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Human Rights Council
Working Group on Arbitrary Detention

**Opinions adopted by the Working Group on Arbitrary
Detention at its one hundred and second session,
1- 10 April 2025**

**Opinion No. 28/2025 concerning Tayeb Benabderrahmane
(Qatar)**

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and elucidated the mandate of the Working Group. In accordance with General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Human Rights Council assumed the mandate of the Commission. The Council lately extended the mandate of the Working Group for a three-year period in its resolution 51/8.

2. In accordance with its methods of work,¹ on 3 December 2024, the Working Group transmitted to the Government of Qatar a communication concerning Mr. Tayeb Benabderrahmane. The Government submitted a late response on 4 March 2025. The State is a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights (UDHR) and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the UDHR and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III)

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV); (e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or

¹ A/HRC/36/38.

other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

1. Submissions

(a) Communication from the source

4. Mr. Tayeb Benabderrahmane, born on 24 January 1981, is a French and Algerian national. He is an entrepreneur and investor in the field of geopolitics and geoeconomics consulting. Before his arrest, Mr. Benabderrahmane worked as General Advisor to the National Human Rights Committee of Qatar.

(i) Context

5. According to the source, Mr. Benabderrahmane provided services to Qatari officials in relation to the alleged diplomatic crisis that erupted in 2017, and which resulted in the imposition of a blockade against Qatar. His services were requested to help Qatar raise awareness of its situation and that of its people among the international public opinion.

6. As a result of the successes achieved by Mr. Benabderahmane, the National Human Rights Committee of Qatar offered him the position of General Advisor, which he accepted. In June 2019, Mr. Benabderrahmane and his family moved to Doha, Qatar, where he continued his work for the National Human Rights Committee of Qatar and developed his own professional activity there.

7. His work for the National Human Rights Committee of Qatar evolved. The fight against corruption became a priority for the highest authorities of the Government, and he was instructed to gather all elements relating to these subjects in Europe. It was under these circumstances that Mr. Benabderrahmane began to gather information during his missions. However, the lack of any substantial reaction to the information he had gathered thus led him to reconsider the real purpose of the services he had been requested to perform, and in November 2019, he informed the National Human Rights Committee of Qatar of his decision to terminate his duties as General Advisor, with effect from 31 December 2019.

8. Reportedly, Mr. Benabderrahmane's arrest took place just a few days after he had returned to Qatar, after the end-of-year holiday season, and that his arrest was directly linked to the suspicions by the State Security Bureau of Qatar that he had come into possession of information that could be detrimental to the Government and key Qatari officials.

(ii) Arrest and detention

9. The source submits that on the morning of 13 January 2020, Mr. Benabderrahmane was stopped near his home in Doha by around 15 Security Forces officers. He was restrained and taken to his residence, where other officers were already conducting a search and seizing his documents, equipment, and funds—without the consent of the family member present or his own upon arrival.

10. Reportedly, at the end of the search, Mr. Benabderrahmane was forced to sign a document in Arabic, without any translation being provided to him and in the absence of an interpreter. Following this, at around 4:30 p.m., he was placed in an unmarked vehicle, while hooded and handcuffed, and taken to a secret detention facility. This secret detention facility was the annex building of the Qatar Ministry of Interior in Doha.

11. It is informed that he was not informed of the charges against him nor the reasons for his arrest. He was only informed that his arrest was carried out under “the Emir’s orders”. Moreover Mr. Benabderrahmane’s desktop computer, papers, boxes with personal files and records, bank statements, his mobile phones, a laptop and USB sticks, as well as his small safe were seized by the Security Forces.

12. During the three weeks after his arrest, Mr. Benabderrahmane was reportedly subjected to various forms of physical and psychological torture by Security Forces officers, including: repeated full-body searches for no reason; sleep deprivation, through constant lighting; extreme physical constraints during interrogations, where he was forced to remain standing for extended periods and he was threatened with physical violence to him and his family if he did not cooperate with the interrogation. During this time, he was reportedly asked numerous questions, including about the location of his professional documents; information and names of all his family members, and whether they were aware of his activities in Qatar; his business and professional relationships; the nature of his activity, and where he had got his assets. At no point, was Mr. Benabderrahmane asked questions about any specific accusations or criminal offences. Moreover, he was held in cramped spaces and received death threats against him and his family.

13. On 21 January 2020, Mr. Benabderrahmane's family member was brought to the secret detention centre where Mr. Benabderrahmane was being held. Reportedly, his family member was blindfolded and was only able to meet with him under the strict control of a member of the Security Forces of Qatar. The sole purpose of this meeting was for Mr. Benabderrahmane to instruct a family member on the demands he had received from the authorities, namely, to retrieve professional records and databases that he had stored in their family home in a third country. Reportedly, his family member was first debriefed on what she needed to do for his potential release, and she was given strict instructions, namely: 1) to refrain from contacting anyone; 2) to refrain from alerting the French authorities in Qatar or in France; and 3) to refrain from disclosing Mr. Benabderrahmane's situation to anyone. In addition, the source submits that to secure Mr. Benabderrahmane's family member's compliance of these instructions while traveling to Algeria to retrieve the requested documents, their close family member, who was a minor at the time, had to remain in Qatar under the control of Qatar's Security Forces.

14. On 1 February 2020, three weeks after being held in total isolation in a secret detention facility, Mr. Benabderrahmane was transferred to Salwa Road Prison.

15. On 10 February 2020, he was brought before the Public Prosecutor for the first time, almost a month after his arrest. Reportedly, at this hearing, he was not able to speak, and he was denied the right to be assisted by a lawyer or to benefit from the services of an interpreter. According to the source, a four-day detention order was then issued against him for the purpose of investigation and pending judicial review. At this time, he was reportedly informed that his arrest was based on allegations of "intelligence with a foreign power and espionage".

16. On 13 February 2020, Mr. Benabderrahmane was brought again before the Public Prosecutor, without a lawyer and without an interpreter, and his detention was extended for an additional four days.

17. During the two hearings before the Public Prosecutor on 10 and 13 February 2020, he was questioned about transmitting information to a foreign party. However, it is reported that he had difficulty understanding the questions, as the authorities spoke to him in the Qatari Arabic dialect.

18. On 16 February 2020, Mr. Benabderrahmane appeared before a court for the first time, allegedly the Court of Misdemeanor. The hearing lasted only a few seconds, during which Mr. Benabderrahmane was asked whether he was guilty, to which he responded that he was innocent. The Court extended his detention to one month (28 days).

19. On 8 March 2020, Mr. Benabderrahmane's family member was able to visit him for the second and last time, while he was being held at Salwa Road Prison. This brief meeting took place under strict and close surveillance by the Security Forces. After this meeting, Mr. Benabderrahmane's contact with his family member was limited to short telephone calls, which he was only allowed to make when the Security

Forces required him to pass instructions to his family member. These instructions included: urging her to return to Qatar, providing her with the details of a one-way airplane ticket; asking her to cease any legal actions in France and to retrieve USB drives from their home in France and to bring them back to Doha, Qatar. At no point during his detention was he able to communicate freely with his family without the strict control and interference of the Security Forces.

20. The source submits that the authorities seemed anxious to recover all the documents in Mr. Benabderrahmane's possession, allegedly for considering that these documents were likely to compromise certain high-level individuals in Qatar, or in other countries.

21. On 16 March 2020, a second hearing was held before a Court of Misdemeanor, during which Mr. Benabderrahmane's detention was extended for one additional month (31 days). However, on this occasion, Mr. Benabderrahmane was kept in the car parked near the Court of Misdemeanor, and as a result, he did not appear before the court.

22. He was subsequently placed in solitary confinement for 5 months while at Salwa Road Prison. During this time, he reportedly endured further cruel, inhuman and degrading treatment at the hands of the Security Forces. He was only removed from his cell for interrogation sessions that appeared to serve no investigative purpose, other than to exert psychological pressure on him. The Security Forces repeatedly asked him the same questions which he had already answered during his time in the secret detention facility, such as the whereabouts of his archives and professional assets.

23. In the summer of 2024, Mr. Benabderrahmane was able to access his case file, which revealed the existence of four additional court hearings. However, Mr. Benabderrahmane was neither informed about nor present at these hearings. According to Mr. Benabderrahmane's case file, the hearings took place on the following dates, resulting in the corresponding extensions of his detention:

24. On 15 April 2020 – the Court of Misdemeanor extended Mr. Benabderrahmane's pre-trial detention to 14 days.

25. On 28 April 2020 – the Court of Misdemeanor extended Mr. Benabderrahmane's pre-trial detention to 30 days.

26. On 17 May 2020— the Court of Misdemeanor extended Mr. Benabderrahmane's pre-trial detention to 30 days.

27. On 25 June 2020 – an undefined court extended Mr. Benabderrahmane's pre-trial detention to 7 days.

28. The source submits that at no time during the abovementioned hearings was Mr. Benabderrahmane informed of the charges against him.

29. According to the source, at the beginning of June 2020, the authorities set the conditions for Mr. Benabderrahmane's release, which included that 1) Mr. Benabderrahmane was to hand over all his documents and professional databases, whether related to Qatar or not, which had not already been seized by the Qatari authorities; and that 2) he was to sign a memorandum of understanding or confidentiality agreement, compelling him not to disclose the conditions under which he had been forced to transfer all his business data and archives to Qatar.

30. On 28 June 2020, the Head of the State Security Bureau of Qatar ordered the Public Prosecutor to release Mr. Benabderrahmane and place him under house arrest, as follows: "We inform you that the aforementioned individuals [i.e. Mr. Benabderrahmane's relatives] have delivered what was asked from them [...], thus we decide temporary release under guarantee of place of residence with continuous travel ban procedure". The source notes that no judicial authority was called upon to

order or validate this release or approve Mr. Benabderrahmane's placement under house arrest.

31. On 1 July 2020, the State Security Bureau of Qatar arranged for Mr. Benabderrahmane's release from prison and his placement under house arrest in Qatar with a formal travel ban. Reportedly, from 1 July 2020 to 31 October 2020, Mr. Benabderrahmane was held under house arrest in a room at Doha's Intercontinental Hotel, and under the surveillance of the Security Forces.

32. On 10 July 2020, Mr. Benabderrahmane was reportedly forced to sign the above-mentioned memorandum of understanding or confidentiality agreement, obliging him to remain silent about any facts of which he may be aware of, and the conditions of his detention in Qatar. According to the source, this memorandum of understanding was signed with the highest-ranking official representative of Qatar in France, who is a close relative of the Head of the State Security Bureau. Reportedly, this memorandum of understanding contained a provision specifying that in case of breach of Mr. Benabderrahmane's contractual commitments, he would be liable, without prior notice, of a contractual penalty of five million euros.

33. On 1 November 2020, Mr. Benabderrahmane was reportedly deported to France.

34. On 16 December 2020, Mr. Benabderrahmane submitted to the Qatari authorities (i) a criminal complaint, and (ii) a petition to the Qatar National Human Rights Committee. These complaints, the source notes, set out the serious and repeated violations of Mr. Benabderrahmane by the security forces, and called for investigations into these allegations. On 3 December 2021, another petition was submitted to the National Human Rights Committee in Qatar. However, no answer followed from these petitions.

35. On 18 August 2022, Mr. Benabderrahmane initiated legal proceedings in France to request the judicial annulment of this memorandum of understanding on the grounds that (i) his consent had been forced by violence and (ii) the object of this agreement was illegal, since it amounted to stopping him from reporting the abuse that had been inflicted upon him. Allegedly, in response, the abovementioned highest-ranking official representative of Qatar in France filed a counterclaim before the Court, requesting that Mr. Benabderrahmane be ordered to pay the five million euros penalty. The case was heard by the Judicial Court of Paris on 26 November 2024, which is expected to render its decision on 25 April 2025.

36. The source submits that in September 2023, Mr. Benabderrahmane learned from the press that he had been subjected to criminal proceedings in Qatar and had been sentenced to death by the Qatari courts on 31 May 2023. This judgment, rendered *in absentia*, was reportedly based on confessions obtained under torture and was, according to the source, an evident reprisal for Mr. Benabderrahmane's efforts to seek justice.

37. The source reports that throughout the entire duration of Mr. Benabderrahmane's detention, he did not receive the effective legal assistance capable of realistically challenging the conditions of his arrest and detention. On 23 April 2020, Mr. Benabderrahmane was visited by a Qatari lawyer. However, this lawyer told Mr. Benabderrahmane that he had not been informed of the charges against him and had not been authorised to review the case file. The source further notes that the lawyer was not present at any of the hearings allegedly held before the Qatari courts, nor did he file any requests for Mr. Benabderrahmane's release or seek basic information regarding the charges that could have justified his arrest or detention. Additionally, after Mr. Benabderrahmane's arrival in France, the lawyer reportedly refused to provide any further information or documents related to his actions to Mr. Benabderrahmane's legal counsel in France, asserting that he had never been formally appointed as his legal counsel.

38. According to the source, Mr. Benabderrahmane suffered severe physical and mental harm as a result of the inhuman and degrading treatment inflicted on him by the Qatari authorities. Reportedly, the examinations carried out on his arrival to France showed: a weight loss of almost 11 kilograms; severe intestinal disorders; a “permanent functional deficit” of between 5 and 10%, as well as a “post-traumatic stress state” for which there is a direct and certain link between the facts observed and the traumatic acts; recurring knee pain following long hours of torture. Moreover, as attested by one doctor, Mr. Benabderrahmane is currently experiencing the symptoms of post-traumatic stress disorder which has impacted all areas of his life and is disabling his daily life. He presents anxiety-depressive symptoms as a reaction to the detention and psychological pressures to which he was subjected; severe sleep disorders; hyper-vigilance that prevents him from carrying out his activities serenely daily; cognitive problems such as difficulty concentrating; flashbacks leading to feelings of intense fear and powerlessness accompanied by physical symptoms (palpitations, tremors, and shivering). The source further reports that according to the doctors, Mr. Benabderrahmane is coping to overcome his trauma, but that he is showing exhaustion and a risk of severe psychic or even suicidal collapse.

39. The source informs that Mr. Benabderrahmane is currently in France, following his deportation on 1 November 2020.

(iii) *Legal analysis*

40. The source argues that the arrest and detention of Mr. Benabderrahmane are arbitrary under categories I, II and III of the working methods of the Working Group.

a. *Category I*

41. The source contends that Mr. Benabderrahmane’s arrest and detention lacked legal basis, as he was never informed of the reasons for his detention—initially in secret detention, then at Salwa Road Prison, and later under house arrest. He was arrested without being shown a warrant, informed of any charges, or advised of his right to consular assistance. He was also denied access to justice, preventing him from knowing or challenging any charges.

42. In the present case, the source asserts that the conditions under which Mr. Benabderrahmane was arrested and then detained for almost 10 months constitute a violation of these provisions. Moreover, he was held in solitary confinement and tortured for the first three weeks during which he was held in a secret detention facility, without being notified of any charges against him. He was then reportedly held, still in solitary confinement, for 5 months at the Salwa Road Prison, during which time he was verbally informed that his arrest and detention were allegedly motivated by “intelligence with a foreign power and espionage”, without being formally notified of this. Lastly, after his release from Salwa Road Prison, he was put under house arrests, without any judicial review or justification of the reasons for this new measure.

43. In the summer of 2024, Mr. Benabderrahmane obtained a copy of his case file including an investigation report, dated 1 January 2020 and an arrest and search warrant dated 2 January 2020. Both documents were allegedly issued by the investigative services of the Deputy Prosecutor of the State Security Bureau of Qatar and allegedly authorised Mr. Benabderrahmane’s arrest on 13 January 2020. However, the source notes that these documents do not reference any legislative or regulatory text or provision that would have justified his arrest. Furthermore, the source highlights that the expert analysis of the six judgements as well as other documents in the case file revealed numerous signs of forgery, including identical photographic passages, numerous irregularities and inconsistencies, as well as deletions and alterations. The six detention renewal documents – signed by six judges, six prosecutors and six registrars on different dates – were found to contain serious anomalies: all were completed by the same person, as confirmed by the expert

analysis. The source submits that this is a material impossibility, as each session should have been validated by a different clerk. It contends that there are only three possible explanations for this: the absence of clerks, duplication of the same document, or deliberate falsification. In all cases, these documents have allegedly been falsified, and their credibility is compromised. Furthermore, the source argues that Mr. Benabderrahmane's signatures, that can be found on some of the documents of the case file, including some of the documents that were later used as pieces of evidence in the trial *in absentia* that led to his death sentence, are forged.

44. Reportedly, one of the judges who authorised Mr. Benabderrahmane's continued detention, publicly stated before the United Nations Committee on the Elimination of Racial Discrimination that he was not aware of his case.² This, the source argues, confirms the falsified nature of the documents in Mr. Benabderrahmane's case file. Similarly, the other members of the Qatari delegation present before the United Nations Committee on the Elimination of Racial Discrimination, which included members of the Ministry of Justice, Interior, Foreign Affairs, and the Public Prosecution, were not aware of Mr. Benabderrahmane's case.

45. The source contends that the absence of any official notification of legal grounds justifying this detention of almost 10 months must be assimilated to a lack of legal basis and confirms the arbitrary nature of Mr. Benabderrahmane's arrest and detention, contrary to article 9 (2) of the Covenant.

46. Further, throughout the period of Mr. Benabderrahmane's detention, he underwent numerous interrogations and was forced to sign false documents and certificates implicating his relatives, as well as numerous foreign personalities. His interrogations were all carried out without the presence of his lawyer, and he was subjected to numerous acts of physical and psychological torture and kept in isolation throughout his detention. Mr. Benabderrahmane spent almost 10 months in detention without any procedural guarantees, without access to a lawyer of his choice during the first three months of his detention, without access to the services of an interpreter, in direct contravention of Qatar's international obligations and national law.

47. For the above reasons, the source concludes that Mr. Benabderrahmane's detention is arbitrary as it lacked a legal basis and thus falls under category I.

b. Category II

48. The source argues that Mr. Benabderrahmane's arrest and subsequent detention stemmed from the exercise of his rights and freedoms. It submits that Mr. Benabderrahmane was arrested and subsequently detained after submitting his resignation as General Advisor at the National Human Rights Committee of Qatar. Following his resignation, the President of the National Human Rights Committee of Qatar reportedly requested that he refrain from disclosing any information related to his work. This request was reiterated when he was under house arrest.

49. In the present case, the source asserts that Mr. Benabderrahmane's arrest and deprivation of liberty resulted directly from the exercise of his freedom of opinion and expression, protected by article 19 of the Universal Declaration of Human Rights and article 19 (1) and (2) of the Covenant. By refusing to comply with requests from the National Human Rights Committee of Qatar to falsify or conceal information, Mr. Benabderrahmane was exercising his right to freedom of conscience and expression.

50. The source argues that Mr. Benabderrahmane's arrest was directly linked to the suspicions by the State Security Bureau of Qatar, that he had come into possession of information that could be detrimental to the Government or key Government officials, and his decision to terminate his duties as General Advisor to the National

² Committee on the Elimination of Racial Discrimination (CERD), 3063rd Meeting, 112th Session, 17 April 2024, available at <https://webtv.un.org/en/asset/k1c/k1chfn12uv>, at 02:13:32.

Human Rights Committee of Qatar. The source asserts that all available elements confirm this argument:

51. Mr. Benabderrahmane's arrest took place immediately after his resignation from his work as General Advisor to the National Human Rights Committee of Qatar;

52. All his documents and databases located in Qatar were seized upon his arrest (and never returned) and the Qatari Security Forces used all possible means, including threatening Mr. Benabderrahmane's life and that of his close family members, to retrieve his professional archives located abroad;

53. Most of the violent interrogations he was subjected to during his detention were related to information he might have acquired, as well as to whether there were any other professional archives that should be retrieved; and

54. His release from detention was directly conditioned to the remittal of all documents (whether or not they were related to Qatar or Qatari officials)

55. Considering the above, the source concludes that Mr. Benabderrahmane's arrest and detention are directly linked to the exercise of these rights, and they are thus arbitrary under category II.

c. Category III

56. The source argues that Mr. Benabderrahmane's detention is arbitrary under category III because he was denied the right to due process. It asserts that Mr. Benabderrahmane's detention was accompanied by serious and repeated violations of fundamental rights guaranteed by the Universal Declaration of Human Rights and the Covenant, including the right to a fair trial.

57. The source recalls that the right to a fair and public hearing by an independent and impartial tribunal established by law is a fundamental right.³ In this case, the treatment inflicted by the authorities between January and November 2020 constitutes a violation of Mr. Benabderrahmane's fundamental right on several counts. First, he was not notified of the acts that motivated his arrest and detention. He only discovered that his arrest and detention had been provided for by an arrest warrant dated 2 January 2020 when he had already been deported to France, and when he had access to a copy of his case file. However, this act, like all other acts relating to his treatment by the Qatari authorities between January and November 2020, was never notified to him in a language he could understand, thus in violation of articles 104, 106 and 112 of the Qatari Code of Criminal Procedure and articles 9 (2) and 14 of the Covenant.

58. Moreover, the source argues that Mr. Benabderrahmane did not have access to a legal remedy. During the 307 days of his detention and after his deportation on 1 November 2020, he was never given the opportunity to contest the reasons for or conditions of his detention. Indeed, the hearings regarding his detention – if they occurred – were held in his absence and that of his lawyer.

59. The source asserts that during Mr. Benabderrahmane's detention, he did not benefit from any effective assistance by a lawyer. Reportedly, his appointed lawyer never had access to his case file and was essentially prevented from meeting him. Additionally, the lawyer, allegedly appointed by persons assisting Mr. Benabderrahmane's family in France, either due to fear of retaliation or personal interest, did not actively defend Mr. Benabderrahmane's rights. Such a situation, the source contends, constitutes a violation of Mr. Benabderrahmane's right to an effective legal defence, a right fundamental to guaranteeing a fair trial in accordance with article 14 (3) (b) of the Covenant. His right to benefit from the services of an interpreter was also denied.

³ CCPR/C/GC/32, para. 6.

60. The source asserts that these elements show that any domestic remedy that Mr. Benabderrahmane might have sought in Qatar was bound to fail. His arrest and detention were decided at the highest level of Qatar's security structure, and the authorities reportedly forged documents to conceal the illegal and inhumane treatment he suffered.

61. The source further argues that Mr. Benabderrahmane was held in detention for 307 days without being informed of any charges. This prolonged detention, without notification of the reasons of an opportunity to challenge it, constitutes excessive detention in violation of article 12 (2) of the Covenant.

62. During his detention, Mr. Benabderrahmane was subjected to threats of torture and inhumane treatment, leading him to sign confessions of guilt and false statements implicating his relatives. The source asserts that these actions violate articles 7 and 14 (3) (g) of the Covenant. These confessions and statements, obtained under duress and in the absence of legal representation, were used in the proceedings that led to Mr. Benabderrahmane's death sentence in May 2023.

63. It is asserted that such confessions and statements were manifestly inadmissible, both formally (documents not drawn up in a language mastered by their author and signed in the absence of any lawyer or interpreter) and substantively (documents obtained under duress and torture). However, they were used in the proceedings that led to Mr. Benabderrahmane's death sentence in May 2023.

64. The source concludes that Qatar's actions in relation to Mr. Benabderrahmane's arrest and detention is characterized by serious violations of articles 9, 12 (2) and 14 (1), (3) (a) and (b), (c), (d), (e) and (f) of the Covenant.

(b) Response from the Government

65. On 3 December 2024, the Working Group transmitted the allegations from the source to the Government under its regular communications procedure. The Working Group requested the Government to provide, by 3 February 2025, detailed information about the current situation of Mr. Benabderrahmane and to clarify the legal provisions justifying his detention, as well as its compatibility with Qatar's obligations under international human rights law, and in particular with regard to the treaties ratified by the State.

66. On 30 January 2025, the Government requested an extension, which was granted until 3 March 2025. The Government submitted its reply on 4 March 2025, which is after the deadline. The Working Group cannot accept this response as if it were provided within the time limit. In accordance with paragraph 16 of its methods of work, the Working Group will render its opinion based on all the information it has obtained.

2. Discussion

67. In determining whether a person's detention is arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has established a *prima facie* case for breach of international law constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.⁴

68. The Working Group notes that Mr. Benabderrahmane's release and transfer to house arrest was ordered on 28 June 2020 by the Head of State Security Bureau. He was then deported to France on 1 November 2020. According to the source, Mr. Benabderrahmane learned from the press in September 2023 that he had been sentenced to death in absentia in Qatar on 31 May 2023. Given these circumstances, and according to paragraph 17 (a) of its methods of work, the Working Group 'reserves the right to render an opinion, on a case-by-case basis, whether or not the

⁴ A/HRC/19/57, para. 68.

deprivation of liberty was arbitrary, notwithstanding the release of the person concerned.’ In the present case, the Working Group opines that the allegations made by the source are extremely serious and therefore shall proceed to deliver the opinion. In determining whether the deprivation of liberty of Mr. Benabderrahmane is arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has presented a *prima facie* case for breach of international law constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations. Mere assertions by the Government that lawful procedures have been followed are not sufficient to rebut the source’s allegations.⁵

69. The source has argued that the detention of Mr. Benabderrahmane is arbitrary and falls under categories I, II and III. The Working Group will examine these in turn.

(a) Category I

70. The source submits that Mr. Benabderrahmane’s arrest and detention lack a legal basis, as he was never informed of the grounds for his detention – first in secret detention, then at Salwa Road Prison, and finally under house arrest. It argues that he was not provided with an arrest warrant nor the reasons for his arrest at the moment of his arrest on 13 January 2020 and was not promptly informed of the charges against him. In its late response, the Government states that an arrest warrant against Mr. Benabderrahmane was issued by the Public Prosecutor on 2 January 2020 and executed against him on 13 January 2020 by the State Security Service, the date of his arrest.

71. Pursuant to article 9 (1) of the Covenant, no one is to be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law. Article 9 (2) of the Covenant provides that anyone who is arrested is to be informed, at the time of arrest, of the reasons for their arrest and is to be promptly informed of any charges against them. As the Working Group has previously stated, in order for a deprivation of liberty to have a legal basis, it is not sufficient that there is a law that may authorize the arrest. The authorities must invoke that legal basis and apply it to the circumstances of the case.⁶ This is typically done through an arrest warrant or arrest order (or equivalent document).⁷ The reasons for the arrest must be provided immediately upon arrest and must include not only the general legal basis of the arrest, but also enough factual specifics to indicate the substance of the complaint, such as the wrongful act and the identity of an alleged victim.⁸

72. While the Government asserts that Mr. Benabderrahmane was arrested based on an arrest warrant issued by the Public Prosecutor, it has not address the relevant question, namely whether a warrant or equivalent document was shown to him at the time of his arrest. In this regard, the Working Group notes the distinction between issuing an arrest warrant and showing it to a suspect before the arrest. In the Working Group’s views, the Government does not explain how the arrest was conducted, nor the place of arrest or what authorities conducted the arrest. This contrasts with the detailed account provided by the source, who states that in the morning of 13 January 2020 Mr. Benabderrahmane was stopped near his home in Doha by around 15 Security Forces officers. He was then restrained and taken to his home, where other officers were searching and seizing document. Taking into account all information available to it, the Working Group is not satisfied that Mr. Benabderrahmane was

⁵ A/HRC/19/57, para. 68.

⁶ Opinions No. 9/2019, para. 29; No. 46/2019, para. 51; and No. 59/2019, para. 46.

⁷ Opinions No. 88/2017, para. 27; No. 3/2018, para. 43; and No. 30/2018, para. 39. In cases of arrests made in *flagrante delicto*, the opportunity to obtain a warrant will typically not be available.

⁸ CCPR/C/GC/35, para. 25; and opinions No. 30/2017, paras. 58 and 59; and No. 85/2021, para. 69.

presented with an arrest warrant at the moment of his arrest, irrespective of whether one was duly issued. It thus finds that his arrest violates article 9 (1) and (2) of the Covenant, and article 9 of the Universal Declaration of Human Rights.

73. Further, the Working Group recalls that under article 9 (2) of the Covenant, anyone who is arrested must be promptly informed of any charges against him or her. The right to be promptly informed of charges concerns notice of criminal charges, and as the Human Rights Committee has noted, that right applies in connection with ordinary criminal prosecutions and also in connection with military prosecutions or other special regimes directed at criminal punishment.⁹

74. According to the source, Mr. Benabderrahmane was not informed of the charges against him and was only informed that his arrest had been carried out under “the Emir’s orders”. It was only on 10 February 2020, when Mr. Benabderrahmane was brought before the Public Prosecutor, almost a month after his arrest, that he was informed that his arrest was based on allegations of “intelligence with a foreign power and espionage”. The Government limits itself to claim that all legal and judicial procedures concerning Mr. Benabderrahmane have been carried out properly. In the absence of any information to dispute the source’s assertions, the Working Group finds a breach of article 9 (2) of the Covenant.

75. The Working Group observes the source’s allegations that Mr. Benabderrahmane was held in secret detention and in isolation for three weeks, from the moment of his arrest until 1 February 2020, when he was transferred to Salwa Road Prison. In its late response, the Government does not contest the source’s allegations in this regard.

76. The Working Group notes that judicial oversight of any detention is a central safeguard for personal liberty and is critical in ensuring that detention has a legitimate basis. The Working Group recalls that holding persons at secret locations and in circumstances undisclosed to the person’s family violates their right to contest the legality of their detention before a court or tribunal under article 9 (3) and (4) of the Covenant.¹⁰ It further recalls that “[N]o jurisdiction should allow for individuals to be deprived of their liberty in secret for potentially indefinite periods, held outside the reach of law, without the possibility of resorting to legal procedures, including habeas corpus”.¹¹ In the absence of any information to the contrary from the Government, the Working Group finds that Mr. Benabderrahmane was deprived of his rights under article 9 (3) and (4) of the Covenant, and was placed outside the protection of the law, in violation of article 6 of the Universal Declaration of Human Rights and article 16 of the Covenant.

77. Further, article 9 (3) of the Covenant provides that anyone arrested or detained on a criminal charge should be brought promptly before a judge. As the Human Rights Committee has stated, 48 hours is ordinarily sufficient to satisfy the requirement for promptness. Any delay longer than that must remain absolutely exceptional and be justified under the circumstances.¹²

78. The Working Group notes the source’s allegation that Mr. Benabderrahmane was first brought before a judge over a month after his arrest, on 16 February 2020, information acknowledged by the Government in its late response, wherein it states that the criminal court judge ordered a one-month extension of his detention. No explanation has been provided for this time without a judicial hearing. It follows from this information that Mr. Benabderrahmane’s right to be promptly brought before a judge following his arrest was violated, contrary to article 9 (3) of the Covenant and principle 32 of the Body of Principles.

⁹ CCPR/C/GC/35, para. 29; and opinion No. 44/2022, para. 66.

¹⁰ Opinion 17/2024, para. 62.

¹¹ A/HRC/16/47, at para 54.

¹² CCPR/C/GC/35, paras 32-33.

79. In addition, the Working Group observes that according to the source, Mr. Benabderrahmane first appeared before the Public Prosecutor on 10 and 13 February 2020, and only later was he brought before a court. The Government in its late response does not contest the source's allegations in this respect, confirming that Mr. Benabderrahmane was indeed brought before the Public Prosecution on these days, and only later brought before a court. The Working Group recalls that a prosecutor cannot be considered a judicial authority for the purposes of article 9 (3) of the Covenant.¹³

80. The Working Group recalls that it is a well-established norm of international law that pre-trial detention shall be the exception rather than the rule and that it should be ordered for as short a period as possible.¹⁴ Article 9 (3) of the Covenant provides that it is not to be the general rule that persons awaiting trial are to be detained in custody, but their release may be subject to guarantees to appear for trial and at any other stage of the judicial proceedings. It follows that liberty is recognized as a principle and detention as an exception in the interests of justice. Thus, when pretrial detention takes place, it must be justified by specific risks and supported by an explanation of why alternative measures such as bail would be insufficient.

81. In its late response, the Government provides eight dates in which the Public Prosecution and the criminal court ordered Mr. Benabderrahmane's detention to be extended, as well as the date in which the Attorney General of the State Security and Anti-Terrorism Department at the Public Prosecutor's Office ordered his provisional release. The Working Group considers that the Government has not established whether alternative measures were considered, nor provided nor provided the reasons for holding Mr. Benabderrahmane in pre-trial detention. The Working Group thus finds a violation of article 9 (3) of the Covenant.

82. For all these reasons, the Working concludes that Mr. Benabderrahmane's detention lacked a legal basis, and is therefore arbitrary under category I.

(b) Category II

83. The source alleges that the deprivation of liberty of Mr. Benabderrahmane was arbitrary under Category II because it resulted from the exercise of his rights and freedom. It argues that Mr. Benabderrahmane's arrest and detention are directly linked to his decision to terminate his duties as General Advisor at the National Human Rights Committee of Qatar, as well as the State Security Bureau of Qatar's suspicions that he had come into possession of information that could be detrimental to the Government or key Government officials.

84. The source explains that the absence of any meaningful response to the information he had gathered led him to question the true purpose of the tasks he had been assigned. Consequently, in November 2019, he informed the National Human Rights Committee of Qatar of his decision to resign from his position as General Advisor, effective 31 December 2019, and as a response, its Chairman requested that he refrain from disclosing any information related to his work, a request that was reportedly reiterated during his house arrest.

85. In its late response, the Government refutes the source's allegations, asserting that Mr. Benabderrahmane was not working as an advisor to the National Human Rights Committee during the period from June 2019 to the date of his departure from the country, on 1 November 2020, but he was working at an Investment Group, as confirmed by the employment contract concluded between Mr. Tayeb

¹³ CCPR/C/GC/35, para. 32; and opinion No. 5/2020, para. 72; Opinion Nos. 41/2020, para. 60; 6/2020, para. 47; 5/2020, para. 72; 14/2015, para. 28; and A/HRC/45/16/Add.1, para. 35.

¹⁴ Opinions No. 28/2014, para. 43; No. 49/2014, para. 23; No. 57/2014, para. 26; No. 1/2020, para. 53; and No. 8/2020, para. 54; CCPR/C/GC/35, para. 38; and A/HRC/19/57, paras. 48–58.

Benabderrahmane and the Investment Group on 1 July 2019, also confirmed by his residence card, issued by the Ministry of Interior of Qatar.

86. In its additional comments, the source asserts that the decision to remunerate Mr. Benabderrahmane for his services to the National Human Rights Committee of Qatar through a contract with the Investment Group company—an entity owned by the Committee’s Chairman—was taken unilaterally by the latter. As a foreign national, the source notes, Mr. Benabderrahmane had no effective means to contest this arrangement, and he never carried out any work or provided any service for the Investment Group. On the contrary, he maintained regular contact with the Deputy Chairman of the Committee, through which he coordinated conferences and high-level meetings, and prepared weekly briefs and quarterly activity reports. In January 2019, he played a key role in facilitating the Chairman’s audience with the Pope; in February 2019, he organized several high-level meetings with French ministries; and in September 2019, he arranged a meeting between a Committee delegation and the European Union Counter-Terrorism Coordinator. All these activities were undertaken in his capacity as General Advisor to the Chairman of the National Human Rights Committee of Qatar.

87. The Working recalls that freedom of expression is a fundamental human right, guaranteed in article 19 of the Universal Declaration of Human Rights and article 19 of the Covenant. It protects even that which may shock, offend or disturb or which may insult an individual or group or criticise an institution.¹⁵ Moreover, the Working Group applies a heightened standard of review in cases in which the freedom of expression and opinion is restricted or where human rights defenders are involved.

88. Under article 19 (3) of the Covenant, any restriction imposed on the right to freedom of expression must be provided by law, designed to achieve a legitimate aim (namely the protection of national security, public order, or public health or morals) and imposed in accordance with the requirements of necessity and proportionality.¹⁶

89. In the present case, the Government does not explain how these criteria were met. In its late response, the Government states that legal procedures followed against Mr. Benabderrahmane for having committed offenses of criminal conspiracy and maintaining intelligence with a foreign State against Qatar, and that these procedures were carried out under the supervision of the competent judicial authority of Qatar, in accordance with the provisions of Law No. 2004-23 of the Code of Criminal Procedure. However, it does not provide a sufficiently detailed account of the factual basis for these allegations.

90. The Working Group takes note of the source’s allegations, that numerous elements in Mr. Benabderrahmane’s case confirm that his arrest and subsequent detention stemmed from his decision to resign his position as General Advisor to the National Human Rights Committee of Qatar: a) his arrest took place immediately after his resignation; b) all his documents and databases located in Qatar were seized upon his arrest (and reportedly never returned), and the Qatari Security Forces used all possible means, including threatening his life and that of his close family members, to retrieve his professional archives abroad; c) most of the interrogations, conducted violently, he was subjected to, related to information he might have acquired, as well as to whether there were any other professional archives that should be retrieved; and d) his release from detention was directly conditioned to the remittal of all documents, whether or not they were related to Qatar or Qatari officials.

91. Having reviewed all information available to it, the Working Group is convinced that the conduct of Mr. Benabderrahmane fell within the exercise of the right to freedom of opinion and expression protected under article 19 of the Universal Declaration of Human Rights and article 19 of the Covenant and that he was detained

¹⁵ Opinion no. 33/2019; no. 46/2013; no. 4/2019; no. 7/2008; and no. 35/2012.

¹⁶ CCPR/C/GC/34, paras. 21–36. See, for instance, Opinions 52/2024, para. 90; No. 8/2020.

for exercising these rights. His deprivation of liberty is thus arbitrary under category II.

(c) Category III

92. The source submits that Mr. Benabderrahmane's deprivation of liberty is arbitrary under category III because he was denied the right to due process, his detention was accompanied by serious and repeated violations of fundamental rights, including the right to a fair trial. It is argued that Mr. Benabderrahmane was denied access to effective legal assistance and interpretation in a language he could understand; was subjected to torture and interrogated in the absence of legal counsel; and was coerced into making false statements and confessing guilt.

93. In particular, the source alleges that Mr. Benabderrahmane did not benefit from any effective legal assistance by a lawyer, as his lawyer, either due to fear of retaliation or personal interest, did not actively defend his rights. According to the source, his lawyer never had access to his case files and was essentially prevented from meeting him and was never present at any of the hearings. Moreover, the source argues that Mr. Benabderrahmane had access for the first time to his case file in the summer of 2024, that is, 4 years after his arrest and deportation to France. In its late response, the Government asserts that Mr. Benabderrahmane benefited from all necessary legal and judicial guarantees for a fair trial in accordance with legal standards.

94. The Working Group recalls that all persons deprived of their liberty are to have the right to legal assistance by counsel of their choice, at any time during their detention, including immediately after their apprehension, and that such access is to be provided without delay.¹⁷ The right to legal assistance is an essential element of the right to fair trial, as it serves to ensure that the principle of equality of arms is duly observed.¹⁸ The Working Group further recalls that access to counsel is a right enshrined in article 14 (3) of the Covenant and principles 11 (2), 17 and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and reinforced by article 11 of the Universal Declaration of Human Rights. Article 14 (3) (b) of the Covenant sets out the right to have adequate time and facilities for the preparation of one's defence and to communicate with counsel of one's own choosing.

95. Article 14 (3) (b) of the Covenant provides that a defendant is entitled to "have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing." Defendants must have access to documents and other evidence, including "all materials that the prosecution plans to offer in court against the accused or that could assist the defence." It further requires that defendants "be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications."¹⁹

96. The Working Group notes that the Government did not specifically address whether the lawyer was able to visit Mr. Benabderrahmane and be present at the hearings, or if communication between Mr. Benabderrahmane and his lawyer was granted. Noting the lack of information from the Government to refute the source's allegations in this regard, the Working Group is of the view that Mr. Benabderrahmane was denied his right to effective legal counsel, in violation of article 14 (3) of the Covenant. Further, considering the source's submissions and the Government's general response in its late reply, the Working Group concludes that, by not allowing Mr. Benabderrahmane timely access to the case file, the authorities

¹⁷ A/HRC/30/37, principle 9 and guideline 8; CCPR/C/GC/35, para. 35; A/HRC/45/16, paras. 50–55; and A/HRC/48/55, para. 56. See also A/HRC/27/47, para. 13.

¹⁸ See, for example, opinion No. 35/2019.

¹⁹ CCPR/C/GC/32, paras 33–34.

violated article 10 of the Universal Declaration of Human Rights and article 14 (1) and (3) (b) of the Covenant.

97. The Working Group further notes that Mr. Benabderrahmane was subjected to torture, inhuman treatment, including repeated full-body searches for no reason, sleep deprivation, forced to remain standing for extended periods, and threats of physical violence to him and his family. This reportedly led him to sign confessions of guilt and false statements implicating his relatives. He was asked numerous questions, including about the location of his professional documents, information and names of all his family members, and whether they were aware of his activities in Qatar, and his professional relationships. Further, the source asserts that these confessions and statements, obtained under duress and in the absence of legal representation, were used in the proceedings that led to his death sentence in May 2023. The Government did not contest the source's allegations in this regard.

98. The Working Group recalls that torture is not only a grave violation of human rights per se, but also undermines the ability to defend oneself, thereby hindering the exercise of the right to a fair trial. The Working Group notes that the use of confessions extracted through ill-treatment that is tantamount if not equivalent to torture is a breach of article 14 (3) (g) of the Covenant and may also constitute a violation of the State's obligations under article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.²⁰ Furthermore, principle 21 of the Body of Principles specifically prohibits taking undue advantage of the situation of a detained person to compel confession or incriminating statements. The admission into evidence of a statement allegedly obtained through torture or ill-treatment and without the presence of a lawyer renders the entire proceedings unfair, regardless of whether other evidence was available to support the verdict.²¹ The burden is on the Government to prove that statements were given freely,²² but in this case it has not done so.

99. In the absence of any information to the contrary, the Working Group is inclined to consider that the fairness of proceedings was tainted by mistreatment and torture, amounting to a violation of Mr. Benabderrahmane's fair trial rights under article 11 (1) of the Universal Declaration of Human Rights, and article 14 (3) (g) of the Covenant.

100. The source submits that Mr. Benabderrahmane was denied the right to benefit from the services of an interpreter. In particular, the source argues that Mr. Benabderrahmane was forced to sign a document in Arabic, without any translation being provided to him and in the absence of an interpreter, and that during the two hearings before the Public Prosecution, he was questioned about transmitting information to a foreign party, but that he had difficulty understanding the questions, as the authorities spoke to him in the Qatari Arabic dialect and there was no interpretation available. The Working Group observes the lack of response by the Government to the allegation made by the source in this regard, and thus considers that Mr. Benabderrahmane's right was violated, contrary to article 14 (3) (f) of the Covenant.

101. For all the above, the Working Group concludes that the violations of Mr. Benabderrahmane due process rights are of such gravity as to render his detention arbitrary under category III.

3. Disposition

102. In the light of the foregoing, the Working Group renders the following opinion:

²⁰ Ibid., para. 49.

²¹ Opinion Nos. 73/2019, para. 91; 59/2019, para. 70; 32/2019, para. 43; 52/2018, para. 79(i); 34/2015, para. 28; 43/2012, para. 51.

²² CCPR/C/GC/32, para. 41; see Opinions No. 86/2020, and No. 41/2020.

The deprivation of liberty of Tayeb Benabderrahmane being in contravention of articles 6, 9, 10, 11, and 19 of the Universal Declaration of Human Rights and articles 9, 14, 16, and 19 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II and III.

103. The Working Group requests the Government of Qatar to take the steps necessary to remedy the situation of Mr. Benabderrahmane without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

104. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to accord Mr. Benabderrahmane an enforceable right to compensation and other reparations, in accordance with international law.

105. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary detention of Mr. Benabderrahmane and to take appropriate measures against those responsible for the violation of his rights.

106. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

107. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

(a) Whether compensation or other reparations have been made to Mr. Benabderrahmane;

(b) Whether an investigation has been conducted into the violation of Mr. Benabderrahmane and if so, the outcome of the investigation;

(c) Whether any legislative amendments or changes in practice have been made to harmonise the laws and practices of Qatar with its international obligations in line with the present opinion;

(d) Whether any other action has been taken to implement the present opinion.

108. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

109. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

110. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.²³

[Adopted on 8 April 2025]

²³ Human Rights Council resolution 51/8, paras. 6 and 9.