

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the human rights of migrants and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: UA SAU 7/2023
(Please use this reference in your reply)

15 August 2023

Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the human rights of migrants and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 45/3, 51/8, 44/5, 52/20 and 52/7.

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 enforced disappearance of Mr. Reda Hussein, a Lebanese national, on 7 March 2023, on the way to his workplace in Breda, Kingdom of Saudi Arabia, reportedly by agents of Saudi security forces.**

Previous concerns regarding the arrest, enforced disappearance and arbitrary detention of individuals by agents of Saudi security forces were most recently raised in communications [UA SAU 11/2022](#), sent on 22 November 2022 and [UA SAU 10/2021](#) on 27 August 2021. We thank your Excellency's Government for the replies received on [22 March 2023](#) and [22 October 2021](#).

According to the information received:

On 10 February 2023, Mr. Reda Hussein (حسين رضى احمد), a 33-year-old Lebanese national and engineer, holder of passport [REDACTED], issued on 8 June 2019, who works for the French company SOCAPS, was dispatched to the Kingdom of Saudi Arabia to work with Middle East Machinery due to a client's request. For this post, Mr. Hussein obtained a Saudi Arabian business visa after a criminal background check and a clearance certificate from Lebanon, which verified that he does not maintain ties to terrorist organizations.

On 7 March 2023, at approximately 9 a.m. local time, Mr. Hussein was allegedly arrested by agents of Saudi security forces on his way to his workplace in Breda. At the time of his arrest, he was being driven to the factory of Middle East Machinery along with persons associated with him. Agents of the Saudi security forces reportedly entered the car and called Mr. Hussein by name before arresting him.

On 2 April 2023, the Lebanese Embassy in the Kingdom of Saudi Arabia informed individuals associated with Mr. Hussein that he had been detained for “national security reasons.” On this occasion, persons associated with Mr. Hussein were not informed about his place of detention.

Mr. Hussein is reportedly being held in custody without contact with persons associated with him and without access to legal counsel.

On 21 April 2023, Mr. Hussein spoke on the telephone for approximately five minutes with persons associated with him explaining that he was not guilty of any crime. During this call, Mr. Hussein would not have mentioned the location of his place of detention. However, the phone number indicated the regional code of Tarfieh prison (سجن الطرفية), which is located in the north of Buraida. Since then, there has been no contact between Mr. Hussein and persons associated with him.

Immediately after Mr. Hussein's arrest, SOCAPS hired a lawyer for his representation, but the Saudi authorities reportedly refused to grant Mr. Hussein any contact with this lawyer.

The Lebanese Embassy in the Kingdom of Saudi Arabia has reportedly not provided consular assistance, nor have persons associated with Mr. Hussein been informed about his place of detention by Lebanese authorities to date.

It is reported that Mr. Hussein suffers from a chronic medical condition, for which he must take daily medication. In 2017, he has already undergone open-heart surgery for a leaking aortic valve and takes daily medication to regulate his heart function. No information is available as to whether he is receiving the required medication on a daily basis, which, in the event that he is not, could seriously jeopardize his physical and mental well-being and put his life in danger.

At the time of this communication, the fate and whereabouts of Mr. Reda Hussein remain unknown.

While we do not wish to prejudge the accuracy of these allegations, we are expressing our most serious concern at the alleged enforced disappearance of Mr. Reda Hussein, begun on 7 March 2023 and currently ongoing. The lack of information about his fate and whereabouts increases the risk that he may be exposed to torture or ill-treatment or to the loss of his life and causes anguish and uncertainty among his family members, which is a condition that could itself reach the threshold of torture or ill-treatment inflicted on them. We underline that a failure to promptly inform the families of arrested individuals of their arrest and place(s) of detention or transfer constitutes an enforced disappearance and that no circumstances whatsoever may be invoked to justify an enforced disappearance. We further underline that, prolonged incommunicado detention can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment.

Should the allegations be confirmed, they would potentially violate articles 2, 3, 5, 6, 8, 9, 10, 11 (1), and 12 of the Universal Declaration of Human Rights. These violations would also potentially contravene the protections provided for by the Declaration on the Protection of all Persons from Enforced Disappearance adopted by the General Assembly Resolution 47/133 of 18 December 1992, particularly articles 1, 2, 3, 7, 9, 10, 13, 17 and 19, as well as articles 2 and 12 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, acceded by the Kingdom of Saudi Arabia on 23 September 1997. We also refer to the Guiding principles for the search for disappeared persons, in particular principles 6 and 12, indicating that the search for a disappeared person should begin without delay and the search should be coordinated.¹

In particular, we would like to remind your Excellency's Government that the right to life, the prohibition of torture and the prohibition of enforced disappearance are enshrined in international customary law, have attained the status of *jus cogens*, and cannot be derogated from under any circumstances. We underscore that enforced disappearance is in itself a crime (and, under certain circumstances, it may amount to a crime against humanity) and a violation of multiple human rights, including the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, the right to be treated humanely in detention, and the right to a fair trial and to judicial guarantees and the right to life (CCPR/C/GC/36, paragraph 58). We recall that the right to liberty and security of the person and the prohibition of arbitrary detentions are enshrined in articles 3 and 9 of the UDHR. In accordance with the jurisprudence of the Working Group on Arbitrary Detention, enforced disappearances constitute a particularly aggravated form of arbitrary detention.

We express our concern that legal counsel was reportedly not provided to Mr. Hussein and that the lawyer contracted by the company employing Mr. Hussein was reportedly denied any contact with him. We recall that article 10 of the UDHR provides for the principle of equality before competent, independent, and impartial courts and tribunals, the presumption of innocence, provision of adequate time and facilities for the preparation of the defense, and the right of accused persons to communicate with counsel of their own choosing. We further underscore that detained persons or any other person with a legitimate interest, such as relatives or legal counsel, have the right to challenge the legality of detention before a court in accordance with principle 32 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The right to be assisted by a lawyer is also set forth in the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, in particular in principles 1, 5, 7 and 8.² Persons with a legitimate interest should be given access to detention-related information such as on the authority ordering the deprivation of liberty, the date, time and place of arrest, and the status of health of the detained person.

¹ CED/C/7.

² See also the recent report of the Working Group on Arbitrary Detention to the Human Rights Council, A/HRC/45/16, paras. 50-55.

Moreover, the right to a fair trial and due process is also recognized in the Arab Charter on Human Rights, in particular, in articles 13 (1) and (16). We would further like to recall that the right to liberty and security of person is also enshrined in the Arab Charter on Human Rights, and in particular in article 14 of the Charter.

We express further concern over the reported failure of the Lebanese Embassy in the Kingdom of Saudi Arabia to promptly provide consular assistance. We would like to refer to the 1963 Vienna Convention on Consular Relation, article 36 (1) (b) of which provides that the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. According to article 36 (1) (c), consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him, and to arrange for his legal representation.

In addition, we are troubled by the fact that Mr. Hussein's alleged arrest and arbitrary detention are due to his alleged involvement in activities in contravention of national security without apparent evidence or a firm legal basis. We underline that an enforced disappearance continues until the fate and whereabouts of the individual concerned are established. We stress that this obligation to search for and locate a disappeared person is applicable to any individual who has been allegedly forcibly disappeared or unlawfully killed, irrelevant of whether they were civilians or defined as “terrorists” or threats to national security under national law. With regard to the seemingly vague and ambiguous reasons for Mr. Hussein’s detention, we reiterate that the principle of legal certainty expressed in article 11 of the UDHR requires that criminal laws be sufficiently precise so that it is clear what types of conduct and actions constitute a criminal offense and what the consequences of committing such an offense would be. Vaguely and broadly worded provisions undermine the principle of legality, cannot qualify as *lex certa*, and violate due process of law.

Ultimately, we are seriously alarmed that Mr. Hussein may not be receiving the medication necessary to remedy what are reported to be severe health conditions. We stress that States hold heightened due diligence obligations in relation to the protection of the right to life of individuals who are detained under their auspices. We remind your Excellency’s Government that inadequate conditions of detention can be a contributing factor to deaths and serious injuries in detention, and when seriously inadequate, can pose an immediate or long-term threat to the lives of detainees. In addition, States must respect the right to health and ensure equal access to health care at least equivalent to care available in the community for all persons, including those deprived of their liberty, taking into account the additional risks linked to incarceration. When an individual dies as a consequence of injuries sustained while in State custody, there is a presumption of State responsibility.

Considering the aforementioned allegations and the urgency of the case, we respectfully call on your Excellency’s Government to establish the fate and whereabouts of Mr. Reda Hussein without delay, to ensure access to adequate, timely and proper health care as a matter of urgency, and to adopt all measures to avoid any irreparable harm to his personal integrity and life.

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

We are issuing this appeal in order to safeguard the rights of Mr. Hussein from irreparable harm and without prejudicing any eventual legal determination.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

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 your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information about the factual and legal grounds for the arrest and detention of Mr. Reda Hussein and how these measures are compatible with international norms and standards.
3. Please provide information on the steps taken by the relevant authorities to investigate the allegation of enforced disappearance of Mr. Reda Hussein and to search for him in order to clarify his fate and whereabouts without further delay and to ensure the protection of his human rights including, most notably, his rights to life, liberty, personal security, and integrity.
4. Please provide detailed information on the current state of health of Mr. Reda Hussein, the medical care provided to him during his detention, whether he is receiving the medication he requires on a daily basis, and the general conditions of detention under which he is being held.
5. Please provide detailed information as to why Mr. Hussein has allegedly been denied any contact with persons associated with him, as well as any access to legal counsel, including a lawyer appointed by SOCAPS. Please indicate how these circumstances are consistent with the obligations of your Excellency's Government under international human rights law.
6. Please provide detailed information concerning the allegations that Mr. Hussein is being detained for acts in breach of national security and indicate the domestic legislation of the Kingdom of Saudi Arabia to which they relate. Please also indicate on what evidentiary grounds these accusations were made and whether charges were formally pressed.

7. Please provide detailed information on the documentation of Mr. Hussein's situation provided to the Lebanese Embassy in the Kingdom of Saudi Arabia and why no information on the fate and whereabouts of Mr. Hussein has been provided to persons associated with them through consular communication channels.
8. Please provide the details and, where available, the results of any investigation and judicial or other inquiries which may have been carried out, or which are foreseen to ensure the provision of remedies, concerning the arrest and subsequent enforced disappearance of Mr. Reda Hussein. If no such enquiries have been conducted, please explain why, and how this is compatible with the international human rights obligations of the Kingdom of Saudi Arabia.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable harm to the life and personal integrity of Mr. Reda Hussein, halt the alleged violations, to promptly locate Mr. Reda Hussein and inform persons associated with him about his fate and whereabouts, prevent the re-occurrence of the alleged violations and, in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible of the alleged violations.

We would like to inform your Excellency's Government that, having transmitted the present communication to the Government, the Working Group on Arbitrary Detention may also transmit these cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the urgent appeal and the regular procedure.

We would also like to recall that Mr. Reda Hussein's case has also been treated under the humanitarian mandate of the Working Group on Enforced or Involuntary Disappearances.

We would appreciate receiving a response within 60 days. Past 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.

Please note that a copy of this communication is being transmitted to the Government of Lebanon.

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

Aua Baldé
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Matthew Gillett
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