

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 and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Ref.: UA TUR 3/2025

(Please use this reference in your reply)

2 May 2025

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 and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 52/7, 51/8, 54/14, 52/9 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **Mr. Mohamad al-Kayali, a national of the Syrian Arab Republic, held in a situation of deprivation of liberty in Türkiye**. He is reportedly awaiting extradition to Saudi Arabia, where it is feared he may face torture and/or other cruel, inhuman or degrading treatment or punishment or other irreparable harm.

According to the information received:

Mr. Mohamad al-Kayali was born on 1 November 1982. He lived in the Syrian Arab Republic until 2004, when he was allegedly forced to flee to Saudi Arabia, after he received threats that he would be arrested by the Syrian State Security, allegedly due to his civic engagement.

From 2004 until February 2013, he studied in Saudi Arabia and graduated as a computer engineer (web designer) and e-marketer.

During 2011 and 2012, on various occasions, he reportedly expressed viewpoints critical of the Syrian Government led by former President Assad, publicly on social media.

On 6 February 2023, allegedly following a crackdown on civil society in the country, Mr. al-Kayali decided to leave Saudi Arabia. He fled to Türkiye, where he applied for asylum. He was granted "temporary protection" status.

In Türkiye, Mr. al-Kayali continued to publicly express his views, including on social media, on issues such as the conditions faced by Syrians refugees in Saudi Arabia, criticizing the extraditions of Syrian individuals sought by the Assad Government. As a result, both Mr. al-Kayali and his sister reportedly received threats on various social media. Mr. al-Kayali also participated in events, workshops, and initiatives with representatives from the Syrian civil society in

Istanbul and Gaziantep.

In 2018, Mr. al-Kayali applied for Turkish citizenship. He was eventually informed that an Interpol red notice had been issued against him for “forgery of seals”.

On 28 December 2024, five individuals wearing civilian clothes, but allegedly claiming to be from the police, reportedly stormed and searched Mr. al-Kayali’s house. He was subsequently brought to an unknown location.

His wife later went to the Istanbul Security Centre with a lawyer, to see if her husband was there. She was told that 17 other people had been arrested that morning and transferred to a deportation centre one hour away from Istanbul, and that the centre could not confirm whether Mr. al-Kayali was at the centre or not.

Later that evening, Mr. al-Kayali called her wife and informed her that he was being held in the same Istanbul Security Centre she had visited earlier.

On 30 December 2024, Mr. al-Kayali’s wife returned to the centre. However, she was told that no one by the name of Mohamad al-Kayali was registered in their system.

Once more, later that evening, Mr. al-Kayali called his wife to inform her that he had been transferred to a deportation centre outside Istanbul.

At present, Mr. al-Kayali is reportedly held in Pehlivan köyü Geri Gönderme Merkezi in Kirklareli Province, allegedly facing imminent extradition to Saudi Arabia.

Since his arrest, he was able to communicate with his wife only through telephone calls which are allegedly monitored. His wife holds a temporary protection status in Istanbul and would need special permission to travel to another province to visit him. It is alleged that the Turkish authorities have repeatedly refused to grant the special permission required.

According to reports, while an appeal against the decision to extradite him to Saudi Arabia is pending before a court, Mr. al-Kayali has been unable to challenge his detention, and he has not appeared before any judicial authority. In March 2025, he was stripped of his temporary protection status.

Mr. al-Kayali suffers from severe cervical disc herniation, which causes him chronic pain. During his deprivation of liberty, he was reportedly brought to a hospital on two occasions. He was told that he needs immediate surgery.

He reportedly requested release or a transfer to Istanbul to allow his wife to see him. However, his requests have reportedly been refused. As a result, his mental health has deteriorated considerably.

It is submitted that there are substantial grounds for believing that Mr. al-Kayali would be at risk of torture and/or other cruel, inhuman or degrading treatment or punishment or other irreparable harm, if returned to Saudi Arabia. It is feared that in Saudi Arabia he could be charged for cybercrime and/or terrorism offences which may even carry the death penalty.

While we do not wish to prejudge the accuracy of above-mentioned allegations, we are alarmed by the risk of imminent extradition of Mr. al-Kayali to Saudi Arabia.

We recall that the principle of *non-refoulement* prohibits States from transferring or removing individuals from their jurisdiction or effective control, when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture or other ill-treatment, enforced disappearance, or other serious human rights violations.

Under international human rights law, the prohibition of refoulement is explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Türkiye on 2 August 1988 (article 3).

Similarly, article 7 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Türkiye on 23 September 2003, has been interpreted as prohibiting the return of persons to places where torture or persecution is feared.¹

This right is also explicitly articulated in article 8 of the Declaration on the Protection of all Persons from Enforced Disappearance (the Declaration), prohibiting the return (*refouler*) to other States where there are substantial grounds to believe that they would be in danger of enforced disappearance.

Furthermore, in the regional context, article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by Türkiye in 1954, has been interpreted by the European Court of Human Rights as implicitly prohibiting the return of anyone to a place where they would face a real and substantiated risk of ill-treatment in breach of the prohibition of torture or inhuman or degrading treatment or punishment.²

With this in mind, we wish to refer to the findings and recommendations issued by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism following his visit to Saudi Arabia in 2017, and other United Nations³ and civil society reports, particularly in relation to the large number of reports regarding unfair trials; prolonged periods of detention; the use of torture; coerced confessions and the lack of accountability; as well as the failure of Saudi Arabia to provide minimum procedural safeguards during detention and interrogation, and the judicial practice of admitting coerced confessions into evidence,

¹ See UNHCHR Note on the Principle of non-Refoulement: <https://www.refworld.org/policy/legalguidance/unhcr/1997/en/36258>

² *Ibid.*

³ A/HRC/WG.6/45/SAU/2, 13 November 2023, Compilation of information prepared by the Office of the High Commissioner for Human Rights for the purposes of the Universal Periodic Review: <https://docs.un.org/A/HRC/WG.6/45/SAU/2>.

which, in his view, amounted to a systematic and flagrant denial of justice.⁴

In these circumstances, international human rights obligations would prohibit any State from extraditing suspects to face trial in Saudi Arabia in the absence of independently verifiable and solid guarantees against torture or other ill-treatment, and an enforceable undertaking not to use coerced confessions as evidence. To meet international standards, such guarantees would need to be backed by effective independent monitoring.⁵

We recall concerns raised in previous letters to Saudi Arabia regarding the extremely broad definition of terrorism contained in its Law on Combating Crimes of Terrorism and their Financing, and its apparent legal authorization of up to ninety-day incommunicado detention periods, up to one-year pretrial detention periods (both which can seemingly be further extended), serious restrictions to the right of access to counsel and other fair trial standards, and severe punishments, including the death penalty for ambiguously defined offences, in contravention of international human rights standards and the principles of legal certainty, necessity, and proportionality (SAU 12/2020, SAU 1/2022, SAU 5/2022, SAU 7/2022, SAU 5/2023, A/HRC/40/52/Add.2).

In light of the above, we respectfully call on your Excellency's Government to halt any plan to transfer Mr. al-Kayali to Saudi Arabia.

Furthermore, we recall that all persons deprived of liberty must always be treated in a humane manner and with respect for their inherent dignity, under any circumstances (article 10 of the ICCPR). They shall always have access, *inter alia*, to effective legal representation and adequate medical assistance; prompt judicial review of their deprivation of liberty; remedies for any violations; and the possibility to communicate with a lawyer of choice, their relatives and to be visited by independent human rights monitoring bodies.

We emphasize that the State bears heightened responsibility for all persons in their custody and care. Inadequate conditions of detention and standards of treatment may present an immediate or longer-term danger to life and health.

Hence, we warn against the risk that the above-mentioned allegations, if established, could also amount to a violation of Mr. al-Kayali's right to life, protected by article 3 of the UDHR and article 6 of the ICCPR; his right to be protected from torture and other cruel, inhuman or degrading treatment or punishment in CAT and articles 7 and 10 of the ICCPR; his right to the enjoyment of the highest attainable standard of physical and mental health, recognised in article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Türkiye on 23 September 2003; his right to liberty and security of the person, protected by articles 9 of the UDHR and the ICCPR; his right to due process and fair trial, established in article 10 of the UDHR and 14 of the ICCPR; as well as his right to be protected from enforced disappearance, as established in articles 6, 7, 9 and 16 read alone and in conjunction with article 2.3 of the ICCPR.

⁴ See A/HRC/40/52/Add.2: <https://documents.un.org/doc/undoc/gen/g18/363/55/pdf/g1836355.pdf>.

⁵ *Ibid.*

Therefore, we respectfully recommend that Mr. al-Kayali is provided, in Türkiye, with urgent, adequate and comprehensive medical care, treatment, and monitoring of his health situation, as appropriate, without delay. We stress that time is of the essence.

We also respectfully call for a prompt, effective investigation, and assessment of the circumstances of the arrest and continued deprivation of liberty of Mr. al-Kayali. Should it be found that he is being arbitrarily deprived of liberty, or in a manner inconsistent with international human rights standards, he should be released without delay. Those responsible, in case of any violation, should be brought to justice.

We are seriously concerned that the request for Mr. Al-Kayali's extradition, the charges brought against him and his subsequent arrest and detention appear to be directly connected to his exercise of freedom of expression. We stress that States have an obligation under international law to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression, including to ensure that critical voices can safely reside in the country and continue their legitimate human rights defence and advocacy 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 or exercise of freedom of expression. Any measure against individuals, including arbitrary detention, extradition or criminalisation, in direct retribution for the exercise of this right is incompatible with the ICCPR and other norms of international law.

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

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 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 updated and detailed information on the present state of physical and mental health of Mr. Mohamad al-Kayali. Please explain what measures have been taken or may be envisaged to be adopted to preserve his health and well-being, including timely access to adequate medical care, as appropriate.
3. Please provide information as to the legal and factual basis for the arrest and detention of Mr. Mohamad al-Kayali. Please indicate how his arrest and detention is in line with Türkiye's international human rights obligations, including the right not to be subjected to arbitrary arrest or detention, the right to be brought promptly before a judge and to challenge the legality of the detention, and the prohibition on enforced

disappearances.

4. Please provide detailed information on steps taken or envisaged to be adopted by the Government of Türkiye to halt the reportedly imminent extradition of Mr. al-Kayali. If none have been considered, please explain how this is compatible with Türkiye international human rights obligations.
5. Please explain what measures have been adopted or may be undertaken to facilitate family visits to Mr. al-Kayali on a regular basis. Please explain why the wife of Mr. al-Kayali is not being granted permission to travel to visit her husband.
6. Please provide detailed and updated information on whether there has been any investigation into the above-mentioned allegations, as required by international law, and please provide the results of it, including in terms of accountability of persons responsible for any established violation. If no investigation was conducted, please explain why.
7. Please provide information on measures taken by the Government of Türkiye to implement the recommendations of the Committee against Torture (CAT) concerning the principle of non-refoulement (CAT/C/TUR/CO/5).

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 harm to the life and personal integrity of Mr. al-Kayali – 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 to clarify the issue/s in question.

Please be informed that a copy of this letter is also being sent to Saudi Arabia and the Syrian Arab Republic.

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

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

Matthew Gillett
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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

Ben Saul
Special Rapporteur on the promotion and protection of human rights and fundamental
freedoms while countering terrorism