

Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the independence of judges and lawyers

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 34/19, 42/22, 36/6, 34/18, 42/16 and 35/11.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest, continued detention without any charge and ill-treatment of **Dr. Mohammed Al Khoudary**, his son, **Dr. Hani Al Khoudary** and **Mr. Adelrahman Mohammed Farhanah**.

According to the information received:

Case of Dr. Mohammed Al Khoudary and Dr. Hani Al Khoudary

Dr. Mohammed Al Khoudary, an 81-year-old retiree and his son Dr. Hani Al Khoudary, a 48-year-old, university professor at Um al'Qur'a University, are Palestinian nationals who have been residing in Saudi Arabia for 27 years. They are detained at Dhahban Prison and have been since 4 April 2019.

Dr. Mohammed, previously acted as the official representative in Saudi Arabia for the Hamas de facto authority in Gaza where he coordinated relations between that entity and the Government of Saudi Arabia between 1993 and 2009. His political position was known by the Saudi Government. He resigned from this position 10 years ago due to ill health, and has been inactive in politics since his resignation. His son, Dr. Hani, has no known political affiliation or activities.

Dr. Mohammed was arrested in the early hours of 4 April 2019 and his son, Dr. Hani was arrested later on the same day. At about 5am, a group of men came to the family home of Dr. Mohammed in Jeddah. The men were Saudi officials from the Saudi Preventive Security Services. They were dressed in civilian

clothes. They requested Dr. Mohammed to come with them for a few hours for questioning but did not state the reason why, nor did they mention any charges or allegation against him. Given his serious medical conditions, including a recent operation for prostate cancer which requires him to take regular medication, he asked to take his medication with him, but was informed that he would not need them as he would be returning home promptly. His family was not told where he was taken.

In the evening of the same day, Dr. Hani was returning home from work, when several men approached him and asked for direction, inviting Dr. Hani to walk down the street to point them towards their route. It was at this point that he was abducted. His family was not informed about his fate or whereabouts.

Dr. Mohammed and Dr. Hani were both detained without charge and denied access to a lawyer and to their families. They continue to be detained despite the fact that no charges have been brought and no explanation given to justify their arrest and continued detention.

During the first three months of their detention both Dr. Mohammed and Dr. Hani were held incommunicado and in solitary confinement. Their families had no idea about their whereabouts, after a month from the date of arrest security personnel from the Dhahban prison called to ask about Mr. Mohammed's medical records and requested for the medicine he needed to be brought to the prison. It was only after three months, during the first phone call he was allowed to make, that Dr. Hani's family learned that he was also detained in Dhahban Prison. Neither the father nor the son knew that the other was in the same detention facility. From then on, phone calls and visits were authorised on an ad hoc basis, and in August and September, all communications were intermittently suspended without explanation.

Neither men were ever brought before a judge or a court, nor have they been provided access to any case file or evidence against them that might explain or justify their detention. They were told that their case was waiting for a decision from a judge that would determine the next steps, but no further information was provided about what this decision would involve or when it might be made.

Dr. Mohammed and Dr. Hani were subjected to abusive and coercive interrogations during their detention, particularly during the first three months while held in solitary confinement. Interrogations were held in the middle of the night and with no warning putting them under emotional and psychological pressure and in a state of exhaustion when interrogations were conducted. During the three months in solitary confinement, the lights in their cells were kept on 24 hours a day making it difficult to rest and causing confusion about the time of day. Neither Dr. Mohammed nor Dr. Hani were afforded the opportunity to consult a lawyer during any or between interrogations. They have been prevented from formally challenging their continued detention without charge or legal

reason in court, or from otherwise bringing their case before a judge. Several lawyers which the family approached for assistance refused to take up their case as they feared that they would also be targeted. It is reported that lawyers handling similar cases have subsequently been detained.

Dr. Mohammed suffers from serious medical conditions. Before his detention on 4 April 2019, he was diagnosed with prostate cancer, and two weeks before his arrest, he underwent related surgery. As a result, he was in the regular care of a specialist doctor and required daily medication. During his detention, Dr. Mohammed has allegedly been taken to specialized care on a few occasions and prison officials informed the family his prostate cancer has returned. While the cancer requires regular specialized check-ups and appropriate treatment, this has not been provided. Instead, it is reported that the medical treatment he receives in prison is limited to supplying him with the medications he was taking at the time he was detained in April, and before the return of his cancer. Following the most recent visit in November, Dr. Mohammed's appearance demonstrated a noticeable deterioration of his health, and urgent need for proper health care.

Case of Mr. Adelrahman Mohammed Farhanah

Mr. Adelrahman Farhanah, is a 62 year old Palestinian national working as a journalist for the Al-Sabeel Newspaper and Al Jazeera in Saudi Arabia. Mr. Farhanah was arrested on 21 February 2019, while travelling in his car to King Fahd Airport in the Eastern Province of Dammam. He was pulled over while in his car by security officers, some of whom were dressed in plain clothes, others in military uniforms. They accused him of driving a stolen car. When Mr. Farhanah proved his ownership of the car the officers identified themselves as personnel of the State Security Services. They forced him into a civilian car without informing him of the reason for his arrest. No arrest warrant or other legal document was presented.

The security officers drove Mr. Farhanah to his home in the Al Qazzaz neighbourhood of Dammam. They entered his flat, in the presence of his relatives, and began searching the premises. Mr Farhanah was present during the search. During the search, which was conducted without a warrant, family members were confined in a separate room and prevented to communicate with him. Their actions were described as 'storming the flat' and searching it in a 'barbaric' manner. Once the search was completed, the officers confiscated a small amount of money and took Mr. Farhanah away.

The officers who abducted him verbally abused and intimidated Mr. Farhanah. They removed his glasses and placed a hood over his head. Given that Mr. Farhanah has been diagnosed with several serious health conditions, including high blood pressure and brain ischemia, he requested to take his medicine with him, a request that was denied. As a result, he was deprived of his medical

treatment for the first months of his detention. During this time he was held in incommunicado and in solitary confinement at the State Security Prison in the Eastern Province. Despite numerous attempts by his family to find out where he was held, they could not ascertain his whereabouts and were subjected to threats for their persistence. Mr. Farhanah was granted a 3 minute phone call after eight months of detention, and since then he has been allowed limited and sporadic communication with his family.

Having effectively been disappeared for several months, his case was transmitted by the Working Group on Enforced and Involuntary Disappearances to the Government of Saudi Arabia on 10 May 2019 (case 10009069); and subsequently clarified by the Government on 9 July 2019. However, Mr. Farhanah, his family and lawyer have still not been made aware of any charges against him, and no legal reasons have ever been provided by any authority to justify his continued detention.

Mr. Farhanah was interrogated repeatedly during his detention and reportedly tortured: he was hung upside down and right side up for prolonged periods, was subjected to electric shocks, beatings, burnings, deprived of sleep and food for long periods. Interrogations were held on a daily basis and conducted by security officials and interrogators who were not Saudi nationals.

The arrest of these three men seem to have taken place in the context of the arrest and detention of at least 60 other Palestinian nationals, who used to live and work in Saudi Arabia, for their alleged links to Hamas. They were subjected to severe human rights violations in detention, including physical and psychological torture by prison officials and interrogators, resulting in some detainees requiring hospital treatment.

While we do not wish to prejudge the accuracy of these allegations, we are expressing our most serious concern at the arrest and continued imprisonment of Dr. Mohammed Al Khoudary, Dr. Hani Al Khoudary and Mr. Adelrahman Mohammed Farhanah. The three men appear to have been subjected to enforced or involuntary disappearance, to arbitrary deprivation of their liberty, to the denial of their most fundamental due process rights, including the right to a fair trial before an independent and competent court, to torture or other cruel, inhuman or degrading treatment or punishment, and to severe limitations on their right to health. Should they be confirmed, the facts alleged would contravene, inter alia, articles 5, 8, 9, 10, 11(1) and 12 of the Universal Declaration of Human Rights (UDHR), articles 8, 13 (a) and (b) of the Arab Charter on Human Rights and articles 2, 15 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which was ratified by Saudi Arabia on 23 September 1997. They would also contravene Principle 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, whereby anyone arrested and held in detention should either promptly be charged with a recognizable criminal offence or brought before an independent and competent judicial authority or immediately released. They would further violate the

principle dispositions of the Declaration on the Protection of all Persons from Enforced Disappearance, especially articles 3, 4, 7 and 19.

Our concerns in these cases is heightened by reports that these are not isolated cases but seems to illustrate a wider pattern of severe violations of the rights of Palestinian nationals in Saudi Arabia, who are legally residing in the Kingdom, who are perceived of being linked with Hamas, and who seem to be persecuted on the ground of their real or imputed political opinions, in violation of Article 19 of the UDHR. Last but not least, we underscore our concerns at any undue pressures, threats or interferences, direct or indirect of lawyers compromise their independence.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

As 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 be grateful for the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the factual and legal basis for the arrest of Dr. Mohammed Al Khoudary, Dr. Al Khoudary and Mr. Abdelrahman Mohammed Farhanah, including whether any charges have been brought against them, and explain how the arrest and detention is compatible with Saudi Arabia's obligations under international human rights law.
3. Please provide detailed information on the current conditions of detention of Dr. Mohammed Al Khoudary, Dr. Hani Al Khoudary and Mr. Adelrahman Mohammed Farhanah, including access to appropriate medical attention and access to their family and defence lawyers.
4. Please provide information regarding steps which have been taken to ensure that Dr. Mohammed Al Khoudary, has appropriate access to the needed specialized medical care while in custody, in line with the Rules 24, 25 and 27 of the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) adopted unanimously by the UN General Assembly in December 2015.
5. Please explain how their prolonged solitary confinement at various times during their detention are compatible with the standards of international human rights law, in particular Rules 43-45 of the Mandela Rules.
6. Please provide information about measures taken to provide remedy and redress for the time they were subjected to enforced disappearance. Please

give details about measures in place to prevent the enforced or involuntary disappearance of persons arrested and/or detained.

7. Please provide detailed information regarding any investigation into allegations of enforced disappearance, torture and other cruel inhuman or degrading treatment or punishment of Dr. Mohammed Al Khoudary, Dr. Hani Al Khoudary and Mr. Adelrahman Mohammed Farhanah while in detention. If no investigation has taken place, please explain why and how this is compatible with the human rights obligations of Saudi Arabia, particularly under Article 12 of the CAT.

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

We would like to inform your Excellency's Government that after having transmitted an urgent appeal 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 appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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

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

Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Leigh Toomey

Vice-Chair of the Working Group on Arbitrary Detention

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