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Saudi Arabia

Alternative Report

Report submitted to the United Nations Committee on the Elimination of Racial Discrimination in the context of the periodic review of Saudi Arabia

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1 Introduction

This joint shadow report, submitted by MENA Rights Group and ALQST for Human Rights, contains information on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by Saudi Arabia on 23 September 1997, including information on the government's implementation of the previous concluding observations of the Committee on the Elimination of Racial Discrimination (the Committee).¹

The Kingdom of Saudi Arabia has consistently upheld that racial discrimination does not exist in the country and that equality is provided for in its laws and regulations. This report shows a different reality. According to our findings and based on testimonies and documentation collected by submitting organisations, ethno-religious minorities and local tribal populations are systematically targeted by authorities for criticising discriminatory laws and norms in the country. They have been subject to enforced disappearance, arbitrary detention, physical and psychological torture, summary executions and sentenced to the death penalty.

Therefore, submitting organisations find that the Kingdom of Saudi Arabia has failed to comply with the binding obligations of the ICERD and to implement the Committee's 2018 Concluding Observations.

2 Discrimination against the Shi'a population

2.1 Racial discrimination in Saudi domestic law

Although articles 8 and 47 of the 1992 Basic Law of Governance (the Basic Law) respectively state that the "governance in the Kingdom of Saudi Arabia is based on justice, shura (consultation) and equality according to Islamic Sharia" and "all people, either citizens or residents in the Kingdom, are entitled to file suit on an equal basis", Saudi Arabia still lacks a law criminalising racial discrimination.

This legal loophole was identified by the Saudi Human Rights Commission in 2019, which recommended "the enactment of a law criminalizing racial discrimination to promote a culture of tolerance, respect for human rights and preserving national cohesion."² The State party explained in its report that "the relevant authorities in Saudi Arabia are still considering whether a law prohibiting racial discrimination in the light of the Convention is required, especially since the country's laws collectively promote the principle of equality and the prohibition of racial discrimination in all its forms."³ Furthermore, freedom of religion is not provided for under the Basic Law.⁴

¹ Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined fourth to ninth periodic reports of Saudi Arabia, 8 June 2018, CERD/C/SAU/CO/4-9, <https://www.undocs.org/en/CERD/C/SAU/CO/4-9>, (accessed on 30 October 2024).

² Arab News, Saudi Arabia's human rights commission recommends law to tackle all racial discrimination, 18 November 2019, <https://www.arabnews.com/node/1586031/saudi-arabia> (accessed 17 October 2024).

³ Committee on the Elimination of Racial Discrimination, *Combined tenth and eleventh periodic reports submitted by Saudi Arabia under article 9 of the Convention, due in 2020*, 25 January 2023, CERD/C/SAU/10-11, para. 68.

⁴ U.S. Department of State, *2023 Report on International Religious Freedom: Saudi Arabia*, <https://www.state.gov/reports/2023-report-on-international-religious-freedom/saudi-arabia/> (accessed 31 October 2024).

Other legislations have a discriminatory scope. The 2017 counterterrorism law criminalises “anyone who challenges, either directly or indirectly, the religion or justice of the King or Crown Prince.” The law prohibits “the promotion of atheistic ideologies in any form,” “any attempt to cast doubt on the fundamentals of Islam,” publications that “contradict the provisions of Islamic law,” and other acts, including non-Islamic public worship, public display of non-Islamic religious symbols, conversion by a Muslim to another religion, and proselytizing by a non-Muslim.

The Saudi government has long promoted an exclusionary form of Sunni Islam—strongly inspired by the Wahhabi doctrine—while disenfranchising many other religious communities including, but not exclusively, Shi’a Muslims, who are concentrated in the Eastern Province of the country.⁵ Moreover, the absence of a Penal Code reinforces the discretionary power of judges and creates the conditions for a discriminatory administration of justice (see below).

In its 2018 Concluding Observations, the Committee on the Elimination of Racial Discrimination noted the lack of a specific domestic legislation prohibiting direct and indirect racial discrimination in Saudi’s legislation. The Committee further expressed concern that “ethno-religious minorities face obstacles in freely practicing their right to freedom of religion or belief, including the prohibition on constructing religious places of worship or conducting public worship. It is also concerned that certain ethno-religious minorities face discrimination in education, employment and the legal system.”⁶

2.2 Discrimination against Saudi Arabia’s Shi’a population as an ethno-religious minority

2.2.1 Multi-faceted discrimination in the public discourse

The Shi’a minority in Saudi Arabia faces systematic discrimination in the education system, the criminal justice system, in religious practice, and in political participation. They also face socio-economic disadvantages, discrimination in employment, and underrepresentation in government positions and the security forces.⁷

In its Concluding Observations on the third and fourth periodic report of Saudi Arabia, the Committee on the Rights of the Child (CRC) stated that “[c]hildren belonging to religious and atheistic minorities, especially children belonging to the Shi’a community, continue to be discriminated against in various areas, notably with respect to access to school and justice”.⁸

In light of these shortcomings, the Committee urged Saudi Arabia to “respect the right of the child to freedom of thought, conscience and religion by taking effective measures to prevent and eliminate all forms of discrimination on the grounds of religion or belief and by promoting religious tolerance and dialogue in society.”⁹

In addition, government-appointed religious figures frequently refer to the Shi’a minority in derogatory terms and vilify them in official documents, which are often cited in courts of law.¹⁰ In particular, the Council of Senior Religious Scholars issued at least seven *fatwas* and publicly responded to questions submitted to them about Islamic beliefs and practice in a manner that is derogatory to members of the Shi’a community. Terms used include “rafidha” or “rawafidh” meaning “rejectionists” and “polytheists”. Responding in a public meeting to a question about a Shi’a Muslim, one member of the Council stated

⁵ Minority Rights Group, *Saudi Arabia*, <https://minorityrights.org/country/saudi-arabia/> (accessed 16 October 2024).

⁶ *Ibid.*

⁷ Freedom House, *Freedom in the world 2023, Saudi Arabia*, <https://freedomhouse.org/country/saudi-arabia/freedom-world/2023> (accessed 17 October 2024).

⁸ UN Committee on the Rights of the Child, *Concluding observations on the combined third and fourth periodic reports of Saudi Arabia*, 25 October 2016, UN Doc CRC/C/SAU/CO/304, para.17.

⁹ *Ibid.*, p. 25.

¹⁰ Human Rights Watch, *They are Not Our Brothers Hate Speech by Saudi Officials*, 2017, https://www.hrw.org/sites/default/files/report_pdf/saudi0917_web.pdf, (accessed 21 October 2024), p.1.

that “they are not our brothers [...] rather they are brothers of Satan”.¹¹ Such views could be found in education curriculum, which stigmatises Shi’a religious beliefs and practices.¹²

According to the 2017 US International Religious Freedom Report, Saudi officials stated in February 2017 that the “final stage of revisions to high school textbooks was underway, with revisions to grade 11 and 12 texts yet to be completed.” The commission noted, however, that while some intolerant content had been reduced it continued to include “derogatory language about non-Sunni Muslims.”¹³ Human Rights Watch conducted a comprehensive review the official textbooks produced by the Education Ministry for the 2019-2020 and 2020-2021 school years and “found that some practices associated with the Shi’a and Sufi Islamic traditions remain stigmatized as un-Islamic and prohibited.”¹⁴

2.2.2 Reprisals against those who denounce such discrimination

Sheikh Mohammad bin Hassan Al Habib,¹⁵ a cleric known for supporting protests against the systematic discrimination faced by Saudi Arabia’s Shi’a minority, first faced intimidation from the authorities in December 2012 over a sermon delivered in July 2012 in which he denounced religious hatred against the Shi’a community and called upon the government to put an end to sectarianism. Al Habib was forced to sign a pledge not to give sermons that could be considered objectionable. Notwithstanding this restriction to his right to freedom of expression, he continued to oppose state-sponsored discrimination, notably in school curricula.

On 27 October 2016, he was charged by the Specialised Criminal Court (SCC)¹⁶ with violating the terms of the pledge he had signed. Although the SCC initially found him not guilty, this decision was overturned on appeal by the SCC, which sentenced him to seven years in prison on account of “sectarianism” and “calling people for sedition”. While serving his sentence, he was further charged with “endeavouring to shake the societal fabric and national unity by supporting protests in inciting riots in al-Qatif Governorate”; “attempting to leave Saudi Arabia to Kuwait irregularly”; and “violating the Cybercrime Law”. On 26 August 2019, the SCC sentenced him to an additional 5 years’ imprisonment. The ruling was upheld on appeal on 15 December 2019. His five-year sentence was then confirmed by the Supreme Court in March 2020.

On 26 November 2020, the Working Group on Arbitrary Detention (WGAD) issued Opinion No. 86/2020, stating that Al Habib was being detained arbitrarily and calling on the authorities to immediately release him.¹⁷ Among other things, the WGAD found that Al Habib’s detention constituted a violation of international law on the grounds of discrimination as the views and beliefs of Al Habib were “clearly at the centre of the present case and that the authorities have displayed an attitude towards him that can only be characterized as discriminatory”¹⁸ although the authorities claimed in

¹¹ *Ibid.*, p.33.

¹² *Ibid.*, p. 50.

¹³ US State Department, Bureau of Democracy, Human Rights, and Labor, “International Religious Freedom Report for 2017: Saudi Arabia,” 2017, <http://www.uscifr.gov/sites/default/files/SaudiArabia.2017.pdf> (accessed 16 October 2024).

¹⁴ Human Rights Watch, *Saudi Arabia: Further Textbook Reforms needed, Disparaging references Shia, Sufi Practices remain despite progress*, 15 February 2021, <https://www.hrw.org/news/2021/02/15/saudi-arabia-further-textbook-reforms-needed> (accessed 21 October 2021).

¹⁵ MENA Rights Group, *Saudi cleric arbitrarily detained for denouncing discrimination faced by Saudi Arabia’s Shi’a minority*, 8 July 2019, <https://menarights.org/en/caseprofile/saudi-cleric-arbitrarily-detained-denouncing-discrimination-faced-saudi-arabias-shia> (accessed 15 October 2024).

¹⁶ The Specialised Criminal Court is the court that has special and exclusive jurisdiction over all crimes that fall under the 2017 Counterterrorism Law. For more information you may see, MENA Rights Group, *The Saudi Presidency of State Security: A Arm of Repression in The Crown Prince’s Kingdom*, June 2022, <https://www.menarights.org/sites/default/files/2022-06> (accessed 22 October 2024), p. 20

¹⁷ UN Working Group on Arbitrary Detention, *Opinion No. 86/2020 concerning Sheikh Mohammad bin Hassan*, 3 March 2021, UN doc. A/HRC/WGAD/2020/86.

¹⁸ *Ibid.*, para. 89.

their response to the Working Group that everyone in Saudi Arabia is treated equally and that no discrimination is permitted in law. The authorities have refrained from implementing this opinion.

2.2.3 Discrimination in the Saudi criminal judicial system

The crackdown against critical voices emanating from the Shi'a minority discussed above is reinforced by the fact that the Saudi Criminal Court is only staffed by Sunni religious scholars.¹⁹ As of April 2017, there were no Shi'a citizens who had served as prosecutors or judges in criminal courts. Government universities provide training in all four Sunni schools of jurisprudence, with a focus on the Hanbali school. The dominance of Hanbali-educated judges and chiefs of courts at all levels of the judicial system makes it relatively inaccessible for religious minorities. For example, the testimony of non-Sunni Muslims and other religious minorities may be discounted in court, particularly if set against that of a Sunni Muslim.²⁰ Additionally, in the absence of a comprehensively codified Penal Code detailing all criminal offenses and punishments, rulings and sentences can diverge widely. Judges tend to determine penalties through individualised interpretations of Sharia, which varies according to the judge and the circumstances of the case.²¹ To conclude, due to the lack of legal protection, ethno-religious minorities may become more susceptible to police abuse and other forms of mistreatment, including travel bans or prohibitions on speakers from giving lectures, limiting their freedom of speech.

2.2.4 Arbitrary detentions

The present section addresses the deprivations of liberty constituting a violation of international law due to discrimination based on membership of an ethno-religious minority.

Saudi Arabia has a long-standing history of discrimination against the Shi'a ethno-religious minority in the Eastern Province, especially following the protest movement that started in 2011. The Eastern Province of Saudi Arabia is known to be home to the largest population of Shi'a Muslims in the Kingdom.²² Al-Qatif is a governorate in the Eastern Province, where the town of al-Awamiyah is located.

In 2011, amidst the wave of protests that took place across many Arab countries, activists from the Shi'a minority in the Eastern province organised demonstrations against the government's discriminatory policies.²³ Demonstrations began in February 2011, in the al-Awamiyah town, with individuals protesting against the detention without charge of three individuals who called for the rights of the Shi'a minority to be respected.²⁴

¹⁹ Human Rights Watch, *They are Not Our Brothers Hate Speech by Saudi Officials*, 2017, https://www.hrw.org/sites/default/files/report_pdf/saudi0917_web.pdf, (accessed 21 October 2024), p.16. Within the Eastern Province however, there are specialized courts only dealing with personal status and family law within the Shi'a community, staffed by Shi'a judges. The government permitted Shi'a judges in the Eastern Province to use the Ja'afari school of Islamic jurisprudence to adjudicate cases in family law, inheritance, and endowment management. There were five Shia judges, all government-appointed, located in al-Qatif and al-Ahsa.

²⁰ Minority Rights Group, *Still invisible – the stigmatization of Shi'a and other religious minorities in Saudi Arabia*, 2023, <https://minorityrights.org/app/uploads/2023/12/mrg-brief-saudi-nov15-v1.pdf> (accessed 17 October 2024).

²¹ Reprieve and ESOHR, *Bloodshed and Lies: Mohammed bin Salman's Kingdom of Executions*, p.8, <https://reprieve.org/wp-content/uploads/sites/2/2023/01/Bloodshed-and-Lies-Mohammed-bin-Salmans-Kingdom-of-Executions.pdf>, (accessed on 31 October 2024).

²² The Shi'a population is considered to be a minority in Saudi Arabia. Shi'a Muslims in Saudi Arabia constitute around 10 to 12% of the overall population.

²³ Amnesty International, *Saudi Arabia: Dissident voices stifled in the Eastern Province*, 2012, p. 5-7, https://www.amnesty.nl/content/uploads/2016/12/1205_saudirapport.pdf?x62361 (accessed on 17 October 2024).

²⁴ *Ibid.* See also Carnegie Endowment for International Peace, *The forgotten uprising of Eastern Saudi Arabia.*, June 2013, https://carnegieendowment.org/files/eastern_saudi_uprising.pdf (accessed on 17 October 2024).

Protests have gradually spread to other towns and villages of the Eastern Province, particularly in al-Qatif. The protesters mainly asked for participatory governance, the release of political prisoners, and the creation of an elected consultative council.²⁵

The government responded with repressive measures, mainly against Shi'a individuals suspected of taking parts in protests and gatherings.²⁶ It is reported that hundreds of individuals have been arrested and detained in relation to these protests, and many of them have reportedly been subjected to acts of torture and ill-treatment.²⁷ They have also been subjected to travel bans or dismissal from their employment as punishment for exercising their right to freedom of expression. These protests have continued over the past few years and demonstrators have been mainly vocal about the treatment of Shi'a communities in Saudi Arabia and the discrimination they face daily.

Following a country visit conducted from 30 April to 4 May 2017, the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, described a "pattern of systematic repression in the country's Eastern Province", where the majority of the Shi'a population resides.

The former Special Rapporteur received credible allegations that:

Many individuals protesting against repression of the Shia had been detained. Their cases are currently making their way through the Specialized Criminal Court. Many of these individuals were reportedly peaceful protesters, simply asking for increased religious freedoms, equal rights for the Shia community and political reform. Some have been convicted for the expression of their political views, some for coordinating protests through social media and some even for providing first aid to protesters.²⁸

Since then, the situation has remained unchanged. In 2023, it has been reported that the authorities continued to prosecute Shi'a citizens at a rate disproportionate with the percentage of Shi'a present in the overall population.²⁹ To this day, a great majority of those who took part in such protests face arrest, arbitrary detention and harsh sentences. MENA Rights Group has recently documented the case of six individuals who have participated in peaceful demonstrations in al-Qatif and who currently face the death sentence (see section 4).³⁰

During the reporting period, there was pattern of widespread and systematic arbitrary arrest and detention of Saudi citizens for peacefully exercising their human rights to freedom of expression, belief, peaceful assembly and association. This form of repression has taken place for decades and has most recently been embodied in the arbitrary detention of hundreds of peaceful critics since the ascent of Mohammed Bin Salman in 2017,³¹ a new wave of arrests in April 2018.³²

²⁵ *Ibid.*

²⁶ Amnesty International, *Saudi Arabia: Dissident voices stifled in the Eastern Province*, 2012, https://www.amnesty.nl/content/uploads/2016/12/1205_saudirapport.pdf?x62361 (accessed on 17 October 2024).

²⁷ *Ibid.*

²⁸ Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, 13 December 2018, UN Doc. A/HRC/40/52/Add.2, para. 25.

²⁹ US State Department, Bureau of Democracy, Human Rights, and Labor, "International Religious Freedom Report for 2017: Saudi Arabia," 2017, <http://www.uscifr.gov/sites/default/files/SaudiArabia.2017.pdf> (accessed 16 October 2024).

³⁰ MENA Rights Group, *Brother of youngest political prisoner in Saudi Arabia, Murtaja Qureiris, sentenced to death*, 15 June 2023, <https://menarights.org/en/case/jawad-quireiris> (accessed on 6 July 2023); *Young Saudi dissident subjected to brutal acts of torture and sentenced to death*, 15 June 2023 <https://menarights.org/en/case/jalal-al-labbad> (accessed on 17 October 2024); *Young Saudi dissident sentenced to death for participating in funerals and protests as a minor*, 15 June 2023 <https://menarights.org/en/case/hassan-zaki-al-Faraj> (accessed on 17 October 2024); *Young Saudi dissident faces capital punishment for acts committed as a minor*, 15 June 2023, <https://menarights.org/en/case/abdullah-al-derazi> (accessed on 17 October 2024).

³¹ Stancati, M. and Said, S., Saudi Arabian Arrest Wave Shows Crown Prince's Bid to Control Change, *The Wall Street Journal*, 4 June 2018, <https://www.wsj.com/articles/saudi-arabian-arrest-wave-shows-crown-princes-bid-to-control-change-1528191000> (accessed 17 October 2024).

Since 2011, over 100 Shi'a Muslims have been brought before the SCC in relation to both peaceful criticism of the government in speeches or on social media and participation in anti-government protests. They have been tried on vague and varied charges ranging from organization or support for protests to alleged involvement in violent attacks and espionage for Iran.³³

The detention of **Murtaja Qureiris**³⁴ illustrates the arrests of people who have exercised their right to freedom of peaceful assembly. Aged 13, Murtaja Qureiris was arrested by the border police on the King Fahd Causeway linking Saudi Arabia with Bahrain. He was detained for four years without being presented before a judicial authority or being allowed to challenge the legality of his detention.

It was not until September 2018 that he was presented before the SCC and charged with multiple offences, including participating in anti-government protests and joining a “terrorist organisation”, charges linked to his peaceful participation in demonstrations in 2011, when he was 10 years old. The Saudi public prosecutor’s office recommended that he be sentenced to death. On 16 June 2019, he was instead handed a 12-year prison sentence. On 12 February 2020, his sentence was reduced to 8 years imprisonment. He was released on 24 June 2022 after serving his sentence.

3 Discrimination against local tribal population (the Huweitat tribe)

3.1 Contextual background

In April 2016, Prince Mohammed bin Salman announced the launch of ‘Vision 2030’, an ambitious national plan aimed at building a prosperous future for the Kingdom, developing the private sector and diversifying the oil rentier economy.³⁵ The Neom project, a \$500 billion futuristic city-building initiative covering an area of 26,500 square kilometres in the northwest corner of Saudi Arabia, is one of the centre pieces of Vision 2030. By promoting sectors like tourism, technology, and renewable energy, Neom aligns with goals of economic transformation, job creation, and sustainability, and intends to position Saudi Arabia as a global hub for innovation.³⁶ To fuel the project, the Saudi government has established a closed joint-stock company called Neom in 2019 fully owned by the Public Investment Fund of the Kingdom.³⁷

³² Yee, V. and Kirkpatrick, D.D., Saudis Escalate Crackdown on Dissent, Arresting Nine and Risking U.S. Ire, *The New York Times*, 5 April 2019, <https://www.bbc.com/news/world-middle-east-47826106> (accessed 17 October 2024).

³³ Amnesty International, *Muzzling critical voices politicized trials before Saudi Arabia’s Specialized Criminal Court*, 6 February 2020, <https://www.amnesty.org/en/documents/mde23/1633/2020/en/> (accessed 16 October 2024).

³⁴ MENA Rights Group, *Murtaja Qureiris free at last*, 24 June 2022, <https://www.menarights.org/en/case/murtaja-bin-abdallah-bin-ali-qureiris> (accessed 16 October 2024). UN Special Procedures, Ref AL SAU 5/2020, 11 May 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25249> (accessed 7 November 2024).

³⁵ Kingdom of Saudi Arabia, *Vision 2030*, https://www.vision2030.gov.sa/media/rc0b5oy1/saudi_vision203.pdf (accessed 15 October 2024).

³⁶ Arab Urban Development Institution, *NEOM Project Description*, <https://araburban.org/en/infohub/projects/?id=3525> (accessed 15 October 2024).

³⁷ The Embassy of the Kingdom of Saudi Arabia, *NEOM Established as a closed joint-stock company owned by Saudi Sovereign Wealth Fund*, 29 January 2019, <https://www.saudiembassy.net/news/neom-established-closed-joint-stock-company-owned-saudi-sovereign-wealth-fund> (accessed 15 October 2024).

Presented as an “accelerator of human progress”³⁸, the Neom initiative has already sparked criticism due to its inherent human rights implications. The plan was, and still is, to establish Neom along the Red Sea in the province of Tabuk, an area falsely described by advertising materials as a ‘virgin’ territory.³⁹ Part of the land that Saudi authorities began quietly acquiring before announcing the construction of Neom has, in fact, been inhabited for centuries and traditionally served as the homeland of the Huweitat tribe.⁴⁰

The Huweitat, made up of approximately 20,000 members, are an ancient Bedouin tribe whose ancestral land has spanned across Jordan, Saudi Arabia, and the Sinai Peninsula.⁴¹ Their presence in the region was already documented on a British map going back to 1838 before the modern Saudi state was even founded.⁴² For centuries they maintained an inter-generational historical connection to their land and developed their distinctive heritage through livelihood, language⁴³ and culture while identifying with the original inhabitants of the region, making them *de facto* part of the Indigenous Peoples and Local Communities (IPLCs) group.⁴⁴ In its General Recommendation no. 23, the Committee recalled that “the International Convention on the Elimination of All Forms of Racial Discrimination apply to indigenous peoples”⁴⁵, reaffirming their protected status under the ICERD.

3.2 Forced displacement and discriminatory compensation policies

When the Neom project was disclosed in 2017, the Saudi Public Investment Fund had already obtained ownership of the entire land through the application of the controversial law of eminent domain, raising concerns among locals whose land transfers and license renewals were suddenly being suspended.⁴⁶

These well-founded fears materialized on 1 January 2020 when local authorities ordered the compulsory eviction of all residents from the villages of al-Khuraiba, Sharma and Gayal as part of the

³⁸ NEOM, *NEOM in Progress – May 2024*, 22 May 2024, [Youtube video, 00:04], <https://www.youtube.com/watch?v=YLK5uwp9qD8> (accessed 15 October 2024).

³⁹ Never NEOM, *The Victims of NEOM City in Saudi Arabia Need Justice*, 26 July 2020, <https://www.neomm.co/blog/the-victims-of-neom-city-in-saudi-arabia-need-justice/> (accessed 16 October 2024).

⁴⁰ UN Special Procedures, Ref UA OTH 28/2023, 28 April 2023, p.5, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=27999> (accessed 16 October 2024).

⁴¹ The Guardian, *‘It’s being built on our blood’: the true cost of Saudi Arabia’s \$500bn megacity*, 4 May 2020, <https://www.theguardian.com/global-development/2020/may/04/its-being-built-on-our-blood-the-true-cost-of-saudi-arabia-5bn-mega-city-neom> (accessed 15 October 2024).

⁴² Arte, *Arabie Saoudite : Les damnés de Neom, la ville du futur*, 29 August 2024 [Arte video, 03:57] <https://www.arte.tv/fr/videos/117240-004-A/sources/> (accessed 15 October 2024).

⁴³ The Huweitat speak a variety of Bedouin Arabic, specifically [Northwest Arabian Arabic](#) : Wikipedia, Howeitait, 11 September 2024, https://en.wikipedia.org/wiki/Howeitait#cite_ref-Bakhit194_1-0 (accessed 16 October 2024).

⁴⁴ United Nations, *Indigenous People*, <https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples#:~:text=Indigenous%20peoples%20have%20in%20common,cultures%2C%20beliefs%20and%20knowledge%20systems> (accessed 16 October 2024).

⁴⁵ UN Committee on the Elimination of Racial Discrimination, *General Recommendation No. 23: Indigenous Peoples*, 18 August 1997, para. 2, https://www.eods.eu/library/UN_International%20Convention%20on%20the%20Elimination%20of%20Racial%20Discrimination_General%20recommendation%2023_1997_EN.pdf (accessed 15 October 2024).

⁴⁶ The European Centre for Democracy and Human Rights, *Exposing NEOM*, 20 May 2024, p.8, <https://usercontent.one/wp/www.ecdhr.org/wp-content/uploads/2024/05/Briefing-Paper-Neom-Project.pdf?media=1714728641> (accessed 15 October 2024).

implementation of the Neom megacity project.⁴⁷ In the following weeks, members of committees of the Social Development, department that reports to Ministry of Human Resources and Social Development (MHRSD),⁴⁸ put up signs in the area to inform citizens that they had to report, identify and surrender their holdings on the land registry.⁴⁹ Despite the local community's clear opposition and proposed alternatives, the authorities intensified the pressure by deploying Special Forces “sometimes in groups of more than 40 vehicles at a time”⁵⁰ to conduct raids on the homes of dissenting locals.⁵¹ These intimidation measures were accompanied by targeted and discriminatory public service cuts with several sources reporting that the Saudi government additionally randomly cut off electricity and water.⁵²

While the Kingdom maintained that they have been fully compensated for their homes⁵³, evicted individuals suffered in practice from discriminatory resettlement and compensation policies.⁵⁴ The destruction of communities in the name of the Neom project reflects a long-standing pattern of state control over ancestral land marked by construction projects and the subsequent destruction of populated areas and heritage sites,⁵⁵ including the 2017 demolition of the walled city of Awamia which was later condemned by UN experts for violating human rights.⁵⁶ ALQST for Human Rights conducted research on the compensation policies pursued by the government and found that the authorities lured members of the tribe by providing financial incentives to some notables Huwaitat figures in exchange for their public condemnation of any resistance to eviction.⁵⁷ In addition, the authorities also denied local residents’ requests for nearby resettlement, offering instead financial compensation for them to relocate on their own to much more distant sites. It is important to note that individuals

⁴⁷ ALQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region’s inhabitants*, February 2023, p.5, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

⁴⁸ According to the Human Resources and Social Development, the Social Development Department, under the Ministry of Human Resources and Social Development (MHRSD), “plays a vital role in Vision 2030’s social objectives. The department operates through Social Development Committees and Centers spread across the kingdom. These committees are presented as key tools to promote grassroots participation and to collaborate with local groups in the implementation of the kingdom’s various projects.” For more information see Human Resources and Social Development, *Social Development in K.S.A.*, <https://www.hrsd.gov.sa/en/social-development-ksa> (accessed 31 October 2024).

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ The European Centre for Democracy and Human Rights, *Exposing NEOM*, 20 May 2024, p.9, <https://usercontent.one/wp/www.ecdhr.org/wp-content/uploads/2024/05/Briefing-Paper-Neom-Project.pdf?media=1714728641> (accessed 15 October 2024).

⁵² Sanad rights Foundation, *Continued Pressures on the Huwaitat Tribe: Services Cut off and Homes Raided*, 1 September 2023, <https://sanad.uk/2023/09/01/continued-pressures-on-the-huwaitat-tribe-services-cut-off-and-homes-raided/> (accessed 15 October 2024); Aljazeera, *Al-Huwaitat tribe seeks UN help to stop Saudi forced displacement*, 9 October 2020, <https://www.aljazeera.com/news/2020/10/9/al-huwaitat-tribe-seeks-un-help-to-stop-saudi-forced-displacement> (accessed 15 October 2024).

⁵³ Middle East Monitor, *Saudi Arabia denies UN report on human rights violations in NEOM project*, 26 July 2023, <https://www.middleeastmonitor.com/20230726-saudi-arabia-denies-un-report-on-human-rights-violations-in-neom-project/> (accessed 15 October 2024).

⁵⁴ ALQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region’s inhabitants*, February 2023, p.5, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

⁵⁵ ALQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region’s inhabitants*, February 2023, p.16, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

⁵⁶ OHCHR, *UN experts urge Saudi Arabia to halt forced evictions and demolitions of the Al-Masora neighborhood in Awamia*, 5 April 2017, <https://www.ohchr.org/en/press-releases/2017/04/un-experts-urge-saudi-arabia-halt-forced-evictions-and-demolitions-al-masora> (accessed 15 October 2024).

⁵⁷ ALQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region’s inhabitants*, February 2023, p.8, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

accepting compensation had to sign a waiver paper absolving the government of any charge of forced displacement.⁵⁸

In a press release published in May 2023, UN experts declared that they could not “consider that the requirements of consultation and free, prior and informed consent of the Huwaitat people of the three villages have been met”, meaning that “these actions would certainly amount to forced evictions”.⁵⁹ In their response, the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations denied those accusations, stating that the “method of forced eviction or displacement is not practiced in the Neom or other projects, regardless of whether the population have or do not have documentary proof of property ownership meeting the legal requirements”.⁶⁰

In light of the above, we find that the Saudi government has failed to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to housing as per article 5(e)(iii) of the ICERD.

3.3 Continuous targeting and discriminatory prosecutions

Members of the Huwaitat tribe have not only been forced out of their homes but have also suffered from arbitrary arrests, detention, and prosecutions for their peaceful opposition to the illegal evictions. The confrontation between security forces and objectors from the Huwaitat tribe culminated with the extrajudicial killing of Abdul Rahim al-Huwaiti, a 43-year old resident of al-Khuraiba village and member of the tribe, who refused to allow a land registry committee into his home.⁶¹ Shortly before his assassination, he published a video on his YouTube page in which he stated that the officers “arrested anyone who said they are against deportation, don’t want to leave, want to remain [in] their homes, and don’t want money” and that he would not be surprised if “they come to kill [him] in [his] house now, and place a weapon next to [him]”.⁶² On 10 August 2020, several UN Special Procedures mandate holders issued a letter to the Saudi authorities expressing grave concern over the death of Abdulrahim al-Huwaiti.⁶³

Abdulrahim al-Huwaiti’s fate reflects the overwhelming and disproportionate violence wielded by law enforcement authorities against tribal members in the hope of intimidating people and silencing opposition to the Neom project.

ALQST for Human Rights has been able to verify the arrest and detention of 47 individuals, many of whom have been prosecuted under the Saudi Counter-Terrorism Law in relation to the NEOM

⁵⁸ *Ibid.*

⁵⁹ OHCHR, *Saudi Arabia: UN experts alarmed by imminent executions linked to NEOM project*, 3 May 2023, <https://www.ohchr.org/en/press-releases/2023/05/saudi-arabia-un-experts-alarmed-imminent-executions-linked-neom-project> (accessed 15 October 2024).

⁶⁰ Middle East Monitor, *Saudi Arabia denies UN report on human rights violations in NEOM project*, 26 July 2023, <https://www.middleeastmonitor.com/20230726-saudi-arabia-denies-un-report-on-human-rights-violations-in-neom-project/> (accessed 16 October 2024).

⁶¹ ALQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region’s inhabitants*, February 2023, p.7, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

⁶² The Guardian, *‘It’s being built on our blood’: the true cost of Saudi Arabia’s \$500bn megacity*, 4 May 2020, <https://www.theguardian.com/global-development/2020/may/04/its-being-built-on-our-blood-the-true-cost-of-saudi-arabia-5bn-mega-city-neom> (accessed 15 October 2024).

⁶³ ESOHR, *UN rapporteurs hold Saudi Arabia accountable for killing of Abdul Rahim al-Huwaiti*, 5 February 2021, <https://www.esohr.org/en/> (accessed 16 October 2024).

project.⁶⁴ The counter-terrorism legal framework has served as the basis for the prosecution of hundreds of individuals for acts of free speech in Saudi Arabia, ushering in an unprecedented wave of arrests and prosecutions of peaceful dissidents in the country, with terrorism charges being levelled against those expressing any form of criticism.⁶⁵

Over the course of 2022, ALQST for human rights learned of a number of harsh sentences being passed on detained members of the Huwaitat, with at least 15 sentenced to prison terms ranging from 15 to 50 years, and five have been sentenced to death⁶⁶ following what appear as unfair closed doors trials.⁶⁷ This was at a time, mid-2022, when the Saudi courts were also handing down harsh sentences on peaceful activists, following Mohammed bin Salman's rehabilitation in the international community for the first time since the state-sponsored murder of Jamal Khashoggi in 2018. Many of these sentences were dramatically lengthened on appeal, which could be expected to deter individuals from appealing.⁶⁸

In view of the foregoing, the Saudi government has failed to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to equal treatment before the tribunals and all other organs administering justice as per article 5(a) of the Convention, the right to security of person and protection by the State against violence or bodily harm as per article 5(b) of the Convention, the right to freedom of opinion and expression as per article 5(d)(viii) of the Convention and the right to freedom of peaceful assembly and association as per article 5(d)(ix) of the Convention.

3.4 Case highlight

Abdullah Dakhil Allah al-Huwaiti, a former employee in the municipality of al-Khuraiba, was arrested, along with Shadly and Mahmoud al-Huwaiti, by the Saudi Presidency of State Security (SSP) agents on 24 November 2020. He was charged with (1) adopting a terrorist approach by defaming the symbols of the state with the intent of destabilising the security of society, (2) providing assistance to those who seek to disturb public order and destabilise the security of society and the stability of the state by following their online accounts and providing them with information affecting the security of the homeland through social networking sites including Twitter, Signal and Telegram, (3) possessing a machine gun without a license, (4) inciting others to carry out terrorist acts, and (5) spreading rumours through his writings and Twitter account.

Regarding the charges related to his social media activity, his lawyer affirmed that his client felt a deep sense of loss for the homes of his parents and grandparents, which would cause him and his family harm and render him homeless; he was only looking for a way to voice his point of view to those

⁶⁴ ALQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region's inhabitants*, February 2023, p.10, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

⁶⁵ MENA Rights Group, *Redefining Civil Society Role in the UN Counter-Terrorism Architecture*, May 2024, p.9, https://menarights.org/sites/default/files/2024-05/Landscape%20assessment_MRG_final%2Bgraphics.pdf (accessed 16 October 2024).

⁶⁶ ALQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region's inhabitants*, February 2023, p.10, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

⁶⁷ Deutsche Welle, *Saudi Arabia's Neom: A prestigious project with a dark side*, 18 May 2023, <https://www.dw.com/en/saudi-arabias-neom-a-prestigious-project-with-a-dark-side/a-65664704> (accessed 15 October 2024).

⁶⁸ ALQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region's inhabitants*, February 2023, p.13, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

responsible for the [Neom] project through social media apps. While Abdullah Dakhil Allah did not oppose the Neom project, he had hoped for relocation nearby rather than removal to a faraway location.⁶⁹ On 31 January 2022, he was sentenced by the SCC to 16 years in prison. The sentence was increased to **50 years on appeal** in September 2022, coupled with a corresponding travel ban of 50 years.⁷⁰ According to ALQST, at least one other member of the tribe, **Abdulilah Rashid Ibrahim al-Huwaiti**, was sentenced to 50 years in prison.⁷¹

Mahmoud Ahmad Mahmoud Abou Taqiqa al-Huwaiti, who was arrested on 24 November 2020, was placed in solitary confinement for six months during which he was subjected to brutal acts of psychological and physical torture. He was first brought before the SCC eight months after his arrest, in July 2021. Al-Huwaiti was charged with inciting public opinion and harming national unity for expressing his opposition to the forcible displacement of the al-Huwaitat tribe. He was further charged for having a photo on his phone of his brother, Abdul Rahim al-Huwaiti, who was killed by the Saudi authorities in April 2020. After five hearings before the court, Mahmoud al-Huwaiti was sentenced to **35 years in prison** for terrorism-related charges stemming from the exercise of his right to freedom of expression.⁷²

Abdelnasser Ahmad Mahmoud Abou Taqiqa al-Huwaiti was arrested on 18 October 2020, by agents belonging to the Special Emergency Forces and the General Directorate of Investigations (GID) while he was on his way to Dibba Hospital. Both these forces fall under the authority of the SSP. He was held in solitary confinement in the SSP-run Dhabhan prison in Jeddah for four months and subjected to psychological and physical acts of torture as a way of coercing him to confess to the charges brought against him. Such charges include inciting public opinion against the crown prince and committing a terrorist offense. Nine months after his arrest, al-Huwaiti had his first hearing before the SCC. After five hearings, the court sentenced him to **27 years in prison**.⁷³

A.A.N, a nephew of Abdulrahim, the man shot dead by security forces, was a 19-year-old university student when he was arrested on 1 October 2020 on the campus of Prince Fahd bin Sultan University in Tabuk City. The charges brought against him included “preparing and sending information through his Twitter account that would harm public order”; “seeking to destabilise and disrupt the social fabric and national cohesion” and “expressing sympathy for dead terrorist [Abdul Rahim al-Huwaiti]”. According to his lawyer, Ahmed Abdel Nasser al-Huwaiti did not know that his uncle was considered as an opponent to the state and merely wanted to mourn his relative. He was initially sentenced to five years in prison, but his sentence was increased to **21 years on appeal**. He too is currently being held in Dhabhan Prison.⁷⁴

⁶⁹ ALQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region’s inhabitants*, February 2023, p.13, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

⁷⁰ MENA Rights Group, *Abdullah al-Huwaiti, member of Saudi tribe displaced by NEOM, sentenced to 50 years in prison*, 5 April 2023, <https://menarights.org/en/case/abdullah-dakhilallah-al-huwaiti> (accessed 16 October 2024).

⁷¹ ALQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region’s inhabitants*, February 2023, p.11, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

⁷² MENA Rights Group, *Mahmoud al-Huwaiti, member of Saudi tribe displaced by NEOM, sentenced to 35 years in prison*, 5 April 2023, <https://menarights.org/en/case/mahmoud-ahmad-mahmoud-abou-taqiqa-al-huwaiti> (accessed 16 October 2024).

⁷³ MENA Rights Group, *Abdelnasser al-Huwaiti, member of Saudi tribe displaced by NEOM, sentenced to 27 years in prison*, 5 April 2023, <https://menarights.org/en/case/abdelnasser-ahmad-mahmoud-abou-taqiqa-al-huwaiti> (accessed 16 October 2024).

⁷⁴ ALQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region’s inhabitants*, February 2023, p.14, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

M.S.Q., the only known woman among those detained, was arrested in February 2021 at her home when state security forces raided her house in front of her five children, including her four-month-old baby, for tweeting about the cost of living and mourning the death of Abdulrahim al-Huwaiti. She was initially sentenced to one year in prison, which was increased to three years on appeal. In August 2022, in violation of Saudi law⁷⁵, she was retried for the same charges and sentenced to 23 years in prison.⁷⁶ This practice, which violates international law (prohibition upon double jeopardy), illustrates the absence of fairness in the Saudi judicial system.

A particularly troubling trend that appears from this selection of cases is the increase in sentences after members of the Huweitat tribe's cases were reviewed by the Court of Appeal, resulting in longer prison terms than those initially imposed. In the present cases, it is a tactic aimed at intimidating and deterring people from appealing their sentences.

4 Discriminatory use of the death penalty

In 2024, Saudi Arabia has already recorded the highest number of executions in its recent history, surpassing the previous record of 196 executions in 2022.⁷⁷ With over 200 executions in 2024, the total number of executions carried out during the decade of King Salman bin Abdulaziz's rule, alongside Crown Prince Mohammed bin Salman, has reached over 1,300 cases.⁷⁸

The UN Secretary-General has highlighted Saudi Arabia's abysmal death penalty record in its annual report, holding Saudi Arabia partly responsible for the sharp increase in global executions, which rose by 59% in 2022 compared to 2021, with Saudi Arabia alone accounting for 24% of these executions.⁷⁹

Although we will not focus on this specific aspect in our report, we wish to highlight that foreign nationals are particularly vulnerable to due process and fair trial violations in the context of the death

⁷⁵ Law of Criminal Procedure, art. 213 & Arab Charter on Human Rights, art. 19(a).

⁷⁶ ALQST for Human Rights, *Maha Suleiman Al-Qarani al-Huwaiti*, <https://alqst.org/en/politicalprisoners/maha-suleiman-al-qarani-al-huwaiti> (accessed 16 October 2024).

⁷⁷ ESOHR, *The Bloody Reign of Salman: Saudi Arabia Breaks Execution Records*, https://

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8%b3%d8%b1-%d8%a3%d8%b1%d9%82/, (accessed on 16 October 2024).

⁷⁸ *Ibid.*

⁷⁹ ESOHR, *UN Secretary-General's Annual Report: Saudi Arabia is responsible for the sharp increase in executions*, 18 September 2024, <https://www.esohr.org/en/%d8>

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84%d9%84%d8%a3%d9%85%d9%85-%d8%a7%d9%84%d9%85/, (accessed on 16
October 2024).

penalty. According to Reprive and ESOHR, from 2010 to 2021, Saudi Arabia executed 490 foreign nationals.⁸⁰ The CERD has notably highlighted its concern over the disproportionate number of foreigners who are facing the death penalty in Saudi Arabia.⁸¹ This alarming trend persists, as Amnesty International reported that from January to September 2024, 53 individuals were executed for drug-related offences, with 38 of them being foreign nationals,⁸² despite foreign nationals representing only 36% of the population of Saudi Arabia.⁸³

4.1 Criminal Law in Saudi Arabia

Saudi Arabia does not have a written penal code. Its criminal law is mainly based on specific legislations that grant very broad discretion to prosecutors and judges to criminalise certain acts and thereby give charges that are arbitrary. Saudi judges need only to prove that a defendant had engaged in a certain act, which they then classify as a crime, rather than proving that the defendant had committed a specific crime set out in the law.⁸⁴

Judges in Saudi Arabia have a wide-ranging power to determine what act constitutes a criminal offence and what is the corresponding punishment, subject to the three categories of crime and punishment under Islamic law: *qisas*, *hadd* and *ta'zir*.⁸⁵

Qisas crimes and their punishments are a form of retributive or retaliatory justice, covering offences of bodily harm and death, including murder and manslaughter. If a defendant is convicted of murder under this category, the family of the victim can either request that the defendant be executed as retribution or accept financial compensation, known as *diya* or blood money. The family can also forfeit their right to request a retributive sentence and pardon the defendant.⁸⁶

Hadd (plural: *hudud*) crimes and their punishments concern a fixed number of acts and are mandatory in Islamic law. They are more commonly known as 'claims against God' and are considered to be the most serious crimes. There are strict legal, procedural, and evidential requirements that must be met before a judge can pass a *hadd* mandatory sentence. There are a fixed number of crimes, three of which are carried out with a death sentence namely: adultery, apostasy and *hiraba* ("waging war against God/ banditry").⁸⁷

Ta'zir crimes are all offences for which the law does not prescribe a penalty under *hadd* or *qisas* and for which the judge has discretion to determine the penalty. They concern all acts which infringe private or community interests related to public order. These are offences which violate rules set by public

⁸⁰ Reprive and ESOHR, *Bloodshed and Lies: Mohammed bin Salman's Kingdom of Executions*, January 2023, p.25, <https://reprive.org/wp-content/uploads/sites/3/2023/01/Bloodshed-and-Lies-Mohammed-bin-Salmans-Kingdom-of-Executions.pdf>, (accessed on 21 October 2024).

⁸¹ Committee on the Elimination of Racial Discrimination, *Concluding observations of the Committee on the Elimination of Racial Discrimination*, 2 June 2003, UN Doc. CERD/C/62/CO/8, para. 18, (accessed on 21 October 2024).

⁸² Amnesty International, *Saudi Arabia: Highest execution toll in decades as authorities put to death 198 people*, 28 September 2024, <https://www.amnesty.org/en/latest/news/2024/09/saudi-arabia-highest-execution-toll-in-decades-as-authorities-put-to-death-198-people/>, (accessed on 21 October 2024).

⁸³ Reprive and ESOHR, *Bloodshed and Lies: Mohammed bin Salman's Kingdom of Executions*, January 2023, p.26, <https://reprive.org/wp-content/uploads/sites/3/2023/01/Bloodshed-and-Lies-Mohammed-bin-Salmans-Kingdom-of-Executions.pdf>, (accessed on 21 October 2024).

⁸⁴ Human rights Watch, "Saudi Arabia: Forthcoming Penal Code Should Protect Rights", 29 April 2022, <https://www.hrw.org/news/2022/04/29/saudi-arabia-forthcoming-penal-code-should-protect-rights>, (accessed on 16 October 2024).

⁸⁵ Reprive, *Bloodshed and Lies: Mohammad Bin Salman's Kingdom of Executions*, 31 January 2023, p.8, <https://reprive.org/wp-content/uploads/sites/3/2023/01/Bloodshed-and-Lies-Mohammed-bin-Salmans-Kingdom-of-Executions.pdf>, (accessed on 16 October 2024). The definitions in this section are mainly based on the findings in this report.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

authorities and are found in Shari'a law. Corporal penalties applied in matters of *ta'zir* are the death penalty (which is rarely imposed) and flagellation.⁸⁸

Finally, it should be noted that the legal framework that has been extensively relied upon over the past few years to charge suspects and repress public dissent, is the counter-terrorism legal framework. In November 2017, Saudi Arabia's 2014 Law on Terrorism Crimes and its Financing was replaced with the Law on Combating Terrorism Crimes and its Financing.⁸⁹ In 2017, amendments were passed further criminalising a wide range of non-violent acts, including those which "disturb the public order", "undermine public security" or "destabilise the state or endanger its national unity". Such acts clearly fall under the rights to freedom of opinion, expression, peaceful assembly and association as well as the freedom of thought, conscience and religion. Under such a broad definition of terrorism, any act of democratic opposition or public dissent can be conflated with a terrorist act.

It is important to note that, regarding the 2014 Counter-Terrorism Law, legal experts confirmed that "the decree did nothing to cure the potential for it to be discriminatorily applied against particular groups — such as religious minorities".⁹⁰ However, there has been no changes with regards to remedy the potential discriminatory application of the law, since the 2017 Counter-Terrorism Law. The application of the death penalty is therefore based on a legal framework that enables the judiciary to pursue a repressive agenda.

We also want to highlight that the Human Rights Committee stated that "data suggesting that members of religious, racial or ethnic minorities indigent persons or foreign nationals are disproportionately likely to face the death penalty, which raises concerns under article 2(1) read in conjunction with article 6, as well as under article 26".⁹¹ Even though Saudi Arabia is not a State Party to the ICCPR, these articles reflect articles 2, 3 and 7 of the UDHR and are therefore also applicable to Saudi Arabia. This goes also against article 1.1, 5.a and 5.b of the Convention on the Elimination of all forms of Racial Discrimination.

4.2 Discriminatory use of the death penalty against the Shi'a community

Members of the Shi'a community in Saudi Arabia are often tried in mass trials and sentenced to death on the basis of vague offences that frequently violate their right to freedom of expression and peaceful assembly.⁹²

Ayatollah Sheikh Nimr Baqir al-Nimr was a Shi'a sheikh from al-Awamiyah in the al-Qatif region. He was popular among youth and critical of the Saudi Arabian government, advocating for free elections in Saudi Arabia.⁹³ Sheikh al-Nimr was shot and injured in disputed circumstances on 8 July 2012.⁹⁴ His family confirmed that when he was shot, he was not armed, did not own a gun and was

⁸⁸ *Ibid.*

⁸⁹ You may find an English version of these legislations on MENA Rights Group's website, available at <https://www.menarights.org/en/countries/saudi-arabia>, (accessed on 16 October 2024).

⁹⁰ United States Commission on International Religious Freedoms, *Factsheet, Saudi Arabia's Specialized Criminal Court*, p. 2, (accessed on 16 October 2024).

⁹¹ Human Rights Committee, General comment n°36 on article 6: right to life, 3 September 2019, UN Doc. CCPR/C/GC/36, para. 44.

⁹² UN Working Group on Arbitrary Detention, *Opinion, No. 26/2019 concerning Abdelkarim Mohamed Al Hawaj and Mounir Abdullah Ahmad Aal Adam (Saudi Arabia)*, UN doc. A/HRC/WGAD/2019/26, 9 October 2019, para. 57.

⁹³ Nicola Slawson for *The Guardian*, "Saudi execution of Shi'a cleric sparks outrage in Middle East", 2 January 2016, <https://www.theguardian.com/world/2016/jan/02/saudi-execution-of-shia-cleric-sparks-outrage-in-middle-east>, (accessed on 16 October 2024).

⁹⁴ Amnesty International, *Muzzling critical voices: politicized trials before Saudi Arabia's Specialized Criminal Court*, 2019, p.32, <https://www.amnesty.org/en/documents/mde23/1633/2020/en/>, (accessed on 17 October 2024).

on his own at the time of his arrest.⁹⁵ This incident sparked renewed unrest and protests across the Eastern Province. In February of 2013, thousands of people demonstrated for the release of Sheikh al-Nimr.⁹⁶ The following month, the authorities referred Sheikh al-Nimr to the Specialised Criminal Court for trial, accusing him of *hiraba* (banditry), an offence carrying the death penalty. In May and June of 2014, the SCC sentenced to death at least five Shi'a activists arrested in connection with the 2011-2012 protests after convicting them on trumped-up charges, and sentenced others to long prison terms of up to 25 years. Those sentenced to death following unfair trials included Ali al-Nimr, a nephew of Sheikh al-Nimr, who was 17 at the time of the arrest.⁹⁷ In October 2014, the SCC sentenced Sheikh al-Nimr to death following an unfair trial, which led to a new wave of protests.⁹⁸ On 2 January 2016, the authorities announced that they had executed Sheikh al-Nimr and 46 other prisoners.⁹⁹ Adding to the tension, the SCC continued to hand down death sentences and long prison terms to members of the Shi'a minority for protest-related crimes. This execution marked the first instance of individuals being executed *en masse* for their involvement in the 2011-2012 al-Qatif protests, which called for an end to discrimination against the Shi'a community.

MENA Rights Group has documented several other cases of discriminatory use of the death penalty against members of the Shi'a community in Saudi Arabia.

Following Sheikh al-Nimr's execution, the authorities have persisted in repressing individuals in the al-Qatif region due to their affiliation with him or with the 2011-2012 protests. MENA Rights Group has notably documented the case of **A.M.N**, a father of four who took part in the al-Qatif protests. In April 2018, he was arrested by *Mabahith* officials¹⁰⁰, and immediately placed in the *Mabahith*-run prison of Dammam. The Public Prosecution Office charged him with "disrupting social cohesion by participating in demonstrations, and attending funerals of deceased individuals in Qatif", "glorifying Nimr al-Nimr, objecting to the arrest and trial of security detainees, stirring sectarian strife by resigning from military service after the arrest of Nimr al-Nimr, and inciting Shi'a employees in Dammam's Traffic Department to protest", and "finding terrorism and terrorist activities criminalised under the Counterterrorism law". A.M.N was tried by the SCC for the first time in December 2019, and for the second time in October 2021. During his trial, he claimed he was tortured while in prison, with medical reports confirming multiple hospitalisations related to his allegations. His case was then referred to the Specialised Criminal Court of Appeal. On 17 August 2024, the Saudi Press Agency published a statement from the Ministry of Interior announcing that A.M.N was executed¹⁰¹. The family was not made aware of the execution prior to the publication of the official execution order by the Minister of Interior. They were not given the opportunity to say their goodbyes before the execution. To this day,

⁹⁵ Amnesty International, "Saudi Arabia must charge or release detained dissident cleric", 10 August 2012, <https://www.amnesty.org/en/latest/press-release/2012/08/saudi-arabia-must-charge-or-release-detained-dissident-cleric/>, (accessed on 17 October 2024).

⁹⁶ Amnesty International, *Muzzling critical voices: politicized trials before Saudi Arabia's Specialized Criminal Court*, 2019, p.32, <https://www.amnesty.org/en/documents/mde23/1633/2020/en/>, (accessed on 17 October 2024).

⁹⁷ *Ibid.*

⁹⁸ Rori Donaghy for *Middle East Eye*, "Thousands protest cleric death sentence in Saudi Arabia as cross-sect solidarity flickers", 13 February 2015, <https://www.middleeasteye.net/news/thousands-protest-cleric-death-sentence-saudi-arabia-cross-sect-solidarity-flickers>, (accessed on 17 October 2024).

⁹⁹ Amnesty International, *Muzzling critical voices: politicized trials before Saudi Arabia's Specialized Criminal Court*, 2019, p.32, <https://www.amnesty.org/en/documents/mde23/1633/2020/en/>, (accessed on 17 October 2024).

¹⁰⁰ The *Mabahith* are more commonly known as the secret services police, and run several detention facilities and prisons, such as the Dammam prison, where most of the Shi'a detainees mentioned in this section are / were held. This effectively puts the detention centres and prisons run by the *Mabahith* under the control of the King. (See MENA Rights Group, *The Saudi Presidency of State Security: An Arm of Repression in the Crown Prince's Kingdom*, June 2022, [Link](#), (accessed on 21 October 2024), p.14).

¹⁰¹ You can find the execution order issued by the Minister of Interior on the following link: <https://www.spa.gov.sa/N2156108>, (accessed on 21 October 2024).

they have not received any information about the whereabouts of the body, nor were they able to hold a mourning ceremony.

Moreover, in June 2023, MENA Rights Group submitted a Request for Opinion to the Working Group on Arbitrary Detention regarding the cases of five young men who have been sentenced to death for acts committed while they were minors. All five of them – **Abdullah al-Derazi**¹⁰², **Jalal Labbad**¹⁰³, **Y.M, J.Q, and H.F** – belong to the Shi'a community. The cases of al-Derazi, al-Manasif and al-Labbad were included in a recent communication of the UN Special Procedures dating from June 2024.¹⁰⁴ In 2011 and 2012, all five of them participated in the demonstrations in al-Qatif, while they were minors, protesting against the treatment of the Shi'a citizens in the country. They also took part in Ahmed Mattar's funeral¹⁰⁵ on 28 December 2022, alongside hundreds of other al-Qatif residents, where they protested against the violence used by police and security services that resulted in the deaths of numerous demonstrators during the 2011-2012 protests.

Following their arrests, they were held in solitary confinement for months, subjected to both physical and psychological torture, with some enduring prolonged periods of *incommunicado* detention. They were charged under the Counter-Terrorism Law and at least two of them were sentenced to death with a *ta'zir* sentence. Their death sentence was directly related to them protesting against the discrimination faced by the Shi'a minority in Saudi Arabia.

Furthermore, MENA Rights Group has also documented the case of **Saud al-Faraj**¹⁰⁶, who was sentenced to death in 2022 for protesting during the 2011-2012 al-Qatif demonstrations. Al-Faraj was detained *incommunicado*, placed in solitary confinement and underwent severe physical and psychological torture at the hands of Saudi officers.¹⁰⁷ The UN Working Group on Arbitrary Detention found al-Faraj's detention arbitrary under category I, II, III and V of the Working Group's methods of work. It notably recalled its jurisprudence on similar cases of Shi'a detainees who were reportedly

¹⁰² You can find the profile of Mr al-Derazi on MENA Rights Group's website: <https://menarights.org/en/case/abdullah-al-derazi>, (accessed on 16 October 2024).

¹⁰³ You can find the profile of Mr al-Labbad on MENA Rights Group's website: <https://menarights.org/en/case/jalal-al-labbad>, (accessed on 16 October 2024).

¹⁰⁴ UN Special Procedures, UA SAU 2/2024, 13 June 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29155>, (accessed on 16 October 2024).

¹⁰⁵ Ahmad Mattar was a 17-year-old boy who took part in several demonstrations in the al-Qatif region of Saudi Arabia. In December 2012, he was killed during a demonstration by police officers who opened fire on protesters asking for the release of detained individuals in the al-Qatif area. His funeral took place on 28 December 2012 which ensued in a massive protest. For more information, see, Al Joumhouria, مسيرة إحتجاجية على مقتل شاب برصاص الأمن السعودي في القطيف, 29 December 2012, <https://www.aljournhouria.com/ar/news/47894/%D9%85%D8%B3%D9%8A%D8%B1%D8%A9-%D8%A7%D8%AC%D9%8A%D8%A9-%D8%B9%D9%84%D9%89-%D9%85%D9%82%D8%A7%D9%84-%D8%B4%D8%A7%D8%A8-%D8%A8%D8%B1%D8%B5%D8%A7%D8%B5-%D8%A7%D9%84%D8%A7%D9%85%D9%86-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D9%82%D8%B7%D9%8A%D9%81>, (accessed on 16 October 2024).

¹⁰⁶ You can find the profile of Mr al-Faraj on MENA Rights Group's website: <https://menarights.org/en/case/saud-al-faraj>, (accessed on 16 October 2024).

¹⁰⁷ UN Working Group on Arbitrary Detention, Opinion No. 26/2024 concerning Saud bin Mohammed bin Ali al-Faraj (Saudi Arabia), 27 March 2024, para. 16, 17, 19, 26, 28, 30, 59, 61, 88, 98, 114, 117, A/HRC/WGAD/2024/26.

executed and noted that the CERD had expressed its concern that ethno-religious minorities in Saudi Arabia face obstacles in freely practicing their right to freedom of religion or belief and that certain ethno-religious minorities face discrimination in the legal system.¹⁰⁸ The Working Group therefore considered that al-Faraj's deprivation of liberty was based on his religion and therefore discriminatory.¹⁰⁹

Moreover, in March 2022, 81 men were executed in Saudi Arabia's largest mass execution in years, following unfair trials marred by torture allegations.¹¹⁰ More than half of these men were from ethno-religious minorities, including 41 members of the Shi'a minority who had participated in the 2011-2012 al-Qatif protests.¹¹¹

Notably among the men executed that day were **H.R and A.R**, both members of the Shi'a community. Their brother **A.H.R** was also sentenced to death in July 2019, for having participated in the al-Qatif protests, after a highly unfair trial, and after having been tortured, placed in *incommunicado* detention, and in solitary confinement for months.¹¹² The death sentence of Ali Hassan al-Rabea was converted to a 25-year prison sentence by the Special Criminal Court on 16 November 2021. Their cousin, **A.M.R** was sentenced to death on 5 November 2022, allegedly for helping his brother, M.R, flee Saudi Arabia. **M.R** was wanted by the Saudi authorities for his involvement in the 2011 al-Qatif protests. The brother of A.M.R and M.R, **Hassan Mohammed Ali al-Rabea**,¹¹³ fearing persecution himself, left Saudi Arabia in early 2022. After a five-month stay in Morocco, he was arrested at Marrakesh airport, on 14 January 2023, on the basis of a provisional arrest warrant circulated by the Arab Interior Ministers Councils (AIMC) on 22 November 2022. On 6 February 2023, the Committee against Torture requested Morocco to take interim measures by suspending the extradition of al-Rabea pending the review of his case. The very same day, Morocco effectively extradited him to Saudi Arabia. On 7 February 2023, five UN Special Procedures mandate holders expressed their concern about the decision of Morocco to extradite al-Rabea to Saudi Arabia.¹¹⁴ Since his extradition, Hassan al-Rabea has been detained in Dammam prison. We have no information about the opening of a trial concerning him.

Those who were either sentenced to death or executed for having protested during the 2011-2012 al-Qatif protests, were either asking for governmental reforms or protesting against the discriminations of the Shi'a minority in Saudi Arabia. Their sentencing and executions are therefore directly related to their membership to an ethno-religious minority, making it a direct violation of Convention.

4.3 Discriminatory use of the death penalty against local tribal populations

In the context of the previously discussed NEOM project, at least five members of the Huwaitat tribe have been sentenced to death for merely expressing their dissent against the forced evictions from their land and speaking out against the injustices inflicted on them by the Saudi authorities.¹¹⁵

¹⁰⁸ *Ibid*, para. 126.

¹⁰⁹ *Ibid*, para. 127.

¹¹⁰ Human Rights Watch, *Saudi Arabia: Mass Execution of 81 Men*, 15 March 2022, <https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men> (accessed on 16 October 2024).

¹¹¹ UN Special Procedures, AL SAU 5/2022, 28 March 2022, p.1, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27156>, (accessed on 16 October 2024).

¹¹² UN Special Procedures, AL SAU 1/2021, 15 January 2022, p.1.

¹¹³ You can find the profile of Mr Hassan al-Rabea on MENA Rights Group's website: <https://menarights.org/en/case/hassan-muhammad-al-rabea> (accessed on 16 October 2024).

¹¹⁴ UN Special Procedures, UA MAR 1/2023, 7 February 2023.

¹¹⁵ UN Special Procedures, UA OTH 28/2023, 28 April 2023,

On 2 October 2022, the SCC handed down death sentences on Shadli, Ibrahim and Atallah al-Huwaiti. Later, **Suleiman Mohammad Moussa al-Huwaiti** and **Eid Hmoud al-Mashouri al-Huwaiti** were also handed death sentences. Both had been subjected to enforced disappearance following their arrest and were transferred to military court.¹¹⁶

Ibrahim Saleh Ahmed al-Huwaiti was part of the delegations of local residents who in 2020 met the official commission charged with securing government title to the lands required for the Neom project. Ibrahim al-Huwaiti was arrested in early November 2020. He was charged with having the “intention of destabilising the security and stability of the society and the state” as well as using social media to harm national unity.¹¹⁷ His death sentence was upheld by the Specialised Criminal Court of Appeal on 23 January 2023.¹¹⁸

Atallah Musa Muhammad al-Huwaiti was seen in several video clips talking about the misery his family and all the other displaced residents were facing as a result of the decision to evict them. Following his arrest, he was transferred to the GID prison in Tibuk and then to al-Tarrfiyyah prison in al-Qasim. During this period, he was held in solitary confinement and was subjected to brutal acts of torture as a way of coercing him to confess that he and other members of the al-Huwaitat tribe had established a terrorist cell. His death sentence was upheld by the Specialised Criminal Court of Appeal on 23 January 2023.¹¹⁹

Shadli Ahmed Mahmoud al-Huwaiti is the brother of **Abdulrahim al-Huwaiti**, who was shot dead by security forces in April 2020. Shadli was director of agriculture in the governorate of Al-Bidaa before being appointed as a manager of agriculture in the governorate of Duba. He was enforceably disappeared for two months before the authorities confirmed that he was being held at al-Tarfiya Prison in al-Qassim. During interrogation Shadli was subjected to various types of torture, including electrocution, beating on the soles of the feet (falaqa), exposure to extreme temperatures, sleep deprivation and prolonged periods of solitary confinement. He went on trial on 15 March 2022, on charges that included “establishing a terrorist organisation to rebel against the ruler” and “creating a Twitter account to tear apart national cohesion”. On 23 May 2022, Shadli went on hunger strike in protest against ill-treatment and being placed in solitary confinement, and after two weeks the Dhahban Prison administration inserted a tube into his stomach to force-feed him, a form of torture. His death sentence was upheld by the Specialised Criminal Court of Appeal on 23 January 2023.¹²⁰

By sentencing members of the Huwaitat tribe to death for opposing a project that threatens their ancestral lands, the authorities have not only suppressed their right to life and right to free expression but also undermined their cultural and territorial rights. Indigenous communities have historically been excluded from decision-making processes about their lands, and this punishment reflects a deep-rooted disregard for their identity, rights, and traditional way of life.¹²¹

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27999> (accessed 7 November 2024).

¹¹⁶ *Ibid.*

¹¹⁷ UN Special Procedures, UA OTH 28/2023, 28 April 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27999> (accessed 7 November 2024), p. 3.

¹¹⁸ *Ibid.*

¹¹⁹ MENA Rights Group, *Atallah al-Huwaiti, member of Saudi tribe displaced by NEOM, sentenced to death*, 5 April 2023, <https://menarights.org/en/case/atallah-moussa-mohammed-al-huwaiti> (accessed 17 October 2024).

¹²⁰ AIQST for Human Rights, *The Dark Side of Neom: Expropriation, expulsion and prosecution of the region's inhabitants*, February 2023, p.14, <https://alqst.org/uploads/the-dark-side-of-neom-expropriation-expulsion-and-prosecution-en.pdf> (accessed 15 October 2024).

¹²¹ OHCHR, *Indigenous Peoples Continue to be Excluded from Power, Denied Identities, Displaced from Lands Says Secretary-General to Permanent Forum*, 12 May 2003, <https://www.ohchr.org/en/statements/2009/10/indigenous-peoples-continue-be-excluded-power-denied-identities-displaced-lands> (accessed 17 October 2024).

In addition to constituting a clear violation of international law¹²², the disproportionate use of the death penalty towards members of the Huwaitat tribe has further entrenched injustice and discriminatory treatment against already marginalized indigenous communities.

5 The Saudi Human Rights Commission

The Saudi Human Rights Commission (SHRC) was established by the Council of Ministers through Resolution No. 207 of 12 September 2005.¹²³ This resolution constitutes the Statute of the SHRC and is the foundational document that outlines the objectives, mission and responsibilities of the Commission. Overall, according to its statute, the Commission is an independent institution that has the authority to uncover and address any violations of human rights in Saudi Arabia.¹²⁴

However, human rights NGOs have documented that the Commission's depiction of the human rights situation in Saudi Arabia is inaccurate and raises serious concerns about the SHRC's independence, commitment and integrity to effectively fulfil its stated mandate.¹²⁵

5.1 Freedom of expression

Saudi domestic law does not provide for nor protect freedom of expression.¹²⁶ Over the past few years, severe restrictions on freedom of expression have been imposed, specially targeting discriminated minorities, such as the ethno-religious Shi'a minority and local tribal populations. Despite this reality, the SHRC consistently denies allegations of violations of freedom of expression in its reports and statements, and has remained silent on a number of prominent cases. In fact, the SHRC's most recent annual report does not even mention freedom of expression.¹²⁷

The 2017 Counterterrorism law and the 2007 Anti-Cybercrime law are the two main legal frameworks that are relied upon by authorities to repress fundamental freedoms of such populations, as highlighted throughout the report.¹²⁸

¹²² "Under international law, States that have not yet abolished the death penalty may only impose it for the 'most serious crimes', involving intentional killing." See OHCHR, *Saudi Arabia : UN experts alarmed by imminent executions linked to NEOM project*, 3 May 2023, <https://www.ohchr.org/en/press-releases/2023/05/saudi-arabia-un-experts-alarmed-imminent-executions-linked-neom-project> (accessed 15 October 2024).

¹²³ Saudi Arabia, *Statute of the Human Rights Commission*, 12 September 2005, <https://laws.boe.gov.sa/Files/Download/?attId=86943751-8f65-4a01-afee-adbb0103b5b7> (accessed 12 October 2023).

¹²⁴ *Ibid.*, article 1-5.

¹²⁵ MENA Rights Group, ALQST, European Saudi Organisation for Human Rights, *The Saudi Human Rights Commission: A Whitewashing Tool of the Kingdom*, 27 November 2023, <https://www.menarights.org/en/documents/saudi-human-rights-commission-whitewashing-tool-kingdom> (accessed 21 October 2024).

¹²⁶ In particular, the Basic Law of Governance, which was enacted as an informal constitution in 1992, states that "[a]ll acts that foster sedition or division or harm the state's security and its public relations or detract from man's dignity and rights shall be prohibited." You may access a translated version of the Basic Law on MENA Rights Group's website: https://menarights.org/sites/default/files/2016-12/KSA_Constitution_EN.pdf (accessed 21 October 2024).

¹²⁷ Saudi Human Rights Commission, *2023 Annual Report*, 2023, <https://www.hrc.gov.sa/storage/reports-attachment/xSflpoffi0BO3IB1XCwylH3PknrFuwy6U0qfMF.pdf> (accessed 21 October 2024).

¹²⁸ U.S. Department of State, *2022 Country Reports on Human Rights Practices: Saudi Arabia*, <https://www.state.gov/reports/2022-country-reports-on-humanrights-practices/saudi-arabia/#:~:text=On%20December%201%2C%20Amnesty%20International,the%20Saudi%20Shi'a%20minority> (accessed 21 October 2024), p. 28.

The 2017 Law on Combating Crimes of Terrorism and its Financing has been the subject of serious concern for numerous human rights organisations as well as United Nations experts.¹²⁹ Meanwhile, the SHRC has refrained from ever criticising this law, the former head of the SHRC going as far as claiming that the 2017 amendments to the counter terrorism framework allowed Saudi Arabia to “meet its commitments under international law”.¹³⁰

To date, the SHRC has never issued any recommendation calling for the revision or repeal of these texts. The SHRC’s selective approach to legislation, along with its tendency to make unsubstantiated claims and its failure to provide impartial evaluations of legislation concerning human rights implications, as expected from an independent human rights body, creates a distinct impression that the SHRC’s role, in essence, is to whitewash the Kingdom’s poor human rights record.

5.2 The death penalty

The SHRC has presented conflicting information when it comes to the death penalty in Saudi Arabia.

In general, the SHRC has claimed on multiple occasions that child defendants would not face the death penalty, including on X, in their annual reports and before the UN Human Rights Council.¹³¹ The SHRC asserted that the 2018 Juvenile Law abolished the death penalty for crimes committed by minors and replaced it by a maximum sentence of 10 years’ imprisonment, emphasising the retroactive application of the law to cases decided before 2018.¹³² In March 2020, the SHRC published an order stipulating the implementation of the 2018 Juvenile Law prohibiting the execution of death sentences against minors in *taazir* cases.¹³³ In April 2020, the SHRC announced a new Royal Decree purporting to abolish the death penalty for child defendants, bringing Saudi domestic law in line with international standards in this regard.¹³⁴ The SHRC also asserted that those convicted of terrorism offences would be covered by the decree.¹³⁵ In October 2020, the SHRC stated that it found no basis to substantiate claims that Saudi prosecutors were still pursuing death sentences for juvenile offenders, asserting its confidence that “Saudi prosecutors will fully uphold Saudi law”.¹³⁶ Meanwhile, the Royal Decree, which allegedly abolished the death penalty for child defendants, was neither publicly released nor published in the Official Law Gazette, as required by Saudi law for enacting new legislation.

¹²⁹ UN Special Procedures, OL SAU 12/2020, 17 December 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25726> (accessed 21 October 2024).

¹³⁰ United Nations Website, Human Rights Council adopts Universal Periodic Review outcomes of Saudi Arabia, Senegal, the Congo and Nigeria <https://www.ohchr.org/en/news/2019/03/human-rights-council-adopts-universal-periodic-review-outcomessaudi-arabia-senegal>, 14 March 2019 (accessed 21 October 2024).

¹³¹ Saudi Human Rights Commission, HRC International Report, 2021, <https://www.hrc.gov.sa/storage/reports-attachment/RmC6nMjB7eDRmnzayj30A1ZoOS0QC4K4oAzEUyu9.pdf> (accessed 21 October 2024); Saudi Human Rights Commission twitter account (@HRCSaudi), 21 October 2020, available at: https://reprieve.org/wp-content/uploads/sites/2/2021/04/2020_10_21_PUB_KSA_Tweet_DeathPenaltyJuviles.jpg (although the tweet has been deleted, Reprieve saved a screenshot on their servers); UN Web TV, 6th Meeting, 46th Regular Session Human Rights Council, 23 February 2021, <https://media.un.org/en/asset/k1p/k1ptgc87e9> (accessed 21 October 2024).

¹³² Saudi Human Rights Commission, HRC International Report, 2021, <https://www.hrc.gov.sa/storage/reports-attachment/RmC6nMjB7eDRmnzayj30A1ZoOS0QC4K4oAzEUyu9.pdf> (accessed 21 October 2024) p. 16.

¹³³ AP News, Saudi Commission insists no minors to face death penalty, 22 October 2020, <https://apnews.com/article/dubai-saudi-arabia-unitedarab-emirates-middle-east-crime-2e15625df30160e8fff9272dbda4e9c3> (accessed 21 October 2024).

¹³⁴ Deutsche Welle, Saudi Arabia abolishes death sentence for minors, 27 April 2020, <https://www.dw.com/en/saudi-arabia-abolishes-death-sentence-for-minors/a-53253967> (accessed 21 October 2024).

¹³⁵ Saudi Human Rights Commission’s Twitter account (@HRCSaudi), 28 April 2020, <https://twitter.com/HRCSaudi/status/1255236606124068866> (accessed 21 October 2024).

¹³⁶ AP News, Saudi Commission insists no minors to face death penalty, 22 October 2020, <https://apnews.com/article/dubai-saudi-arabia-unitedarab-emirates-middle-east-crime> (accessed 21 October 2024).

Despite the SHRC's claims, the death penalty is still being used for child defendants, especially against Shi'a defendants. In fact, all current individuals who are sentenced to death for acts committed as minors, are Shi'a individuals who participated in the protests of the Eastern Province.

The SHRC has also commented on some of these cases. On 15 June 2021, M.D, was executed for his alleged participation in such protests when he was under 18. Following his execution, the SHRC falsely claimed that he was over 19 at the time of each of the crimes for which he was executed, directly contradicting the evidence that demonstrated M.D's age at the time of the protests.¹³⁷ Regarding the cases of the current minors on death row covered in Section 4 of the present report, the SHRC has never commented on any of these cases.

5.3 Individual complaint mechanism

The SHRC offers the possibility for individuals, institutions, organisations and others to submit a complaint or report on human rights issues.¹³⁸ In theory, this individual complaint mechanism is supposed to be a platform for individuals to voice their concerns regarding human rights violations. However, human rights organisations have documented severe limitations to this mechanism. One significant limitation is the extensive and restrictive list of requirements for submitting a complaint. There is a limited selection of 60 nationalities, which excludes individuals from countries not included in the list as well as stateless persons from seeking assistance through the mechanism. This impacts mainly migrant workers who may face significant human rights violations and who are thereby *de facto* excluded from lodging a complaint with the SHRC.

There are also several concerns that transpire from the response of the SHRC to individual cases of human rights violations against migrant workers, Shi'a Muslims and the Huwaitat tribe.

For instance, the SHRC never responded to a complaint filed by the family of A.M, a Lebanese citizen who was arrested and forcibly disappeared in Saudi Arabia in 2022. The complaint filed by Saud al-Faraj, a Saudi citizen who was detained, tortured and sentenced to death over participating in anti-government protests, was equally ignored by the SHRC.¹³⁹ Similarly, the SHRC never responded to the complaint by Abbas al-Hassan, who was detained, tortured and executed over his belonging to the long-persecuted Shi'a minority in Saudi Arabia.¹⁴⁰

All in all, the Saudi government has shown a pattern of using the SHRC to defend itself against accusations of human rights abuses, effectively instrumentalising the SHRC for its own whitewashing purposes, especially before international human rights bodies.

¹³⁷ MENA Rights Group, ALQST, European Saudi Organisation for Human Rights, *The Saudi Human Rights Commission: A Whitewashing Tool of the Kingdom*, 27 November 2023, <https://www.menarights.org/en/documents/saudi-human-rights-commission-whitewashing-tool-kingdom> (accessed 21 October 2024), p. 23.

¹³⁸ For a detailed explanation of the complaint procedure, you may see MENA Rights Group, ALQST, European Saudi Organisation for Human Rights, *The Saudi Human Rights Commission: A Whitewashing Tool of the Kingdom*, 27 November 2023, <https://www.menarights.org/en/documents/saudi-human-rights-commission-whitewashing-tool-kingdom> (accessed 21 October 2024), p. 25-27.

¹³⁹ MENA Rights Group, ALQST, European Saudi Organisation for Human Rights, *The Saudi Human Rights Commission: A Whitewashing Tool of the Kingdom*, 27 November 2023, <https://www.menarights.org/en/documents/saudi-human-rights-commission-whitewashing-tool-kingdom> (accessed 21 October 2024), p. 30.

¹⁴⁰ UN Working Group on Arbitrary Detention, Opinion No. 56/2019 concerning Abbas Hajji Al-Hassan (Saudi Arabia), UN Doc. A/HRC/WGAD/2019/56, 10 October 2019, https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session85/A_HRC_WGAD_2019_56_AdvanceEditedVersion.pdf (accessed 21 October 2024); Human Rights Watch, *Denied Dignity: Systematic Discrimination and Hostility toward Saudi Shia Citizens*, 3 September 2009, <https://www.hrw.org/report/2009/09/03/denied-dignity/systematic-discrimination-and-hostility-towardsaudi-shia-citizens> (accessed 21 October 2024).

5.4 Lack of independence

The SHRC's Statute provides that "[t]he Commission shall be an independent corporate entity with full autonomy to perform its tasks",¹⁴¹ seemingly aligning with the independence criteria enshrined in the Paris Principles. However, all members of the SHRC are appointed by the King,¹⁴² and the Statute does not provide for broad consultation or participation in the appointment process. Before the 2016 amendment to the Commission's Statute,¹⁴³ it was directly linked to the Prime Minister, Crown Prince Mohammed Bin Salman.¹⁴⁴ Since 2016, the SHRC reports to King Salman bin Abdulaziz al-Saud.¹⁴⁵

The SHRC's Board is composed of 26 members, including a President, a Vice-President, 18 full-time members and 6 part-time members.¹⁴⁶ Hala bint Mazyad al-Tuwaijri, who was previously Secretary-General of the Family Affairs Council, was appointed as President of the Human Rights Commission in September 2022, with the rank of minister.¹⁴⁷ She replaced Awwad al-Awwad, who became an adviser to the Royal Court.¹⁴⁸

A large number of the SHRC members seem to have close ties to government bodies and appear to lack a background in human rights, although the SHRC's Statute requires for its members to have expertise in the field of human rights¹⁴⁹ or to be known for their interest in human rights.¹⁵⁰

A number of UN experts expressed concern on the SHRC's failure to adhere to international standards.

Following the examination of the second periodic report of Saudi Arabia in 2016, the UN Committee against Torture stated the following about the SHRC:

While taking note of measures aimed at reinforcing the independence of the Human Rights Commission, the Committee remains concerned about the following: (a) The Human Rights Commission is subject to the authority of officials of the executive branch and does not have independent funding; (b) The reported lack of unhindered access to all places of detention; (c) The Commission's finding that only one complaint was considered serious, despite frequent reports of misconduct on the part of Al-Mabahith officers; (d) The absence of a confidential complaint mechanism for detainees to lodge complaints, owing to the involvement of prison wardens and directors in the complaints process.¹⁵¹

More recently, the Committee on the Elimination of Discrimination against Women regretted that "the State party has not enabled the Commission to evolve into a fully independent National Human Rights

¹⁴¹ Statute of the Human Rights Commission, art. 2.

¹⁴² Saudi Human Rights Commission Website, *Authority Council*, <https://www.hrc.gov.sa/website/council-structure> (accessed 12 September 2023).

¹⁴³ The Statute was amended by Cabinet Resolution No. 237 dated 6/5/1437 AH (corresponding to 15/02/2016).

¹⁴⁴ Saudi Arabia, *Cabinet Resolution No. 207 dated 8/8/1426*, accessible at: <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/836460dd-2750-40a8-b8b1-a9a700f26ede/1> (accessed 11 September 2023).

¹⁴⁵ Statute of the Human Rights Commission, art. 1.

¹⁴⁶ Saudi Human Rights Commission Website, *Authority Council*, <https://www.hrc.gov.sa/website/council-structure> (accessed 12 September 2023).

¹⁴⁷ Bahrain News Agency, *Saudi King appoints Human Rights Commission President*, 22 September 2022, <https://www.bna.bh/En/SaudiKingappointsHumanRightsCommissionPresident.aspx?cms=q8FmFJgiscL2fwlzON1%2BD0HvqY1RNbZMKeww9cmvMwl%3D> (accessed 13 September 2023).

¹⁴⁸ Arab News, *Hala Al-Tuwaijri appointed as head of Saudi Human Rights Commission*, 22 September 2022, <https://www.arabnews.com/node/2167586/saudi-arabia> (accessed 13 September 2023).

¹⁴⁹ Statute of the Human Rights Commission, art. 4(c).

¹⁵⁰ *Ibid.*, art. 4(d).

¹⁵¹ UN Committee against Torture, *Concluding observations on the second periodic report of Saudi Arabia*, adopted on 10 May 2016, UN Doc. CAT/C/SAU/CO/2, para. 34.

Institution in accordance with the Paris Principles¹⁵², and urged the Saudi government to ensure the independence of the Saudi Human Rights Commission, giving it a broad mandate to promote and protect human rights, including women's rights, in accordance with the Paris Principles.

During the review of Saudi Arabia by the Committee on the Elimination of Discrimination against Women, which took place on 9 October 2024, the delegation of the State party was headed by Hala bint Mazyad al-Tuwajiri, President of the Saudi Human Rights Commission. Similarly, the President of the SHRC headed the State delegation during the third cycle of the Universal Periodic Review of Saudi Arabia. In fact, the State delegation included several other members of the "Council of the Human Rights Commission" as well as members of the staff.¹⁵³

Such practice contravenes the Sub-Committee on Accreditation's General Observation No. 1.4, which provides that "NHRIs should not participate as part of a government delegation during the Universal Periodic Review, during periodic reviews before the Treaty Bodies, or in other international mechanisms where independent participation rights for NHRIs exist."¹⁵⁴

6 Conclusion and recommendations

Submitting organisations conclude that the Kingdom of Saudi Arabia has not complied with its obligations under the ICERD. Ethno-religious minorities and local tribal populations continue to face significant hardships and are disproportionately subjected to arbitrary detention, torture and the death penalty.

MENA Rights Group and ALQST for Human Rights give the following recommendations to the government of Saudi Arabia:

1. Establish a legal framework that criminalises racial discrimination in the country.
2. Amend all provisions in the law that discriminate against non-Sunni Muslim religious groups, and ensure that the country's laws provide for the protection of the right to freedom of religion.
3. Ensure the effective guarantee of the right to freedom of peaceful assembly within the Kingdom.
4. Refrain from using the Counterterrorism Law to arbitrarily arrest and prosecute members of ethno-religious communities and local tribal population.
5. Immediately release Shi'a community members detained for exercising their right to freedom of expression and peaceful assembly, and dismiss all associated charges.
6. Immediately release arbitrarily detained members of the Huwaitat tribe and dismiss all associated charges.

¹⁵² Committee on the Elimination of Discrimination against Women, *Concluding observations on the fifth periodic report of Saudi Arabia*, 29 October 2024, CEDAW/C/SAU/CO/5, para. 23.

¹⁵³ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, 26 December 2018, UN Doc. A/HRC/40/4, Annex.

¹⁵⁴ Global Alliance of National Human Rights Institutions, *General Observations of the Sub-Committee on Accreditation*, p.12, 21 February 2018, https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/EN_GeneralObservations_Revisions_adopted_21.02.2018_vf.pdf, (accessed on 31 October 2024).

7. Guarantee all residents the right to adequate housing without discrimination, and legally recognize the specific connection between indigenous tribal populations and their land.
8. Seek accreditation of the Saudi Human Rights Commission with the Sub-Committee on Accreditation of the Global Alliance of the National Human Rights Institutions (GANHRI).
9. Ensure that the Saudi Human Rights Commission effectively addresses individual cases of human rights violations and refrain from engaging in whitewashing of the government's human rights record.

MENA Rights Group is a Geneva-based legal advocacy NGO defending and promoting fundamental rights and freedoms in the Middle East and North Africa (MENA) region. Adopting a holistic approach, we work at both the individual and structural level. We represent victims of human rights violations before international law mechanisms. In order to ensure the non-repetition of these violations, we identify patterns and root causes of violations on the ground and bring key issues to the attention of relevant stakeholders to call for legal and policy reform.

ALQST for Human Rights is an independent NGO established in 2014 by Saudi Arabian human rights defender Yahya Assiri for the purpose of defending and promoting human rights in Saudi Arabia. 'Al-qist' means 'justice' in Arabic, and a passion for justice lies at the heart of all our work. We take a consistent human rights-based approach based on international human rights law and international standards, and defend fundamental rights for all without any distinction of race, colour, sex, language, religion or national or social origin. We conduct on-the-ground research, engage in international legal and public advocacy, and campaign on behalf of victims of human rights abuses.