

Mandates of the Working Group on Arbitrary Detention and the Special Rapporteur on the right to education

REFERENCE:
AL SAU 7/2019

17 April 2019

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; and Special Rapporteur on the right to education, pursuant to Human Rights Council resolutions 33/30 and 26/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arrest and continued detention of Mr. **Abdulaziz Saeed Saad Halwan Abdullah**, a Qatari national (ID number 29563404734) in Saudi Arabia.

According to information received:

Mr. Abdulaziz Saeed Saad Halwan Abdullah was a Qatari exchange student from the Ministry of Endowments and Islamic Affairs studying at Umm Al Qura University in Saudi Arabia since 2014. He was in his last year with only one semester left to graduate.

Mr. Abdullah is one of 44 Qatari exchange students studying in Saudi Arabia that were allegedly informed that they were being expelled from the country.

On 13 September 2018, the remaining exchange students returned from Saudi Arabia, and one of them informed Mr. Abdullah's family that the Saudi authorities had arrested and interrogated them all and had also released them all except Mr. Abdullah. The other students were too afraid to speak out about the issue for fear of retaliation and because they felt their phones were monitored.

On 16 September 2018, Mr. Mohammed Saeed Saad Halwan Abdullah reported to the Qatari National Human Rights Committee (NHRC) that his family had lost contact with his brother Abdul Aziz Abdullah since 6 July 2018, and that although they had tried to contact him several times via WhatsApp, all their attempts had failed and the application even seemed to have been deleted from his phone.

On 30 December 2018, Mr. Mohammed Abdullah informed the NHRC that Mr. Abdul Aziz Abdullah had contacted the family on 21 November 2018 from telephone number +996612686257. He informed them that he was in good health and was being provided food but indicated that he was unable to answer the family's questions as to why he had been arrested, why he was still being detained or where he was being held. He also informed them that he did not know if he would be able to contact them again.

Mr. Mohammed Abdullah informed the NHRC that he had contacted the state security in Qatar and provided them with the telephone number from which they received his brother's call, and that he was informed that the number reportedly belongs to the state security of Saudi Arabia.

No further contact has been possible with Mr. Abdul Aziz Abdullah.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern at the arrest and continued detention of Mr. Abdul Aziz Abdullah. We also express serious concern that both Mr. Abdullah's whereabouts and the reasons for his detention remain unknown raising questions as to his physical and psychological welfare. We further recall that the Declaration on the Protection of All Persons from Enforced Disappearance establishes that no State shall practice, permit or tolerate enforced disappearances and recall that prompt and effective investigations should be carried out in order to clarify the fate or whereabouts of Mr. Abdul Aziz Abdullah and to ensure that his rights are protected (article 2(1)).

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comments you may have on the abovementioned allegations.
2. Please also provide information on how the expulsion of the 44 Qatari exchange students is compatible with their right to education.
3. Please indicate the legal provision(s) under which Mr. Abdullah and the Qatari students accompanying him were arrested and detained.
4. In the particular case of Mr. Abdullah, please provide information about his fate and whereabouts including where he is being detained and under what charges, whether he was brought before any judicial authority promptly after his detention and granted access to legal representation.
5. Please provide information about measures being taken to ensure the physical and psychological welfare of Mr. Abdullah.
6. Please provide information on the allegation that Mr. Abdullah has not been able to contact his family since November 2018 and explain how this is compatible with international law.

7. Please provide the details and, where available, the results, of any investigation which may have been carried out in relation to these allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudge any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

Please accept, Excellency, the assurances of our highest consideration.

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Koumbou Boly Barry
Special Rapporteur on the right to education

Annex
Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation above.

We would like to refer your Excellency's Government to the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. In particular, we would recall the prohibition to practice, permit or tolerate enforced disappearance (Article 2); the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (Article 3); that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency may be invoked to justify enforced disappearances (Article 7); the right to be held in an officially recognised place of detention in conformity with national law and to be brought before a judicial authority promptly after detention promptly after detention, and the obligation to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (Article 10); and the obligation to maintain in every place of detention an official up-to-date register of detained persons (Article 12).

We would also like to refer your Excellency's Government to articles 9 and 10 of the Universal Declaration of Human Rights which guarantee the rights not to be deprived arbitrarily of liberty and to fair proceedings before an independent and impartial tribunal.

We would further like to draw your Excellency's attention to General Comment No.13 of the Committee on Economic, Social and Cultural Rights on the right to education as set out in article 13 of the Covenant. Article 34 of the General Comment refers to article 2 of the Convention on the Rights of the Child and article 3 (e) of the UNESCO Convention against Discrimination in Education, both instruments to which your Excellency's Government is a party, and "confirms that the principle of non discrimination extends to all persons of school age residing in the territory of a State party, including non nationals, and irrespective of their legal status."