

# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*

Promoting human rights by protecting those who defend them

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14 November 2022

His Majesty, King Salman bin Abdulaziz Al Saud  
King of Saudi Arabia and Custodian of the two Holy Mosques  
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Your Majesty, Your Highnesses, and Your Excellencies,

## **Re: Unlawful and arbitrary detention of Mohammad al-Qahtani**

We write on behalf of Lawyers' Rights Watch Canada (LRWC), a committee of lawyers and other human rights defenders who promote human rights and the rule of law internationally through advocacy, research and education. LRWC has Special Consultative status with the Economic and Social Council of the United Nations (UN).

LRWC is gravely concerned about the safety and well-being of Mohammad Al-Qahtani, a human rights defender currently imprisoned in Al-Ha'ir Reformatory Prison in Riyadh, Saudi Arabia, and since May 2022. LRWC is alarmed to learn that he has been held incommunicado and has endured ill treatment during detention. We are also seriously concerned for the charges against Mr. Al-Qahtani are illegitimate and non-compliant with the principle of legality and other applicable international law and standards. It is reported that the illegitimate charges include: breaking allegiance to and disobeying the ruler; questioning the integrity of officials; seeking to disrupt

security and inciting disorder by calling for demonstrations; disseminating false information to foreign groups; and forming an unlicensed organization<sup>1</sup>.

LRWC calls on the Kingdom of Saudi Arabia (Saudi Arabia) to:

- Immediately and unconditionally release Mohammad Al-Qahtani and all other human rights defenders;
- Vacate convictions against Mr. Al-Qahtani and all other human rights defenders;
- Ensure that investigations and remedies for human rights violations against Mr. Al-Qahtani strictly comply with Saudi Arabia's obligations under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)<sup>2</sup>, and the Universal Declaration of Human Rights (UDHR)<sup>3</sup>
- Implement all recommendations accepted by Saudi Arabia in the Human Rights Council's Universal Period Review (UPR) in 2018.

## Background

Dr. Mohammed Fahad Al-Qahtan is a human rights activist, economics professor, and political prisoner currently jailed in Al-Ha'ir Reformatory Prison in Riyadh, Saudi Arabia. Mr. Al-Qahtani is a founding member of the Association for Civil and Political Rights in Saudi Arabia (ACPRA). On 09 March 2013, the Riyadh Criminal Court sentenced him to 10 years in prison on 12 charges following a 10-year travel ban related to his human rights activities and specifically for co-founding the ACPRA.

Seven years ago the United Nations Working Group on Arbitrary Detention determined that the detention of Mr Al-Qahtani (and of Sheikh Suliaman al-Rashudi, Abdullah al-Hamid, Abdulkareem Yousef al-Khoder, Mohammed Saleh al-Bajadi, Omar al-Hamid al-Sa'id, Raif Badawi, Fadhel al-Manasif and Waleed Abu al-Khair) "is arbitrary, being in contravention of articles 9, 10, 19 and 20 of the Universal Declaration of Human Rights, and falls within categories II and III of the categories applicable to the consideration of the cases submitted to the Working Group." (emphasis added) The WGAD recommended the immediate release of and provision of reparation for the harm caused by the grievances to Mr. Al-Qahtani and the other named victims.<sup>4</sup>

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<sup>1</sup>UN General Assembly, *Human Rights Council*, Opinions adopted by the Working Group on Arbitrary Detention and its seventy-third session, 31 August-4 September 2015. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/267/67/PDF/G1526767.pdf?OpenElement>

<sup>2</sup> UN General Assembly, Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment : resolution / adopted by the General Assembly, 15 December 1989, A/RES/44/144, available at: <https://www.refworld.org/docid/3b00efef7c.html>

<sup>3</sup> UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html>

<sup>4</sup> WGAD, Opinion No. 38/2015 concerning Sheikh Suliaman al-Rashudi, Abdullah al-Hamid, Mohammed al-Qahtani, Abdulkareem Yousef al-Khoder, Mohammed Saleh al-Bajadi, Omar al-Hamid al-Sa'id, Raif Badawi, Fadhel al-Manasif and Waleed Abu al-Khair (Saudi Arabia), [A/HRC/WGAD/2015/38](https://www.refworld.org/docid/3ae6b3712c.html), 24 November 2015, at paras. 85, 87.

Since his arbitrary arrest and detainment, he has carried out several hunger strikes to protest Saudi prison conditions. Mr. Al-Qahtani remains imprisoned and has intermittently been kept in solitary confinement since 2018.

## **International Human Rights Law**

Saudi Arabia is obliged to comply with the UNCAT, to which Saudi Arabia acceded on 23 September 1997, and in particular to comply with the following provisions:

Article 2:

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

Article 4:

1. Each State Party shall ensure that all acts of torture are offences under its criminal law...
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 10

Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

## **Universal Periodic Review (UPR) Recommendations**

During the UPRs of Saudi Arabia, UN member states have recommended changes necessary to bring Saudi Arabia's laws, policies and practices into compliance with its international law obligations. During the November 2018 UPR, [13] Saudi Arabia supported the following recommendations relevant to the situation of Mr. Al-Qahtani, namely to:

- S – 122.116 Adopt further steps to prevent torture, cruel and degrading treatment in prisons and detention centers (Belarus);

The WGAD recently expressed concern with “a systemic problem with arbitrary detention in Saudi Arabia, which amounts to a serious violation of international law.” And stated that, “under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity.”<sup>5</sup>

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<sup>5</sup> Opinion No. 62/2022 concerning Husain bin Abdulla bin Yusuf al-Sadeq (Saudi Arabia), A/HRC/WGAD/2022/62, 28 September 2022 at para. 103

## Recommendations

LRWC calls on Saudi Arabia to immediately ensure compliance with its international human rights obligation and to:

1. Immediately and unconditionally release Mohammad Al-Qahtani;
2. Immediately and unconditionally release Sheikh Suliaman al-Rashudi, Abdullah al-Hamid, Abdulkareem Yousef al-Khoder, Mohammed Saleh al-Bajadi, Omar al-Hamid al-Sa'id, Raif Badawi, Fadhel al-Manasif and Waleed Abu al-Khair;
3. Vacate the convictions against and sentences imposed on Mohammad Al-Qahtani, Sheikh Suliaman al-Rashudi, Abdullah al-Hamid, Abdulkareem Yousef al-Khoder, Mohammed Saleh al-Bajadi, Omar al-Hamid al-Sa'id, Raif Badawi, Fadhel al-Manasif and Waleed Abu al-Khair;
4. Ensure the immediate reparations for the harm caused by Saudi Arabia through arbitrary detention to Mohammad Al-Qahtani, Sheikh Suliaman al-Rashudi, Abdullah al-Hamid, Abdulkareem Yousef al-Khoder, Mohammed Saleh al-Bajadi, Omar al-Hamid al-Sa'id, Raif Badawi, Fadhel al-Manasif and Waleed Abu al-Khair;
5. Ensure that investigations and remedies for human rights violations against Mr. Qahtani are in compliance with Saudi Arabia's obligations under the UNCAT, and the UDHR;
6. Implement all recommendations supported by Saudi Arabia in the Human Rights Council's UPR in 2018.

We look forward to your response detailing the action taken by Saudi Arabia to remedy the egregious violations identified in this letter.

Yours sincerely,

[signed]

Rai Friedman  
LRWC Monitor, LRWC

[signed]

Gail Davidson, Research Director, LRWC

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