

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

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(Please use this reference in your reply)

6 January 2025

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 52/9, 54/14 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the purported imminent extradition from Lebanon to Egypt or the United Arab Emirates (UAE) of Egyptian-Turkish citizen, Mr. Abdulrahman Yusuf Al-Qaradawi, who is held in detention in Lebanon reportedly on the basis of charges including spreading false news, and insulting the judiciary in Egypt and inciting to destabilize security in the UAE. We have well-founded reasons to believe that should Mr. Al-Qaradawi be extradited, he will face a significant risk of being subjected to torture or other forms of ill-treatment and enforced disappearance.**

According to the information received:

Mr. Abdulrahman Yusuf Al-Qaradawi is a 54-year-old Egyptian Turkish poet and writer, widely recognized for his political activism. He played a role as an organizer against the regime of former longtime Egyptian leader Hosni Mubarak. He later became a vocal critic of current Egyptian leader Abdel Fattah El-Sisi. His political activism led to his sentencing in absentia in 2017 by an Egyptian court to five years in prison.

Mr. Al-Qaradawi was arrested on Saturday, 28 December 2024, by officers of the Lebanese General Security, allegedly based on a security cooperation memorandum between Lebanon and Egypt. He was allegedly arrested upon returning from Syria following a request from the Arab Interior Ministers Council (AIMC) over charges emanating from Egypt, including spreading false news and information.

These accusations have resulted in two three-year prison sentences in-absentia in Egypt, one for allegedly spreading false news and another for insulting the judiciary. The interrogation process has been postponed until Egypt's official extradition request is received. In the meantime, the case has reportedly been referred to the Central Investigation Department for preliminary investigation.

Additionally, Mr. Al-Qaradawi has been the subject of incitement campaigns on Egyptian TV channels, heightening concerns for his safety if extradited there.

Lebanon's Embassy in Abu Dhabi has reportedly also officially received a formal request from the United Arab Emirates (UAE) demanding Mr. Al-Qaradawi's arrest and extradition on charges of inciting to destabilize security in the UAE.

An investigation conducted on Tuesday, 31 December 2024, focused on two key issues: the 2017 in-absentia sentence from Egypt and a UAE arrest warrant related to a video filmed at the Umayyad Mosque. During the interrogation, Mr. Al-Qaradawi's legal defense emphasized that all charges fall under freedom of expression and are therefore politically motivated and retaliatory.

On Monday and Tuesday 30 and 31 December 2024, Mr. Al-Qaradawi was reportedly questioned by a Lebanese officer for three hours. His lawyer was present during both the Monday and Tuesday interrogations.

The Cassation public prosecutor has the authority to order Mr. Al-Qaradawi's release while awaiting the official extradition request. Under Lebanese law, detention is permitted for 15 days, with the possibility of a one-time extension. If the extradition request is not received within this period, Mr. Al-Qaradawi must be released under residency conditions until all legal procedures are finalized.

Reportedly, the Turkish Embassy has also actively intervened, visiting Mr. Al-Qaradawi and maintaining communication with Lebanese authorities while advocating for his extradition to Türkiye, with the reported objective of ensuring his safety as a Turkish citizen.

Mr. Al-Qaradawi's legal team has argued that his detention is based on a provisional arrest warrant issued by AIMC, which they deem illegal under Lebanese law. Additionally, although Lebanon has not signed any binding extradition agreements, it is obligated to prevent the extradition of political dissidents or of any person who may be at risk of torture or enforced disappearance under customary international law, as well as the Convention Against Torture and the 1992 Declaration on the Protection of All Persons from Enforced Disappearances.

Currently, the legal team of Mr. Al-Qaradawi is preparing a memorandum for submission to the Cassation public prosecutor. The Lebanese judiciary can only make recommendations, while the final authority to make a decision lies with the Council of Ministers and Prime Minister of Lebanon.

#### *Prosecution in Egypt:*

Mr. Al-Qaradawi is reportedly accused in Case No. 620 of 2018, Supreme State Security, which included more than 1,520 defendants referred by the

Supreme State Security Prosecution to the court.

Based on this case, a decision was issued to include him on the terrorist entities list and terrorists' lists in Case No. 5 of 2018. Although 716 individuals were removed from the lists in November 2024, Mr. Al-Qaradawi was not among them, and his status, along with the remaining defendants, remains unclear.

Case No. 620 of 2018 remains open, as it has not yet been referred to trial. Therefore, lawyers have been unable to identify the specific charges in it, including those against Mr. Al-Qaradawi. In circumstances where a case has not been referred to trial, neither the defendant nor their lawyer can access any documents related to the case, including the charges against them or the evidence supporting these charges.

Lawyers who provided legal defense services during the investigation of some of the defendants in this case noted that the charges brought against Mr. Al-Qaradawi were broad, such as affiliation with the Muslim Brotherhood, and the questions included general inquiries like: "When did you join the Muslim Brotherhood?" or "Who did you vote for in the 2012 presidential elections?"

Regarding the charges in the case of listing on the terrorism lists (Case No. 5 of 2018), by reviewing the reasoning of Egypt's Criminal Court's ruling, which was based solely on the investigations of the National Security Agency, a small number of defendants in this case were accused of specific charges. Mr. Abdulrahman Al-Qaradawi was not among them. These charges included activities by organizational members of the Muslim Brotherhood, businessmen, and members of companies and economic entities in Egypt to carry out economic conspiracies against the country's stability. The remaining defendants were accused of general charges in these investigations, including organizational affiliation with the Muslim Brotherhood or leadership roles within it. This point was emphasized by the lawyers in their appeal memorandum against the ruling in 2023, stating that they could not identify the specific charges or evidence against their clients. The court accepted the appeal and overturned the ruling.

#### *Imminent risk of extradition*

In view of the nature of the charges against him, and the persistent lack of fair trial guarantees for dissent, the prevailing conditions of detention, the risk of enforced disappearance, and of torture and other cruel, inhuman and degrading treatment against persons suspected of opposing the Government in Egypt, Mr. Al-Qaradawi's legal team has expressed fear of his being arbitrarily arrested and detained by Egyptian authorities and subjected to torture or other forms of cruel, inhuman or degrading treatment or punishment or enforced disappearance, if extradited to Egypt.

Mr. Al-Qaradawi's lawyer have expressed serious concerns related to the extremely fast pace of the case before the Lebanese authorities and the process to extradite Mr. Al-Qaradawi within a few days, which calls into questions

compliance with standards of judicial due process in this case. The decision on whether to extradite Mr. Al-Qaradawi is expected to take place in the coming days, between 6 to 8 January 2025.

While we do not wish to prejudge the accuracy of these allegations, we are particularly concerned about what appears to be the arbitrary arrest and detention of Mr. Al-Qaradawi based on charges relating to his political activism and exercise of freedom of expression, and we are deeply alarmed by the risk of imminent extradition to Egypt or the UAE on seemingly broad charges that could be in direct retribution for his exercise of freedom of expression.

We stress the responsibility of States to ensure that human rights defenders, journalists and activists in exile can safely reside in the country and continue their legitimate human rights and journalistic activities, and, notably, to guarantee that they are protected from violence, threats and harassment, as well from refoulement or extradition on criminal charges related to their work.

The right to freedom of expression includes the right to seek, receive and impart information and ideas of all kinds, which not only applies to information that is favourable, but also to information that may shock or offend. Any restriction to this right must pursue a legitimate aim, in accordance with a law that is sufficiently clear, and must conform to the requirements of necessity and proportionality. As established by the Human Rights Committee in its general comment 34, any State party seeking to invoke a legitimate ground for restriction of freedom of expression on the basis of a perceived threat to national security or public order, must demonstrate in specific and individualised fashion the precise nature of the threat and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat (CCPR/C/GC/34, para. 35).

Attacks against individuals, such as through arbitrary detention and criminalisation, for the exercise of freedom of expression is incompatible with the Covenant. In its general comment 34, the Human Rights Committee asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23).

Furthermore, the Human Rights Committee also describes how freedom of expression applies to both public and political issues. It states that “the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion.” It also states that “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition” and that “in circumstances of public debate concerning public figures in the political domain and public institutions, the value placed by the Covenant upon uninhibited expression is particularly high. Thus, the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.” (CCPR/C/GC/34, para. 13 and 38).

We are extremely concerned that, despite the lack of transparency regarding the charges against Mr. Al-Qaradawi, the accusations faced in both Egypt and the UAE appear to be linked to national security and/or terrorism. We recall that in the past, several Special Procedures mandate-holders have raised concerns regarding the scope of the national security and terrorism-related charges due to their overly broad nature and have found that, in some cases, they have infringed upon freedoms of expression and association and have disproportionately affected journalists, human rights defenders, and other individuals exercising fundamental rights(see for example ARE 1/2024, EGY 8/2021, EGY 3/2023). With regard to the alleged inclusion of Mr. Al-Qaradawi on the Egyptian terrorist list, we reiterate our concerns highlighted in EGY 8/2021, EGY 7/2023, and EGY 5/2023 and emphasize that the designation of “terrorist” individuals or organizations must meet the requirements of due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, para. 35). Specifically: (a) there must be reasonable grounds to believe that the person or entity has knowingly engaged in terrorism, as properly defined according to international standards, including the requirement of legality; (b) a listed person or entity must be promptly informed of the listing and its factual grounds, the consequences of such listing and the applicable procedural rights; (c) there must be a right to apply for de-listing and to have it reviewed within a reasonable time, and a right to judicial review of any resulting decision, in both cases affording due process, including sufficient disclosure of evidence and access to a lawyer; and (d) listings must lapse automatically after 12 months unless renewed afresh; and reparation, including compensation, must be available for any wrongful listing.

We recall that any counter-terrorism legislation must be limited to criminalizing conduct that is properly and precisely defined on the basis of the provisions of international counter-terrorism instruments, including UN Security Council resolution 1566 and the model definition set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and should be strictly guided by the principles of legality, necessity, proportionality and non-discrimination. (A/HRC/43/46, para. 15). We further refer your Excellency’s Government to the Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights. We also draw attention to paragraphs 75(a) to (i) of the 2018 report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/40/52) on the negative impacts of counter-terrorism measures on civic space and recommendations to ensure respect for human rights in this context.

We are also alarmed about the risk of torture or ill-treatment, enforced disappearance, arbitrary detention and unfair trial and due process guarantees, to which Mr. Al-Qaradawi could be exposed, if extradited to Egypt or the UAE. In this regard, we wish to draw the attention of your Excellency’s Government to article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded by Lebanon on 5 October 2000, which provides that, “[n]o State Party shall expel, return (“refouler”) or extradite a person to another State

where there are substantial grounds for believing that he would be in danger of being subjected to torture”. The same article provides 3 that “[f]or the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights”.

The United Nations Committee against Torture general comment No. 4 on the implementation of article 3, states in paragraph 13 that “Each case should be examined individually, impartially and independently by the State party through competent administrative and/or judicial authorities, in conformity with essential procedural safeguards, notably the guarantee of a prompt and transparent process, a review of the deportation decision and a suspensive effect of the appeal. In each case, the person concerned should be informed of the intended deportation in a timely manner...”. This individual risk should be conducted in due consideration of the situations indicated as representing a risk of torture, in paragraph 29 of the General Comment, including “(d) Whether the person has been judged in the State of origin or would be judged in the State to which the person is being deported in a judicial system that does not guarantee the right to a fair trial”.

Article 8 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance, in particular, establishes that no State shall expel, return (*refouler*) or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights. Furthermore, article 9 guarantees the right to judicial remedy, while article 10 provides that any person deprived of liberty shall be held in an officially recognized place of detention and, that an official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. In this respect, we would like to emphasize the absolute nature of the prohibition of enforced disappearance, which has attained the status of *jus cogens*.

We are drawing your Excellency’s Government attention to the fact that the last Working Group on the Universal Periodic Review called upon Egypt to immediately end the practice of torture and ill-treatment in all places of detention, investigate any allegation and take the necessary measures to prevent such crimes. We respectfully request the Lebanese authorities to proceed without delay with an independent and thorough individual risk assessment by the competent judicial authorities, or if one has already been carried out, to inform us of the results of that risk assessment, with a view to ascertain that Mr. Al-Qaradawi would not be at risk of serious human rights violations if extradited to Egypt, and take the results of such an assessment into account in any decision pertaining to the extradition requests by Egypt.

In the last Universal Periodic Review of the UAE, the Committee against Torture expressed particular concern that reports received detailed a pattern of torture and ill-treatment against persons accused of offences against State security who, by virtue of the State security or terrorism charges against them, were subject to a legal

regime with fewer and more restrictive procedural guarantees. The Committee recommended ensuring that counter-terrorism laws and laws related to State security complied fully with international human rights standards. We respectfully request the Lebanese authorities to proceed without delay with an independent and thorough individual risk assessment by the competent judicial authorities, or if one has already been carried out, to inform us of the results of that risk assessment, with a view to ascertain that Mr. Al-Qaradawi would not be at risk of serious human rights violations if extradited to UAE, and take the results of such an assessment into account in any decision pertaining to the extradition requests by UAE.

The legal and procedural safeguards against torture and ill-treatment including the right to legal counsel and to contact one's family from the outset of arrest provided in the UN Body of Principles for the Protection of Persons under Any Form of Detention or Imprisonment (Body of Principles). Furthermore, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment reiterated, "The risk of torture and ill-treatment is greatest in the first hours of custody and during incommunicado detention. Therefore, preventive safeguards must be implemented immediately after arrest, including the notification of a third party, access to a lawyer and a physician and the furnishing of the detainee with information on their rights, available remedies and the reasons for arrest." (A/73/207). We further emphasize that among the core elements of a fair trial is the right to legal assistance, which undergirds "the right to a fair and public hearing by a competent, independent and impartial tribunal, as established by law under articles 3 and 9 of the UDHR.

Paragraph 16 of the resolution A/RES/65/205 of the UN General Assembly, "...recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement."

We further recall that in communication [OTH 71/2023](#), mandate holders raised concern concerning the normative and practical frameworks of the Arab Interior Ministers' Council (AIMC) of the League of Arab States (LAS), according to which arrest warrants and red notices are circulated based on extradition requests issued by Member States, in accordance with the regional measures to combat crime and counter terrorism, and in application of the Riyadh Arab Agreement for Judicial Cooperation, and the Arab Convention for the Suppression of Terrorism. While there is an apparent procedure for challenging and reviewing such warrants, red notices do not appear to comply with the obligations of Member States under international law, in particular with regard to principles of non-refoulement, non-discrimination, due diligence and fair trial and may also undermine the freedoms of opinion and expression (see A/79/324, para. 64, OTH 71/2023; MAR 1/2023; and ARE 3/2022).<sup>1</sup> We further recall that in his report to the General Assembly, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms noted with concern that the AIMC maintains a blacklist of terrorist groups or individuals, based on information provided by Member States, but the process is a political one and is not based on legal criteria or procedures and urged regional organizations to strengthen safeguards when operating lists of "terrorist" individuals or entities (see

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<sup>1</sup> See also [the outcome document of the Middle East and North Africa civil society consultation on the impact of counter-terrorism measures on civil society and civic space](#) of the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

A/79/324, para. 65).

In view of our previous concerns, we reiterate our recommendations to the AIMC to ensure the compliance of arrest warrants circulated by its mechanisms with the principles of non-discrimination and non-refoulement as well as other obligations enshrined in binding international and regional human rights instruments. Furthermore, we recommended the AIMC to create an independent, accessible, and transparent legal mechanism, allowing wanted individuals to access their criminal file and request the review or removal of an arrest warrant. In this regard, we would like to recall States' obligations to exercise necessary due diligence, notably by excluding criminalization of individuals for political purposes or for the mere exercise of their fundamental rights, such as the freedom of opinion, expression and assembly, and to undertake an individual risk assessment, aiming to ascertain that individuals requested for extradition are not at risk of being subjected to serious human rights violations, including torture and other forms of cruel, inhuman or degrading treatment or punishment (non-refoulement), enforced disappearance or unfair trials.

Notably, we recall that all countries members of the LAS are bound by the [Riyadh Agreement on Judicial Cooperation](#), which provides for extradition with the exclusion of politically motivated cases. The Riyadh agreement allows for the arrest and detention, for a maximum period of 60 days, of persons requested for extradition. In view of the individual cases already addressed by the Special Procedures mandate holders, we highlight that this provision could permit the arbitrary deprivation of liberty for the purpose of extradition, and may deprive wanted persons from their fundamental safeguards, in particular their right to contest the legality of their detention, the right to have regular and confidential contact with a lawyer of their choosing, and when needed, *ex officio* legal representation, as well as to be informed of the charges against them, and be brought promptly before a judicial authority, among other legal and procedural guarantees providing protection against the risk of torture and ill-treatment, enforced disappearance, and ensuring the right to fair trial. We emphasize that detention in the context of extradition, such as pretrial detention, should be justified in due consideration of the principle of necessity, judicial examination, and possible alternatives, and therefore should not be routinely imposed (Human Rights Committee, general comment No. 35 on article 9 of the ICCPR, para. 38). In addition, when detention is necessary it should be applied in due respect of safeguards against arbitrariness and abuse, and of the rule of law.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

**In view of the urgency of the matter, we would appreciate a response as soon as possible on the steps taken by your Excellency's Government to prevent any irreparable damage to the life and personal integrity of Mr. Al-Qaradawi, to safeguard his rights and undertake an immediate risk assessment to ascertain the risk of torture and ill-treatment and of enforced disappearance, if he is extradited to Egypt or the UAE, in compliance with international non-refoulement obligations. We request authorities to review his case, according to international human rights standards as well as due process and fair trial standards, and to ensure his release if the charges that motivated his detention are found unsubstantiated.**

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 also 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 information on the legal and procedural safeguards provided to Mr. Al-Qaradawi from the outset of his arrest and detention, including his right to be informed of the reasons for his arrest and the charges against him, his right to legal representation, and his right to contest the legality of his detention (Habeas Corpus).
3. Please provide detailed information on the legal grounds under which Mr. Al-Qaradawi's extradition was requested (respectively by Egypt, the UAE and Türkiye), the legal charges referenced in such a request, and the judicial procedure undertaken to establish their legitimacy, including the opportunity for Mr. Al-Qaradawi to challenge his extradition before the courts.
4. Please provide detailed information, where available, on any risk assessment carried out by Your Excellency's Government to ascertain the possible risk Mr. Al-Qaradawi may face if he is extradited to Egypt or UAE, including being subjected to torture or cruel, inhuman or degrading treatment or punishment, enforced disappearance, arbitrary detention and restriction of fair trial and due process rights, and how this assessment is compatible with international standards, in particular, article 3 of the UN Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment and article 8 of the UN Declaration on the Protection of All Persons from Enforced Disappearance.

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.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of Mr. Al-Qaradawi, stay his extradition to any country until a thorough and individualised risk assessment has been carried out, 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 responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned

allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a copy of this letter has been also sent to the Arab Republic of Egypt, the UAE and Türkiye.

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

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gabriella Citroni

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