March 19, 2024

Adam Selipsky
CEO, Amazon Web Services

CC: Prasad Kalyanaraman, Vice President of Infrastructure Services
David Zapolsky, SVP, Global Public Policy and General Counsel

Dear Mr. Selipsky,

We are writing to you concerning Amazon Web Services' announced plan to build an AWS infrastructure Region in Saudi Arabia in 2026.

In light of Saudi Arabia's poor human rights record, we are alarmed by AWS' plan and seek clarification on whether the company has conducted human rights due diligence to identify any adverse human rights impacts linked to hosting this infrastructure, and what measures AWS will take to mitigate them.

Access Now has previously warned against the expansion of cloud services in Saudi Arabia given the country's unprecedented digital repression and authoritarianism. Under the banner of reform, which AWS is publicly supporting in their statement, the Saudi authorities have unleashed "one of the biggest crackdowns on human rights in the country's history." Since 2017, many political dissidents, human rights defenders, bloggers, women activists, religious clerics, academics, and public intellectuals have been detained in abusive conditions for peacefully exercising their fundamental rights. In 2022, the Saudi authorities have dialed up their digital repression by handing disproportionately lengthy and harsh prison sentences over peaceful tweets and social media activity.

We are particularly concerned that the future cloud infrastructure will host and locally store content data relating to a plethora of private and non-profit enterprises in a country which has a disturbing record of digital surveillance. From the use of spyware to hack human rights defenders and dissidents to recruiting spies inside US-based tech companies, the Saudi authorities have relentlessly sought to spy on their citizens at home and abroad and illegally obtain their personal information. Furthermore, Saudi Arabia's recent state policies and laws, including on data protection, cybercrime, cloud computing, and safe harbor laws, hold foreign tech companies hostage to government censorship demands and access to customer and user data.

Given the above, it is unclear to us how AWS will manage government pressure to hand over customer and user data and mitigate adverse human rights impacts including violations of the rights to privacy, freedom of expression, association, non-discrimination, and due process.

AWS has publicly asserted its commitment to respecting and supporting the UN Guiding Principles on Business and Human Rights (UNGPs) and the UN Universal Declaration of Human Rights through

embedding human rights in their business activities and decision making; identifying and mitigating human rights risks; and engaging with affected rights-holders. However, Saudi Arabia's habitual violations of fundamental rights and freedoms raises serious concerns about AWS' ability to live up to its own commitments, and to respect human rights and uphold its responsibilities under the UNGPs in Saudi Arabia.

In light of the above, we would like to raise the following questions:

- What human rights due diligence (HRDD), including human rights impact assessments and data protection impact assessments, did AWS carry out with respect to establishing a cloud infrastructure in Saudi Arabia?

- Did AWS consult any external stakeholders, including human rights experts and rights holders in Saudi Arabia and the wider region prior to making this decision?

- What measures will AWS take to mitigate any foreseen adverse human rights impacts linked to hosting a cloud infrastructure in Saudi Arabia and storing customers' content data there?
    - What safeguards does AWS have in place to protect against undue or unlawful government access to this data?
    - How will AWS plan to respond to authorities' requests for user data that are legal under Saudi law but do not comply with international human rights standards?

- In order to mitigate potential risks on how your customers use Amazon products, are you planning to continue limiting your customer due diligence activities to contractual mitigations and training with your customers in Saudi Arabia?

- In addition to the companies named by AWS, what other clients will use and host their data in AWS' future cloud infrastructure in Saudi Arabia?
    - You listed "Saudi Arabian institutions" in your announcement. Does this include the public sector, i.e. Saudi Arabia's governmental bodies? If so, which ones?

- What user data is being held or processed there, and from which countries?

- Do you have procedures in place to inform the end users of your customers on whether their data is stored and located in Saudi Arabia, and therefore, subject to local LEA requirements?

- How will AWS respond to legal requests for your customers' user data that do not comply with international human rights standards?

- In your announcement, AWS stated that “the new AWS Region will enable organizations to unlock the full potential of the cloud and build with AWS technologies.” Does this also include making available tools such as facial recognition, voice recognition and AI-based analytics capabilities for the customers in Saudi Arabia?
    - If yes, do you have procedures in place to consider the human rights risks posed by each of these capabilities standing alone, as well as the additional risks that may arise from the ability of your customers to combine these capabilities to perform functions that would otherwise be well beyond their reach?

- Have you considered whether all functionalities should be made available to any customer in Saudi Arabia, or whether certain high-risk functionalities (such as facial recognition) should be limited in a jurisdiction where the lack of rule of law and the lack of respect for human rights are well-known issues?

- Are you planning to conduct case-specific HRDD prior to enabling individual capabilities for governmental bodies in order to mitigate against the risk of potential product misuse?

We would greatly appreciate it if you could respond to our questions by **April 2, 2024.** We also welcome the opportunity to meet with you to further discuss these issues at your earliest possibility.

Sincerely,

Access Now

Access Now (https://www.accessnow.org) defends and extends the digital rights of users at risk around the world. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots grantmaking, legal interventions, and convenings such as RightsCon, we fight for human rights in the digital age.