking, and seizure of the suspects' funds and crime's proceeds and means."
- The role of the Presidency of State Security has a limitation in that once it has identified and traced crimes of national and international destabilization, it notifies the Public Prosecution -ex officio-, as an independent judicial authority of administrative jurisdiction of the Presidency of State Security, and after it examines the evidence and presumption provided by State Security Institution, the Public Prosecution decrees of bringing and arresting the suspect, according to the provisions of Article (5) of Law of Combating Crimes of Terrorism and its Financing stated that "The Public Prosecution shall have the authority to issue a summons or an arrest warrant against any person suspected of committing any of the crimes stipulated in this Law..." It is also responsible for filing a lawsuit against a person accused of relying on provided evidence. It should be noted that the Law of Combating Crimes of Terrorism determined the relevant circuit of the Presidency of State Security as follows:

1-The Law limited the authority of inspection where necessary or in the act of committing a crime, provided that the Public Prosecution is informed within a period not exceeding (24)



hours under paragraph 3 of article (7), which states: "No authorization is required to perform any of the actions referred to in paragraph (1) of this Article, provided that a report is made explaining the reasons and causes for the urgency. The Public Prosecution shall be notified of such procedure and the results thereof within a period not exceeding 24 hours."

2-At the phase of collection of evidence, provisional seizure of the funds, in accordance with paragraph 2 of Article (9) of the Law that states, "The President of State Security may, at the phase of collection of evidence, order the competent authority to conduct provisional seizure, urgently and without prior notice to the concerned party, of funds, means, or proceeds which are suspected to be connected to or to be used in any of the crimes set forth in this Law and which may be subject to confiscation. The Public Prosecutor shall be notified of such seizure within a period not exceeding 72 hours."

3-ban the person suspected of committing any of the crimes stipulated in this Law from travelling, provided that the travel ban order is referred to the Public Prosecution within 72 hours, in accordance with Article (10) that states: "The President of State Security may ban the person suspected of committing any of the crimes stipulated in this Law from travelling outside the Kingdom, provided that the travel ban order is referred to the Public Prosecution within 72 hours of its date of issuance, or that other measures relating to the suspect's travel or return are taken..."

3. With respect to the administrative measures used and referred to above, please provide information on the challenges and benefits of the use of these administrative measures as well as good practices and lessons learned. In doing so, please



elaborate how administrative measures used effectively address the threat posed by terrorism.

• KSA did not take any extraordinary measures concerning people who are accused of crimes of terrorism. Instead, they have safeguards that any other accused in other cases has, by relevant laws that ensure access to remedy and a fair trial, as will be indicated in the answer to question (6), noting the particular nature of the terrorist crime, therefore what the Article (115) of the Law of Criminal Procedure stated that the accused has the right to provisional detain. The measures and procedures of the relevant criminal court to ensure that the accused has legal safeguards. The fair trial is the exact measures of the criminal court, determined under the laws, to preserve the defendant's rights. It includes confronting him with charges and evidence, knowing all the case data, hiring a lawyer, contacting someone for help, public trial, the presumption of innocence, and safeguards related to ban durations; some of the safeguards guaranteed by the judicial laws include the Law of criminal procedure, including the hiring of a legal lawyer at the State's expense to those unable to do so.

4. Please provide details regarding the safeguards put in place, including oversight mechanisms, to guarantee that administrative measures do not encroach upon human rights. These rights include, but not limited to, privacy, freedom of religion, freedom of movement, due process and fair trial, non-discrimination, gender equality, liberty and security of person, and access to effective remedies.
5. Please indicate whether human rights impact assessments are undertaken prior to the design and implementation of administrative measures in counter terrorism, and whether monitoring and evaluation are periodically undertaken to assess the effectiveness of administrative measures to meet their



stated objectives. Please also provide information on how civil society organizations are involved in such monitoring and evaluation processes.

- Evaluating the effectiveness of the measures taken regarding Anti-terrorism crime by specialized awareness centers, established under Article (88) of Law of Combating Crimes of Terrorism and its Financing which stipulates that: "Specialized centers shall be established whose missions shall be to raise educational awareness for detainees and those Sentenced Persons in crimes stipulated in the law, correct their ideas, and deepen their national belonging. The rules for the work of the committees in these centers, their formation, and the reward of their members and those who assist them shall be determined by a decision of the Chief of State Security."
- Correction and Rehabilitation Center represents one of the Institutions concerned with Anti-terrorism by confronting thought with thought, with the help of scientists, thinkers, social workers, and psychologists, and rehabilitating prisoners and ensuring their psychological stability. Global Center for Combating Extremist Ideology, also considered as (moderation), is also a mechanism with a global dimension to Anti-terrorism; it is concerned with monitoring and analyzing extremist ideology to confront and prevent it in cooperation with relevant governments and organizations. KAICIID Dialogue Center is considered one of the important global institutions concerned with Anti-terrorism by spreading tolerance and coexistence and rejecting hatred and extremism. Intellectual Warfare Center was also established, which specializes in confronting the extremism and terrorism roots, consolidating the concepts of true religion, providing intellectual initiatives to the Islamic Military Alliance for Anti-terrorism, and protecting youth from extremism with preventive and remedial programs.



6. Please provide information about specific measures that have been taken to ensure accountability and access to remedies for violation of human rights resulting from the use of administrative measures in countering terrorism.

• The Kingdom's laws guarantee individuals rights and freedoms by criminalizing the abuse of power and implementing the principles of a fair trial, which include the legitimacy of criminalization and punishment, particularity of punishment, and stipulating the presumption of original innocence. This includes the Basic Law of Governance in Article (38), which states that Punishment shall be personal. There shall be no crime or punishment except as defined by Law or regulations. And acts shall be punishable only after the legal provision's entry into force. It stipulates in its Article (36) that it is not premised to restrict freedom of the attitudes of anyone, arrest, or imprison him, except under the provisions of the Law. The Royal Decree No. (43) of 1958 stipulates the punishments up to imprisonment (10) years for each employee proven to have committed mistreatment or coercion in the name of his employment. Article (3) of the penal procedure Law also stipulates that a criminal penalty may not be imposed on any person except after his guilt has been proven, and Article (40) stipulates that anyone who knows about the presence of a prisoner or someone detained illegally or in a place not designated for imprisonment or detention: The Public Prosecution shall be notified of the contents of Article (35) that it is not permissible to arrest, search, detain or imprison any person, except in the case of flagrante the crime or the existence of an order from the competent authority. It should be noted that it is not permissible under any circumstances for the management of any prison or detention center to accept or detain any person except in accordance with a reasoned and limited-term order signed by the competent authority, they shall not keep him after the period specified in this matter, and the imprisonment or detention shall be in places allocated



for this purpose in accordance with Article (37) of the same Law.

• Regarding controlling the prisons and detention centers and access to remedies; Article (38) of the Law of Criminal Procedure stipulates that "Designated members of the Bureau of Investigation and Public Prosecution shall, at any time and without regard to official hours, visit prisons and places of detention within their jurisdiction to ensure that no person is unlawfully imprisoned or detained. They shall have access to files of the prisons and detention centers, communicate with prisoners and detainees, hear their complaints, and receive whatever they submit in this regard. Wardens of prisons and detention centers shall provide members of the Bureau of Investigation and Public Prosecution with any assistance they may need for the discharge of their duties." All prisons and detention centers are subject to judicial control through visits by the Public Prosecution. The Public Prosecution uses several methods to receive any reports or complaints about someone detained irregularly, as well as complaints from prisoners. This is done through an electronic outreach linked to the Attorney General, to ensure compliance with the guarantees stipulated in the regulations. The Human Rights Commission and the National Society for Human Rights also regularly visit prisons and detention centers, listen to prisoners and detainees, and receive their complaints. Offices for the Commission and the Society have been opened in prisons and detention centers to enhance means of remedies, and the Public Prosecution has installed television cameras inside the investigation offices to document what is happening there with audio-visual and what these devices documents are considered evidence when monitoring or receiving an allegation of mistreatment or torture. The interrogation shall be in an environment in which there is no impact on the accused while making his statements. It is not permissible for him to swear



an oath or use coercive means against him. He may not be interrogated outside the headquarters of the investigating authority except for a necessity determined by the investigator. The Royal Decree No. (43) Criminalizing torture includes the right of anyone who has suffered harm to appropriate compensation, in addition to what is included in Article (147) of the Law of Criminal Procedure, which stipulates that anyone who has suffered harm from the crime and his heirs after him, may claim his right before the court before which it is being heard in the public criminal case, whatever the case may be, even if his request was not accepted during the investigation. What is included in Article (215) is that everyone who has been harmed - as a result of being maliciously accused or as a result of his imprisonment or detention being prolonged for more than the prescribed period - has the right to request compensation before the court to which the original lawsuit was filed. Law of Combating Crimes of Terrorism and its Financing also includes this settled principle.

- It should be noted that a specialized committee was formed in the Presidency of State Security to consider complaints related to misuse of authority, which was formed by Royal Decree 46024 dated 4/21/2019, headed by the Presidency of State Security and membership of both (the Ministry of Interior and the Human Rights Commission), which gives assurance to the accused and detainee that the measures taken against him are in accordance with the law.