

**FOLLOW-UP INFORMATION**

**To**

**THE UNITED NATIONS WORKING GROUP ON ARBITRARY DETENTION (WGAD)**

**Regarding**

**QUESTIONS IN PARAGRAPH 92**

**Of**

**WGAD OPINION 2018/10**

**CONCERNING WALEED ABULKHAIR (SAUDI ARABIA)**

**A/HRC/WGAD/2018/10. 4 July 2018**

**Submitted by:**

**Lawyers' Rights Watch Canada**

**11 March 2019**

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## **UN Working Group on Arbitrary Detention Questions**

### **Contact with Waleed Abu al-Khair**

1. Lawyers' Rights Watch Canada (LRWC) has had no contact with Waleed Abu al-Khair or his family since late 2017 and is not able to report details of his current treatment and health. At the time of last contact, his situation was grave due to the harsh conditions of his detention. LRWC assumes that his conditions has worsened or stayed the same. A presumption of improved treatment is not reasonable given knowledge of Saudi Arabia's: persistent persecution of Mr. Abu al-Khair; failure to comply with recommendations of the UN Working Group on Arbitrary Detention (WGAD) in Opinion No. 2018/10 concerning Waleed Abulkhair (Saudi Arabia); continuing grave human rights abuses of anyone whose lawful exercise of internationally protected rights has the potential to inspire government criticism or public debate regarding issues of public concern; and, the deterioration of the situation of human rights defenders and other critics in Saudi Arabia.

### **Whether Mr. Abulkhair has been released**

2. No, Mr. Abu al-Khair has not been released in accordance with the recommendation of the WGAD Opinion No. 10/2018, A/HRC/WGAD/2018/10, 4 July 2018 (July 2018 Opinion) at para. 88.

### **Whether compensation or other reparations have been made to Mr. Abulkhair**

3. No, there has been no compensation to the knowledge of LRWC. Mr. Abu al-Khair has been subjected in prison to repeated interrogations by Saudi authorities from the Ministry of the Interior directed at forcing Mr. Abu al-Khair to confess to wrongdoings, apologize, recant and refrain from human rights advocacy in return for release and compensation. Mr. Abu al-Khair has refused and advised the Ministry of the Interior official in 206 that he had given his final answer and would remain silent during future interrogations.

### **Whether an investigation has been conducted into the violations of Mr. Abulkhair's rights**

4. No, there has been no investigation to the knowledge of LRWC. If there has been an investigation that has not been made public, it has not resulted in improved treatment or the release of Mr. Abu al-Khair.

### **Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Saudi Arabia with its international obligations in line with the July 2018 Opinion**

5. Changes published on 1 November 2017 to the *Penal Law for Crimes of Terrorism and its Financing* do not bring the law into compliance with international standards or remedy the violations of the principles of legality particularly the requirement of certainty and the prohibition against prosecution for ex post facto offences. In the words of WGAD (at para. 50) "an act can be punished only if, at the time of its commission, the act was the object of a valid sufficiently precise, written criminal law to which a sufficiently certain sanction was attached."

6. Human rights experts and monitors agree that the amended law retains the overly broad provisions that can and are being used, to convict people for lawfully exercising internationally protected rights, and retains executive control of the Specialized Criminal Court. Reviewing the 2017 amendments, Human Rights Watch observed, “Instead of improving abusive legislation, Saudi authorities are doubling down with the ludicrous proposition that criticism of the crown prince is an act of terrorism.”<sup>1</sup> About the effect of the amendments the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, observed after his mission to Saudi Arabia that, “Far from a gradual modernisation and improvement of the human rights situation that the Government is keen to portray internationally, the true picture seems to be that Saudi Arabia is backsliding into ever more severe political repression.”<sup>2</sup>

7. A panel of experts speaking in Geneva on 4 March said that Saudi Arabia’s counter-terror laws remain unacceptably wide and vague and are being used to silence and punish human rights defenders in violations of international human rights law.<sup>3</sup> In March 2018, Human Rights Watch reported,

In 2017, Saudi Arabia promulgated a new counterterrorism law that includes criminal penalties of 5 to 10 years in prison for portraying the king or crown prince, directly or indirectly, “in a manner that brings religion or justice into disrepute,” and criminalizes a wide range of peaceful acts that bear no relation to terrorism.<sup>4</sup>

In August 2018, the Office of the High Commissioner of Human Rights (OHCHR) reported that, “[t]he Committee Against Torture was concerned about the lack of independence of the Specialized Criminal Court...”<sup>5</sup>

8. On 7 March 2019, 36 states made a joint statement<sup>6</sup> to the UN Human Rights Council expressing “significant concern about reports of continuing arrests and arbitrary detentions of human rights defenders in the Kingdom of Saudi Arabia including women’s rights activists” and calling for “the release of all individuals...detained for exercising their fundamental freedoms.” Samar Badawi, former wife of Mr. Abu al-Khair, is one of the individuals named in the statement. The extraordinary statement ends by calling on Saudi Arabia “to take meaningful

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<sup>1</sup> Sarah Leah Whitson, Middle East director quoted in, “Saudi Arabia: New Counterterrorism Law Enables Abuse”, Human Rights Watch, 23 November 2017. at <https://www.hrw.org/news/2017/11/23/saudi-arabia-new-counterterrorism-law-enables-abuse>

<sup>2</sup> Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his mission to Saudi Arabia, A/HRC//40/XX/Add.2, 6 June 2018.

<sup>3</sup> "Saudi Arabia: Time for Accountability" a side event co-sponsored by the International Service for Human Rights and the Mena Group, 4 March 2019, Room XXI, Palais des Nations, Geneva.

<sup>4</sup> Submission to the Universal Periodic Review of Saudi Arabia 31st session of the Universal Periodic Review; 3rd cycle, 29 March 2018. <https://www.hrw.org/news/2018/03/29/submission-universal-periodic-review-saudi-arabia>

<sup>5</sup> Periodic Review: Compilation on Saudi Arabia: Report of the OHCHR, A/HRC/WG.6/31/SAU/2, 30 August 2018, at para. 26.

<sup>6</sup> Statement under Agenda Item 2 Interactive Dialogue with the High Commissioner, 40<sup>th</sup> Session of the UN Human Rights Council delivered by H.E. Harald Aspelund (Iceland), 7 March 2019. accessible here <https://www.government.is/library/01-Ministries/Ministry-for-Foreign-Affairs/Myndir/Joint%20Statement%20on%20Saudi%20Arabia%20-%202017%20March%202019.pdf>

steps to ensure that all members of the public, including human rights defenders and journalists, can freely and fully exercise their rights to freedom of expression, opinion and association, including online, without fear of reprisals.”

### **Whether any other activities has been undertaken to implement the July 2018 Opinion**

9. LRWC alone and with other human rights organizations has continued to call on Saudi Arabia to release Mr. Abu al-Khair and has never received a response from Saudi Arabia. LRWC has also made oral statements to the UN Human Rights Council. Many other civil society organizations and individuals have made continued to lobby for his release without success.

10. As noted in the July 2018 Opinion (para. 5) Waleed Abu al-Khair’s human rights advocacy has been recognized by the Olof Palme Prize (2012), and the Ludovic-Trarieux Human Rights International Prize (2015). More recently he has been awarded, the Law Society of Ontario Human Rights Award (2017). In 2018 Waleed Abu al-Khair was one of three laureates from Saudi Arabia to receive the Right Livelihood Award, with human rights colleagues Mohammad Fahad al-Qahtani and Abdullah al-Hamid.

### **New Concerns for the attention of the WGAD**

11. LRWC invites the WGAD to consider that:

A. Saudi Arabia has subjected Waleed Abu al-Khair, his infant daughter and his former wife Samar Badawi to treatment prohibited by international human rights law (IHRL); and,

B. existing dangers to the life, security and physical and emotional health of Waleed Abu al-Khair are heightened by the escalation of Saudi Arabia’s attacks on human rights defenders coupled with Mr. Abu al-Khair’s continuing refusal to ‘confess’ to wrongdoing and thereby provide ‘justification’ for his conviction and sentence.

12. In contravention of international human rights law (IHRL) and the principle of legality (*nulla poene sine lege*), Saudi Arabia has subjected Waleed Abu al-Khair to punishment in addition to the sentence of imprisonment imposed by the Specialized Criminal Court on 6 July 2014 and increased by the Appeal Court on 14 February 2015; and,

13. Saudi Arabia has subjected Mr. Abu al-Khair to torture and other cruel, inhuman and degrading treatment and punishment by repeatedly subjecting him to treatment intended to cause and actually causing, severe physical deterioration and mental pain in order to obtain from him a ‘confession’ and to further punish him. The ‘confession’ sought is a written agreement whereby Mr. Abu al-Khair apologizes, recants and agrees to cease all human rights advocacy and remain silent on human rights issues in the future in return for his release.

14. Saudi Arabia’s treatment of Waleed Abu al-Khair contravenes IHRL instruments including but not limited to the:

*a. Convention Against Torture and other cruel, inhuman and degrading treatment or punishment*<sup>7</sup> (UNCAT), Article 2, freedom from torture, Article 12, the state duty to

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<sup>7</sup> UNCAT, acceded to by Saudi Arabia, 23 September 1997 pursuant to Royal Decree No. M/11 of A.H. 1418 (A.D. 1997).

investigate reports of UNCAT violations, and, Article 16 the state duty to prevent cruel, inhuman or degrading treatment or punishment;

b. *Universal Declaration of Human Rights (UDHR)*, in particular rights guaranteed by Articles 2 and 7 to freedom from discrimination, Article 3 to the right to life and security of the person, Article 5 to freedom from torture or cruel, inhuman or degrading treatment or punishment, and, Article 8 to the right to an effective remedy by a competent national tribunal;

c. *Standard Minimum Rules for the Treatment of Prisoners*, (Nelson Mandela Rules), Rule 1 protection of prisoner's dignity, safety and freedom from torture and other ill-treatment,  
Rule 2 equality and non-discrimination,  
Rule 3 duty not to aggravate isolation from outside world inherent to imprisonment,  
Rule 22 duty to provide food of nutritional value adequate for health and strength,  
Rule 23 duty to provide one-hour per day of outside exercise,  
Rule 24 duty to provide health care of same standard as available in the community and access to health care services,  
Rule 27 duty to transfer prisoners who require specialist treatment to specialized institutions or to civil hospitals,  
Rule 39 freedom from sanctions except as provided by law,  
Rule 58 duty to allow communications with family and friends at regular intervals, by correspondence, telecommunications, electronic digital and other means and by visits including conjugal visits,  
Rule 60.2 prohibition of degrading visitor searches.  
Rule 61 visits with legal advisors, and  
Rule 71 duty to investigate complaints of prisoner abuse.

d. *Convention on the Rights of the Child (CRC)* which Saudi Arabia acceded to 26 January 1996, Article 9 state duty to ensue that a child not be separated from her parents, except when competent authorities, subject to judicial review so determine; Article 16 freedom from arbitrary or unlawful detention or unlawful interference with family, and general rights guaranteed by Articles 2, 3.1, 4 and 6.

15. To obtain a confession of wrongdoing from Mr. Abu al-Khair Saudi authorities have subjected Mr. Abu al-Khair to the following severe and damaging treatments contrary to UNCAT Articles 2 & 16, UDHR Article 5 in addition to deprivation of liberty. . :

### **Repeated attempts to extract a signed 'confession**

16. Officials from the Ministry of the Interior have repeatedly visited Waleed Abu al-Khair in prison to pressure him to sign a prepared pledge whereby he apologizes, recants and agrees not to engage in human rights advocacy in the future in exchange for his release. Authorities threaten that if he does not sign, he will remain in prison for a long time.<sup>8</sup> Waleed Abu al-Khair's refusal has reportedly angered officials. At the last encounter prior to 19 June 2016, Waleed Abu al-Khair told the officials he would remain silent, if brought before them again. The 15 April

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<sup>8</sup> The pledge reportedly requires the prisoner to apologize and express regret for statements and actions, to admit to being foolish and accepting from outside Saudi Arabia, ideas against Islam and the royal family and to promise to reject such ideas, be loyal to the royal family and not to communicate with the media.

2014 arrest of Waleed Abu al-Khair occurred after he had refused similar demands from Minister of the Interior officials. Prior to his arrest he had been similarly threatened that failure to sign would result in him being in jail for years.<sup>9</sup>

17. In response Mr. Abu al-Khair has chosen at cost of his liberty, to remain a human rights defender. Other prisoners have been subjected to similar pressure, likely in reprisal for being named in a 2015 Opinion of the Working Group on Arbitrary Detention.<sup>10</sup> Prisoners believed to have been subjected to reprisal demands and threats include: Abdullah al-Hamid, Mohammed al-Qahtani and Abdul Kareem Yousef al Khoder. Initially after the June 2017 appointment of Crown Prince Mohammad bin Salman, Mr. Abu al-Khair was allowed previously denied access to the prison library and officials suggested on a number of occasions that he might be released soon and him to please not say anything bad about ‘us’ in the meantime. These sessions to force a confession continued throughout 2017 and Mr. Abu al-Khair continued to refuse to obey the demands of Saudi authorities. LRWC has no information that these sessions have stopped.

### **Denied visits and communications with family and friends**

18. Denial of visits by authorities contravenes the Nelson Mandela Rules and imposes constant psychological pain of isolation on Mr. Abu al-Khair. Between the dates of transfer to the maximum security Dhahban prison on or about 25 December 2015 and 6 June 2016, Mr. Abu al-Khair was allowed no visits. By 15 January 2017, prison authorities were allowing one 20 minute no-contact visit per month with either Mr. Abu al-Khair’s mother or sister and his daughter. He has also had one 30-minute contact visit with his daughter. During no-contact visits the parties are separated by sound proof glass and speak through telephones. His sister or mother could bring his daughter for more no-contact visits but don’t because of the invasive searches conducted of them, sometimes so thorough as to entail a search of their underwear. These searches are sometimes ‘polite’ and sometimes not, can’t be predicted and are always humiliating. Some prisoners are allowed 24 hour visits outside the prison: Mr. Abu al-Khair is not. He applied in or about September 2017 for permission to visit his father who is ill and cannot visit him in prison and had not received a reply as of November 2017.

19. Visits with friends, colleagues, lawyers, human rights defenders and others are not allowed. He is not allowed to send or receive written communications. Officials report that letters for him arrive and he is not allowed to see or know anything about these communications. In Dhahban prison he was allowed to make telephone calls. LRWC believes this right has been either curtailed or restricted since late 2017.

20. Severely restricted visits with his daughter and family members (one 20 minute, no contact visit per month), denial of visits with friends and colleagues and others, and, denial of written communications with others is extremely painful. In January 2017 Mr. Abu al-Khair reported,

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<sup>9</sup> See *In the matter of Waleed Abulkhair v. The Kingdom of Saudi Arabia*, Petition to the UN Working Group on Arbitrary Detention, April 2015, p. 9 para. V.1.c, Improper Purpose, and Appendix I, Petitioner’s Statement to the Specialized Criminal Court, 28 May, para. 3.

<sup>10</sup> Opinions adopted by the Working Group on Arbitrary Detention at its seventy-third session, 31 August-4 September 2015, No. 38/2015 (Saudi Arabia), Advance Unedited Version, A/HRC/WGAD/2015, 26 October 2015.

[My daughter] wanted to touch me and put her hand on the glass and I started to cry. My mother started to cry. No one talked about anything, just crying. [My daughter] said in Arabic, ‘papa, don’t cry’. This is very painful. My daughter is growing up without me. It is not easy. We can’t talk We ignore it because it is too painful. [My daughter] starts to sing and dance when she sees me. We are very close.”<sup>11</sup>

21. The unremitting agony of restricted visits is increased by the fact that Mr. Abu al-Khair is housed in a unit with “100 people in jail for alcohol and drug offences: people who don’t understand politics. No one talks with me or sits with me. Very lonely, it is very lonely. One of the most painful agonies in prison is to feel forgotten and unseen.”

### **Denied adequate medical treatment and denied access to food required for health**

22. Waleed Abu al-Khair suffers from type 2 diabetes and a chronic colon condition both of which require special diets to prevent deterioration. An additional factor that causes concern is that type 2 diabetes is associated with a heightened risk of colorectal cancer and therefore regular medical testing, assessment and treatment should be part of adequate medical care. Saudi Arabia does not provide any such care. Authorities allow Mr. Abu al-Khair’s sister to bring the medication required by the diabetes. .

23. Authorities have jeopardized Mr. Abu al-Khair’s health by failing to: arrange timely medical assessments, respond promptly to request for medical attention from Mr. Abu al-Khair, and failing to follow medical advice and prudent measures to prevent deterioration of the type 2 diabetes and the colon condition. In March 2016 Mr. Abu al-Khair requested and was refused medical examination of a hand injury. On 7 June 2016, he commenced a hunger strike to protest his treatment. He ended his hunger strike on 12 June in response to prison authorities promising a medical examination, daily visits to the prison library and permission to receive books. On 19 June 2016 he was examined by a doctor, told he has a broken finger and that another medical appointment would be scheduled. In October 2017 he was taken to the hospital because of a flare up of his colon condition. He was kept there for only 4 hours and advised by the doctor that if his diet were not properly controlled, his condition will worsen. No tests were done to determine if his condition has already worsened or if he has colorectal cancer.

24. Prison officials at Dhahban prison have persistently refused to provide Mr. Abu al-Khair with access to the foods needed to prevent his diabetes and colon condition from worsening. Prison authorities refuse to provide the food or to allow his family to bring the food into the prison. When Mr. Abu al-Khair has complained about the food and told prison authorities of his need for a special diet, he has been told that a file would be opened. He is able to purchase some tolerable food—honey, cheese, sometimes milk and some fruit—from the market within the prison. He cannot maintain the recommended diet or his weight by this means. As of November 2017, he had lost 20 kg during detention. There are no opportunities for exercise other than walking. .

### **Exposure to unremediated ill-treatment**

25. On 18 April 2015 Waleed Abu al-Khair lodged a complaint to the prison administration about beatings he underwent on the same day. On 21 April 2015, in retaliation for lodging the

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<sup>11</sup> Noted by Gail Davidson during a telephone conversation with Waleed Abu al-Khair on 15 January 2017.

complaint, Mr. Abu al-Khair was further beaten, threatened and insulted by another prisoner. In May 2016, the UN Committee Against Torture (CAT) noted that 2014 reports of in-custody torture of Mr. al-Khair have not been investigated or remedied.<sup>12</sup> On or about 8 March 2016 he was assaulted by a prison official reportedly for objecting and protesting against the beating of a fellow prisoner experiencing racist treatment due to his Ethiopian heritage.

### **Harm to family members**

26. When arrested Mr. Abu al-Khair was married to fellow human rights activist Samar Badawi and she was pregnant. Their daughter was born in June 2014. Some time after his conviction, LRWC was advised of a ‘mutually agreed on divorce.’ Whether the purpose of this was to ensure protection of Samar Badawi and their infant daughter is not known. Ms Badawi has vigorously lobbied for the release of Waleed Abu al-Khair and continued to operate the Monitor for Human Rights in Saudi Arabia. Known and respected internationally as a human rights advocate, she was a likely target for persecution by Saudi authorities.<sup>13</sup> Their daughter was also vulnerable. With one of her parents serving a 15 year prison sentence, any deprivation of liberty of her mother would be catastrophic.

27. On 12 January 2016, Samar Badawi was arrested and detained along with their infant daughter in Jeddah and transferred first to a police station where she was interrogated for four hours and then to Dhahban prison. LRWC understands that her infant daughter was taken away from her and was placed with other people. Ms Badawi was likely questioned about managing a Twitter account in the name of Waleed Abu al-Khair to which had been posted on 8 January 2016, photos of Waleed Abu al-Khair and two other wrongly imprisoned human rights defenders. She was released on 13 January 2016 on condition of attending for further questioning.

28. On 30 July 2018 Ms Badawi was arrested and detained without a known warrant, with no charges and in the absence of any known criminal activities. The UN High Commissioner of Human Rights responded to this and earlier arrests on 31 July 2018 by publically expressing concern at “continuing arrests and apparently arbitrary detentions of human rights defenders” and calling on Saudi Arabia to, “unconditionally release all human rights defenders and activists who have been detained for their peaceful human rights work.”<sup>14</sup> On 3 August 2018, Global Affairs Canada tweeted, ““Canada is gravely concerned about additional arrests of civil society and women's rights activists in Saudi Arabia, including Samar Badawi. We urge the Saudi authorities to immediately release them and all other peaceful human rights activists.”<sup>15</sup> Saudi Arabia responded with threats and retaliatory actions. Samar Badawi remains in prison.

29. Their daughter now 4 years and 8 months old, has been forcibly separated from her father for her entire life and without her mother for 14 months. These unlawful and unlawfully imposed separations of the child from her parents indubitably cause severe and ongoing trauma to the child. Studies indicate that prolonged separation from a parent or parents significantly heightens

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<sup>12</sup> Committee Against Torture, Concluding Observations on the second periodic review of Saudi Arabia, Advance Unedited Version, Adopted by the Committee at its fifty-seventh Session 18 April – 13 May 2016 at paras. 6 & 7.

<sup>13</sup> For information about Samar Badawi’s advocacy see the Wikipedia page at [https://en.wikipedia.org/wiki/Samar\\_Badawi](https://en.wikipedia.org/wiki/Samar_Badawi) or contact LRWC.

<sup>14</sup> Press Briefing notes on Syria and Saudi Arabia. 31 July 2018 at <https://reliefweb.int/report/syrian-arab-republic/press-briefing-notes-syria-and-saudi-arabia>

<sup>15</sup> “Freedland defends Canada stance on Saudi Arabia amid sanctions,” CBC News 6 August 2018. <https://www.cbc.ca/news/politics/canada-saudi-diplomacy-reaction-1.4775545>



the risk of developmental delays, emotional problems and serious health conditions. That the child is suffering terribly is a certainty. The long term developmental, emotional and social damage to the child is difficult to quantify.

## **IHRL Duties**

30. The UN Human Rights Committee (HR Committee) affirmed that the State “remains responsible for the life and well-being of its detainees,”<sup>16</sup> This duty also arises from the UDHR Article 3.

31. The HR Committee has determined<sup>17</sup> that adequate or appropriate and timely medical care must be provided to all prisoners as an integral part of state duties to ensure the enjoyment by all persons of the following rights:

- Article 6 on the right to life,
- Article 7 on the prohibition on torture or cruel, inhuman or degrading treatment and punishment, and
- Article 10 on the right to humane treatment of prisoners.

32. In its jurisprudence, the HR Committee often also points to Rules 22-26 (now 27 flg) of the Nelson Mandela Rules, which were adopted unanimously by the UN General Assembly in 2015<sup>18</sup> to reinforce the obligation of States to provide medical care and treatment for sick prisoners.<sup>19</sup> The HR Committee has stated that “the State party by arresting and detaining individuals takes the responsibility to care for their life.”<sup>20</sup> Further, Saudi Arabia has a duty to be proactive in providing adequate medical care. The HR Committee has stated that it is “incumbent on States to ensure the right of life of detainees, and not incumbent on the latter to request protection.”<sup>21</sup>

## **Conclusions**

33. The repeated attempts to obtain a confession from Mr. Abu al-Khair while he is completely impotent to influence the treatment that he receives or the treatment of his mother, sister, ex-wife and daughter constitutes torture prohibited by UNCAT, when considered alone and when considered in the context of other severe treatment. With respect to Saudi Arabia’s use of torture to extract confessions, the OHCHR reported in August 2018 that, “The [Committee Against Torture] and the Special Rapporteur on terrorism were deeply concerned that torture and

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<sup>16</sup> *Fabrikant v. Canada* (6 November 2003) UN Doc CCPR/C/79/D/970/2001) para 9.3.

<sup>17</sup> See also the following cases: HR Committee ‘Concluding Observations: Georgia’ (2002) UN Doc A/57/40 vol I 53 para 78(7); *Pinto v. Trinidad and Tobago* (Communication No. 232/1987) Report of the HR Committee vol 2 UN Doc A/45/40 p. 69 para 12.7; *Kelly v. Jamaica* (2 April 1991) UN Doc CCPR/C/41/D/253/1987 para 5.7; HR Committee ‘Concluding Observations: Portugal’ (2003) UN Doc A/58/40 vol I 56 para 83(11); HR Committee ‘Concluding Observations: Cambodia’ (1999) UN Doc A/54/40 vol I 57 para 306; HR Committee ‘Concluding Observations: Congo’ (2000) UN Doc A/55/40 vol I 43 para 282; HR Committee ‘Concluding Observations: Mongolia’ (2000) UN Doc A/55/40 vol I 49 para 332; HR Committee ‘Concluding Observations: Syrian Arab Republic’ (2001) UN Doc A/56/40 vol I 70 para 81(13).

<sup>18</sup> General Assembly Resolution 70/175, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, A/RES/70/175 (17 December 2015).

<sup>19</sup> See, for example, Human Rights Committee, Communication No. 2146/2012: Human Rights Committee: Views Adopted by the Committee under article 5(4) of the Optional Protocol, 12 May 2017, CCPR/C/119/D/2146/2012, para 8.7, available at <http://juris.ohchr.org/Search/Details/2261>

<sup>20</sup> *Lantsova v. Russian Federation* (26 March 2002) UN Doc CCPR/C/74/763/1997 para 9.2.

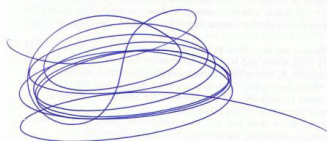
<sup>21</sup> *Lantsova v. Russian Federation* (note 129) para 9.2.

ill-treatment were commonly practiced in prisons and detentions centres by law enforcement officials, including to extract confessions.”<sup>22</sup> That report also noted, “The Committee Against Torture was concerned that coerced confessions were admissible evidence in the courts.”<sup>23</sup>

34. Other treatment in contravention of the UDHR, Nelson Mandela Rules and the CRC used to cause mental and physical pain as a means of coercing the confession sought, in violation of UNCAT includes:

- a. Long term denial of the prudent, competent and adequate health care necessary to ensure non-discriminatory protection of Mr. Abu al-Khair’s rights to life and security of the person in violation of the UDHR Articles 3, 5 and 2, UNCAT Articles 2 and 16 and the Nelson Mandela Rules 24 and 27;
- b. Severe and unwarranted denial of contact with friends and colleagues through written communication or visits in violation of UDHR Articles 2, 3, 5, and 8, the Nelson Mandela Rules 3 and 58 and UNCAT, Articles 2 and 16;
- c. Severe and unwarranted restriction of visits with his daughter and other family members by imposing no-contact, length and frequency restrictions and conducting humiliating searches of his mother and sister in violation of the UDHR Articles 2 and 16, the Nelson Mandela Rules 3, 58, 60.2 and 61, and the CRC Articles 2, 3.1, 4, 6, 9 and 16;
- d. Refusal to provide and refusal to allow his family to provide the food necessary to prevent worsening of his diabetes and colon condition and to maintain other aspects of his health in violation of the UDHR Articles 2, 5, 5 and 7, UNCAT Articles 2 and 16 and the Nelson Mandela Rules 22 and 24;
- e. Exposure to ill-treatment and failure to provide remedies as set out in paragraph 25 of these submissions in violations of UNCAT Articles 2, 6 and 16, UDHR Articles 2, 3, 5 and 7; the Nelson Mandela Rules 1, 2, 39 and 71;
- f. Failure to allow or provide opportunities for exercise in violation of the UDHR Article 3, the Nelson Mandela Rules 2, 23 and 24.

Respectfully submitted for LRWC



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<sup>22</sup> Periodic Review: Compilation on Saudi Arabia: Report of the OHCHR, A/HRC/WG.6/31/SAU/2, 30 August 2018, at para. 19.

<sup>23</sup> *Ibid* at para. 27.