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Human Rights Council
Working Group on Arbitrary Detention**Opinions adopted by the Working Group on Arbitrary Detention at its ninety-ninth session, 18–27 March 2024****Opinion No. 12/2024 concerning Abdullah Ibhais (Qatar)***

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently 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 11 July 2023, the Working Group transmitted to the Government of Qatar a communication concerning Abdullah Ibhais. The Government has not replied to the communication. 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 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 Universal Declaration of Human Rights 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 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).

* Miriam Estrada Castillo did not participate in the discussion of the case.

¹ [A/HRC/36/38](#).

1. Submissions

(a) Communication from the source

(i) Context

4. Abdullah Ibhais, born on 4 January 1986, is a national of Jordan. At the time of his arrest, he was working as a media manager for the Qatar Supreme Committee for Delivery and Legacy, the local partner organization for the 2022 Fédération internationale de football association (FIFA) World Cup. His address of usual residence was in Doha.

(ii) Arrest and detention

5. The source alleges that, in the lead-up to the 2022 FIFA World Cup, which was held in Qatar, migrant construction workers went on strike to protest against their living conditions and a salary freeze. Videos were circulated on social media showing workers taking part in protests who claimed that they were working on projects for the 2022 FIFA World Cup. In this context, Mr. Ibhais, as a media manager, was requested by his employer to issue a statement refuting all claims that the protesters were indeed working on some of the projects for the 2022 FIFA World Cup and affirming that no individuals working for the Supreme Committee for Delivery and Legacy were facing issues with salary payment or living conditions.

6. On 4 August 2019, Mr. Ibhais visited the strike site and met with the workers. He was reportedly shocked by what he saw there, as he found hundreds of workers living in a compound in unsuitable conditions, without air conditioning, food or running water. When Mr. Ibhais spoke to them, he learned that some of them had not received their salaries for up to six months. Hundreds of them were allegedly working on the construction of the Al-Bayt Stadium and the Education City Stadium.

7. The source claims that Mr. Ibhais refused, based on what he had himself observed, to issue any statement that falsified the facts and went against his morals and work ethic. He also requested his employer to pay the delayed salaries to the construction workers. Mr. Ibhais was then requested to end all conversations about the issue.

8. It is reported that, after these exchanges, Mr. Ibhais was removed from his role in international media relations and was no longer allowed to travel with the Supreme Committee's Secretary-General or Communications Director and that critical responsibilities in relation to his team, including personnel management, were revoked.

9. Mr. Ibhais was reportedly then asked by the Communications Director to be part of a technical evaluation committee for a tender to procure the services of social media agencies located both in Qatar and abroad. Mr. Ibhais rejected this proposal. However, the Communications Director pressured Mr. Ibhais to accept, saying that he had no choice. Mr. Ibhais was made a member of the commercial evaluation team. However, the Communications Director then changed her mind and removed him from some of the international tenders, insisting that he should only be part of the tender relating to agencies located in Qatar.

10. Meanwhile, Mr. Ibhais started to look for a new job and informed the Communications Director that he no longer wished to work for the Supreme Committee for Delivery and Legacy and that he was seriously looking for an opportunity to leave his position.

11. When the tender took place, the committee of which Mr. Ibhais was a member recommended rejecting all the applicants and initiating a re-tender, on the basis that none of the applicants was up to the technical expectations.

12. Two months later, Mr. Ibhais was called in as part of an internal investigation initiated in response to claims that there had been misconduct in the way the tender had been conducted. At that time, Mr. Ibhais was put under pressure and started to have panic attacks daily, as it became clear to him that it was all part of a plot against him, as a result of his earlier stance on the construction workers. The investigation lasted three weeks.

13. According to the information received, Mr. Ibhais was first arrested on 12 November 2019, when he was called to meet with the Human Resources Director of the Supreme Committee for Delivery and Legacy. Five officers from the Criminal Investigation Department of Qatar and from the State Security Service were present at the meeting. The agents took his mobile phone and access card and requested to search his vehicle, to which Mr. Ibhais consented. They then took him to the Criminal Investigation Department offices in the Duhail district of Doha, without providing an arrest warrant or informing him about the reasons for his arrest.

14. Reportedly, once at the Criminal Investigation Department offices, Mr. Ibhais was handcuffed and placed in an interrogation room. After waiting for three hours, he was told that his arrest was related to an internal investigation by the Supreme Committee for Delivery and Legacy. He requested access to a lawyer and, in response, the agents allegedly told him that if his lawyer were to show up, they would break the attorney's legs and those of Mr. Ibhais. He was threatened with a long period of detention without contact with his family or with a lawyer, told that he would experience torture and physical violence if he were transferred to the State Security Service prison and promised that he would be allowed to see a lawyer if he signed the confession. Mr. Ibhais was also told that it was better to confess because, if he did not, he would disappear for six months and his family would know nothing about what had happened to him. The agents added that they had the right to detain him under administrative detention and that no one would hear from him.

15. The agents allegedly gave Mr. Ibhais a written statement to sign, but he refused to do so, affirming that it was false. After much pressure, Mr. Ibhais signed the confession previously drafted by one of the police officers. The authorities allegedly told him that he had leaked defence secrets, misused public funds and conspired with a foreign agent in order to place the social media accounts for the 2022 FIFA World Cup under the control of other countries. These accusations were reportedly based on an internal investigation conducted by the Supreme Committee for Delivery and Legacy.

16. According to the information received, after Mr. Ibhais had signed the ready-made confession, the agents took him to his home so that they could search it. During the raid, he was not allowed to talk to his family, who were told that he would be back that night. The officers took his laptop, an old phone and a tablet, requesting Mr. Ibhais to give them full access to the content. He was then taken back to the Criminal Investigation Department offices in Duhail, and at 11 p.m. he was taken into detention.

17. It is reported that, on 13 November 2019, at around 8 a.m., Mr. Ibhais was taken to the Public Prosecution building in the West Bay neighbourhood of Doha, to the offices of the State Security Prosecution on the 19th floor. He waited there until 3 p.m., when he was called for further interrogation in an unidentified room by unidentified officers. He requested legal assistance, with the agents responding that he was not in an American movie, so he did not get to ask for a lawyer and must do only what he was instructed to do. The agents reportedly told him that they already had his statement confessing that he had leaked State defence secrets and committed other crimes. They told him that, if he confessed to the misuse of public money, his case would not be sent to the State Security Service and he could have access to a lawyer. According to the source, under such pressure and out of fear of possible execution under the charges of leaking defence secrets, Mr. Ibhais signed another imposed confession.

18. The source claims that Mr. Ibhais did not gain access to a lawyer until nine days after his arrest. On 19 December 2019, after a two-hour hearing in which Mr. Ibhais was not allowed to speak, a judge ordered his release. Two days later, on 21 December 2019, Mr. Ibhais was released after paying bail of 3,000 Qatari riyals (QR) (\$824). Allegedly, on 17 January 2021, when the case file was sent to the Court of First Instance, Mr. Ibhais's defence were made aware of a warrant, dated 11 November 2019, for his arrest, issued by the Public Prosecutor for State Security and Counter-Terrorism.

19. Mr. Ibhais's trial began on 19 January 2021. Three different lawyers represented him during the 13 months prior to the trial; however, none of them was allowed access to the case files during that time. It is reported that, during the hearings, 10 to 12 witnesses were expected to give statements; however, only four of them (from the Criminal Investigation Department

and the Supreme Committee for Delivery and Legacy) were allowed to do so. Moreover, the four witnesses allegedly changed their statements in court and provided evidence in favour of the defence.

20. On 29 April 2021, after five hearings, Mr. Ibhais's was convicted by the Court of First Instance in Doha of bribery, violation of tenders and profits, and intentional damage to public funds. He was sentenced to five years' imprisonment, a fine of QR 150,000 and deportation from Qatar upon completion of the sentence. According to the information provided, the ruling contradicted the indictment by the Public Prosecution and mentioned events that had never taken place. In addition, it is reported that the Public Prosecution submitted a 1,000-page case file containing two copies of each document and put together chaotically. Furthermore, more than 70 per cent of the documents were in English, with no Arabic translation provided, even though the judge presiding over the case allegedly did not understand English.

21. It is alleged that, while awaiting trial for his appeal and a decision on the execution of his sentence, Mr. Ibhais was arrested again at his home on 15 November 2021, and taken to a temporary detention facility for judicial enforcement. The source claims that this second arrest was ahead of a media appointment that Mr. Ibhais had scheduled with two foreign journalists, who were later arrested and deported.

22. Immediately after the second arrest, Mr. Ibhais began a hunger strike, which lasted for 30 days. Reportedly, on 25 November 2021, the tenth day of his strike, in an attempt to inflict damage to Mr. Ibhais's health, a police officer confiscated Mr. Ibhais's supply of salt, which was his only way of maintaining the balance of minerals in his body during the strike. The officer allegedly told him that the officers did not care if he died. On 28 November 2021, Mr. Ibhais was transferred to the central prison in Doha, where he remains. On 30 November 2021, due to media pressure, the confiscated salt was returned to Mr. Ibhais.

23. On 1 December 2021, after a voice message by Mr. Ibhais, explaining why he had gone on a hunger strike, and a photo of him in the transfer vehicle were published, he was interrogated by the Deputy Chief of the central prison and threatened with further legal charges if he leaked any more recordings or photos from the prison.

24. On 15 December 2021, the Court of Appeal reportedly upheld the verdict against Mr. Ibhais but reduced the length of the sentence.

25. According to the information received, in January 2022, three weeks after ending his hunger strike, Mr. Ibhais and many other inmates contracted coronavirus disease (COVID-19). They allegedly did not receive any proper medical attention and were not examined by a doctor. Instead, they depended on "home remedies", such as lemon, onions and hot drinks. The only precautionary measure taken by the prison administration was to prohibit all visits for 50 days.

26. According to the source, in April 2022, Mr. Ibhais was placed in solitary confinement for two weeks after receiving a visit from a foreign journalist.

27. In September 2022, Mr. Ibhais was allegedly told by the prison administration that he would be prohibited from receiving any outside calls and visits from anyone except his family.

28. On 2 November 2022, Mr. Ibhais and his family were informed that they were banned from private, face-to-face visits, reportedly for security reasons, and that only window visits would be allowed.

29. According to the information received, on that same day, 2 November 2022, Mr. Ibhais was placed in solitary confinement, where he stayed for four days. The prison administration justified his solitary confinement by claiming that he was trying to hand over a written letter to a member of his family. It is alleged that he was physically assaulted by prison guards, placed in an extremely small cell, which was completely dark, and tortured with cold temperatures (around 4°C), with the fan of the central air-conditioning system pointed directly at him. Mr. Ibhais was subjected to sleep deprivation for 96 hours. On 6 November 2022, the prison administration told Mr. Ibhais's family that all contact with him would be monitored and recorded.

30. Reportedly, all visits to Mr. Ibhais were banned from 7 to 20 November 2022, in the run-up to the opening of the 2022 FIFA World Cup.

(iii) *Legal analysis*

a. Category I

31. The source claims that, at the time of Mr. Ibhais's arrest on 12 November 2019, the Qatari officials did not present an arrest warrant and did not inform him of the reason for his arrest. By failing to inform Mr. Ibhais of the reason for his arrest at the time, the authorities allegedly violated article 9 of the Universal Declaration of Human Rights and article 9 (1) and (2) of the International Covenant on Civil and Political Rights. Therefore, it is alleged that there was no legal basis for the deprivation of liberty under category I.

b. Category II

32. According to the information received, Mr. Ibhais worked as a media manager for the Supreme Committee of Delivery and Legacy, the organizers of the 2022 FIFA World Cup in Qatar. On 4 August 2019, he went to see striking FIFA World Cup workers who claimed that they had not been paid on time and were living in inhumane conditions. He reported his concerns to his employer, the Supreme Committee for Delivery and Legacy, urged the Supreme Committee to remedy the situation and argued against issuing any false or misleading statements about the striking workers.

33. Reportedly, the Supreme Committee for Delivery and Legacy subsequently triggered an investigation when it handed over to the authorities a report of an internal inquiry into Mr. Ibhais and his accusations. The report included serious allegations, which likely led to the involvement of the State Security Service. Mr. Ibhais was arrested on 12 November 2019, shortly after the Supreme Committee had passed on the information to the State Security Service. The source believes that Mr. Ibhais's prosecution and conviction were a result of his internal criticism of the Supreme Committee's handling of the migrant workers' strike in August 2019. This is allegedly supported by the fact that the only inculpatory piece of evidence presented at the trial was his coerced confession, extracted without the presence of an attorney.

34. Therefore, the source believes that the Government of Qatar arrested and detained Mr. Ibhais because of the peaceful exercise of his freedom of opinion and expression under article 19 of the Universal Declaration of Human Rights and article 19 (1) of the Covenant, rendering his deprivation of liberty arbitrary under category II.

c. Category III

i. Denial of legal assistance

35. According to the source, despite persistent requests following his arrest on 12 November 2019, Mr. Ibhais was not provided with an attorney and was interrogated without one on multiple occasions. He was not able to contact a lawyer until nine days after his arrest. By not providing Mr. Ibhais with access to an attorney without delay and immediately after his arrest, and prior to any questioning by the police, the authorities allegedly violated article 10 of the Universal Declaration of Human Rights, article 14 (3) (b) of the Covenant and principles 17 (1) and 18 (1) and (2) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

ii. Coerced confession

36. The source further claims that Mr. Ibhais was interrogated without an attorney and that the interrogators threatened that, if he did not sign a confession, he would be sent to the State Security Service, where, he was told, "they know how to get a confession". The prosecutors told him that if he signed the confession, he could be removed from the custody of the State Security Service and given access to an attorney. Under coercion, Mr. Ibhais allegedly signed the false and prefabricated confession. It is reported that, during the trial, Mr. Ibhais's coerced confession was the only inculpatory piece of evidence presented against

him. Furthermore, the Court of First Instance and the Court of Appeal refused to order an investigation into Mr. Ibhais's allegations. By coercing Mr. Ibhais to make an incriminating statement, by using the statement as inculpatory evidence at trial and by refusing to investigate his allegations of a coerced confession, the authorities allegedly violated article 10 of the Universal Declaration of Human Rights, article 14 (1) and (3) (g) of the Covenant and principle 21 of the Body of Principles.

iii. Access to evidence and right to present a defence

37. It is also alleged that, despite his requests, Mr. Ibhais was only able to secure copies of his case file and the evidence against him on 19 January 2021, the day of the start of the trial at the Court of First Instance. During the trial, Mr. Ibhais's attorney was reportedly denied the right to present a defence. The decision referred to the testimonies of 10 witnesses, but only 4 witnesses appeared in court. The Court also overlooked the contradiction between testimonies given by the same persons in court and to the police. Once at the Court of Appeal, Mr. Ibhais's attorney was allowed five minutes to present the defence's case, and the judge who decided against him was absent for those five minutes. On 15 December 2021, the Court of Appeal announced its decision in a sentencing hearing without Mr. Ibhais or his attorney being present. Similarly, Mr. Ibhais and his attorney were not informed of a hearing held at the Court of Cassation on 7 November 2022, and it was only later, on 29 November 2022, that they learned of that Court's decision.

38. By not allowing Mr. Ibhais timely access to the evidence against him, by not allowing him to be present at trial, by preventing his attorney from presenting the defence's case, and by not allowing his attorney to question all witnesses, the authorities allegedly violated article 10 of the Universal Declaration and article 14 (1) and (3) (b), (d) and (e) of the Covenant.

iv. Incommunicado detention

39. In April 2022, Mr. Ibhais was placed in solitary confinement for two weeks after receiving a visit from a Norwegian journalist. In September 2022, Mr. Ibhais was banned from any phone calls and visits, except from his family. On 2 November 2022, Mr. Ibhais was placed in solitary confinement for four days. On 6 November 2022, he was informed by officials that all the discussions between Mr. Ibhais and his family would be recorded. Between 7 and 20 November 2022, Mr. Ibhais was denied all visits. By not allowing Mr. Ibhais to communicate with family members and an attorney, thereby preventing him from properly preparing his defence, the Government of Qatar allegedly violated article 10 of the Universal Declaration, article 14 (1) and (3) (b) of the Covenant and principles 15 and 19 of the Body of Principles.

v. Torture and other cruel, inhuman or degrading treatment

40. Mr. Ibhais was on hunger strike from 15 November to 15 December 2021. On the tenth day of the strike, a police officer confiscated Mr. Ibhais's supply of salt and told him "we don't care if you die". Due to media pressure, the salt was returned to Mr. Ibhais on 30 November 2021, and three medical examinations were conducted. However, he did not receive any test results or further information regarding the examinations.

41. Reportedly, on 1 December 2021, upon the publication of a voice message explaining the reason for his hunger strike, accompanied by a photo, the Deputy Chief of the central prison threatened Mr. Ibhais with further legal charges if he leaked any more recordings or photos from the prison.

42. The source claims that, in January 2022, Mr. Ibhais contracted COVID-19 but did not receive any medical attention. On 2 November 2022, Mr. Ibhais was placed in solitary confinement for four days. Prison guards physically assaulted him and put him in a small cell that was completely dark. The central air-conditioning system was pointed directly at him, making him extremely cold. He was deprived of sleep for nearly 96 hours.

43. According to the source, by not allowing Mr. Ibhais proper medical attention, threatening him, assaulting him and keeping him in inhumane conditions, the authorities allegedly subjected him to inhuman and degrading treatment and violated article 5 of the Universal Declaration of Human Rights and articles 7 and 10 (1) of the Covenant.

vi. Trial without delay

44. It is alleged that Mr. Ibhais was first detained from 12 November to 21 December 2019. He was detained a second time on 15 November 2021 and is still in detention. The Court of Cassation did not publish a final decision in his case until 29 November 2022, over a year after his second arrest. Therefore, the source claims that he was not tried within a reasonable time, in violation of article 10 of the Universal Declaration of Human Rights, article 14 (3) (c) of the Covenant and principle 38 of the Body of Principles.

45. The source alleges that the Qatari authorities violated several international norms relating to the right to a fair trial, rendering Mr. Ibhais's detention arbitrary under category III.

(b) Response from the Government

46. On 11 July 2023, 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 11 September 2023, detailed information about the situation of Mr. Ibhais and to clarify the legal provisions justifying his continued detention, as well as their compatibility with the obligations of Qatar under international human rights law, and in particular with regard to the treaties ratified by the State. Moreover, the Working Group called upon the Government of Qatar to ensure Mr. Ibhais's physical and mental integrity.

47. The Working Group regrets that the Government did not submit a reply within the established time frame, nor did it seek an extension in accordance with paragraph 16 of the Working Group's methods of work.

2. Discussion

48. In the absence of a response from the Government, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

49. In determining whether Mr. Ibhais'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. Mere assertions by the Government that lawful procedures have been followed are not sufficient to rebut the source's allegations.² In the present case, the Government has chosen not to challenge the prima facie credible allegations made by the source within the prescribed time limit.

(a) Category I

50. The Working Group will first consider whether there have been violations under category I, which concerns deprivation of liberty without any legal basis.

51. The source alleges that, at the time of Mr. Ibhais's arrest on 12 November 2019, the authorities did not present an arrest warrant and did not inform him of the reason for his arrest, in violation of article 9 of the Universal Declaration of Human Rights and article 9 (1) and (2) of the Covenant. The source notes that it was later learned, on 17 January 2021, when the case was sent to the Court of First Instance, that an arrest warrant dated 11 November 2019 had been issued against him. However, this had not been shown to Mr. Ibhais at the moment of his arrest. The Government has not responded to these allegations.

52. The Working Group recalls that a detention is considered arbitrary under category I if it lacks a legal basis. Pursuant to article 9 (1) of the Covenant, no one is to be deprived of 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 the arrest, of the reasons for his or her arrest and is to be promptly informed of any charges against him or her.

53. 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

² A/HRC/19/57, para. 68.

authorities must invoke that legal basis and apply it to the circumstances of the case.³ This is typically done through an arrest warrant or arrest order (or equivalent document).⁴ Persons who are detained have the right to be promptly informed of the charges against them. The reasons for 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.⁵ The Working Group finds that this was denied to Mr. Ibhais, in violation of articles 3 and 9 of the Universal Declaration of Human Rights and article 9 (1) and (2) of the Covenant.

54. Furthermore, the Working Group notes that Mr. Ibhais was arrested on 12 November 2019, that he appeared before the Public Prosecution the next day and that, on 19 December 2019, a judge ordered his release after a two-hour hearing at which Mr. Ibhais was reportedly not allowed to speak. The Government has chosen not to rebut the *prima facie* credible allegations from the source.

55. According to article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge shall be brought promptly before a judge. As the Human Rights Committee has stated, 48 hours is ordinarily sufficient to satisfy the requirement of bringing a detainee “promptly” before a judge following his or her arrest, and any longer delay must remain absolutely exceptional and be justified under the circumstances.⁶ In the present case, Mr. Ibhais does not appear to have been brought before a judicial authority within 48 hours of his arrest. Rather, he was arrested and brought the following day before the Public Prosecution. As the Working Group has stated, a prosecutorial body cannot be considered a judicial authority for the purposes of article 9 (3) of the Covenant.⁷ As a result, the legal basis for the detention of Mr. Ibhais was not established in accordance with the requirements of the Covenant.

56. Accordingly, the Working Group considers that Mr. Ibhais’s arrest and subsequent detention were arbitrary under category I.

(b) Category II

57. The source alleges that the deprivation of liberty of Mr. Ibhais was arbitrary under category II because it resulted from his exercise of the rights and freedoms guaranteed under international law, in particular his right to freedom of opinion and expression under article 19 of the Universal Declaration of Human Rights and article 19 (1) of the Covenant.

58. According to the source, Mr. Ibhais refused to comply with his employer’s request to issue a statement refuting all claims that the migrant construction workers on strike were working for any 2022 FIFA World Cup projects, and affirming that no employees of the Supreme Committee for Delivery and Legacy were facing issues with salary payment or living conditions. As a result, he was removed from his role in international media relations, was no longer allowed to travel with the Supreme Committee’s Secretary-General or Communications Director, had critical responsibilities in relation to his team, including personnel management, revoked, and was subsequently arrested and detained. The Government has chosen not to contest these allegations, despite having been given the opportunity to do so.

59. The Working Group takes note of the fact that Mr. Ibhais’s arrest and subsequent detention are traceable to the opinions and beliefs that he held when he worked as a media manager for the 2022 FIFA World Cup organizers in Qatar. He was arrested shortly after the Supreme Committee passed information to the State Security Service regarding his internal criticism of how the Supreme Committee for Delivery and Legacy handled the migrant workers’ strike in August 2019.

³ Opinions No. 9/2019, para. 29; No. 46/2019, para. 51; and No. 59/2019, para. 46.

⁴ 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.

⁵ Human Rights Committee, general comment No. 35 (2014), para. 25; and opinions No. 30/2017, paras. 58 and 59; and No. 85/2021, para. 69.

⁶ Human Rights Committee, general comment No. 35 (2014), para. 33.

⁷ *Ibid.*, para. 32; opinions No. 14/2015, para. 28; No. 5/2020, para. 72; and No. 41/2020, para. 60; and [A/HRC/45/16/Add.1](#), para. 35.

60. The Working Group notes that article 19 (2) of the Covenant provides that everyone is to have the right to freedom of expression; this right is to include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. This right protects the holding and expression of opinions, including those which are critical of, or not in line with, government policy.

61. According to the Working Group's jurisprudence, restrictions placed on freedom of expression by way of deprivation of liberty can only be justified when it is shown that the deprivation of liberty has a legal basis in national law, does not violate international law and is necessary to ensure respect for the rights or reputation of others, or for the protection of national security, public order, public health or morals, and is proportionate to the pursued legitimate aims. The Government had the opportunity to explain how Mr. Ibhais's arrest and detention were not in breach of his rights under article 19 of the Covenant or, indeed, how his actions did not fall under the exception of that article. However, the Government did not do so. The Working Group considers that Mr. Ibhais's conduct 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 for exercising those rights.

62. The Working Group also considers that Mr. Ibhais's deprivation of liberty stems from the exercise of his freedom of conscience, namely as a result of his refusal to issue a statement to deny the salary payment issues and living conditions experienced by migrant construction workers, and any connection between these workers and the 2022 FIFA World Cup, as this was against his morals and work ethic.

63. The Working Group recalls that the *travaux préparatoires* for the Universal Declaration of Human Rights indicate that freedom of thought extends beyond thought on matters of conscience, religion and belief.⁸ Moreover, as the Human Rights Committee has stated, freedom of thought extends beyond "religious" thought alone,⁹ and encompasses thought "on all matters".¹⁰ Noting that the right to freedom of thought, conscience and religion is protected under article 18 of the Universal Declaration of Human Rights and article 18 of the Covenant, and that Mr. Ibhais exercised this right, the Working Group finds a violation of these articles.

64. The Working Group concludes that Mr. Ibhais's detention resulted from the peaceful exercise of his rights and freedoms and was contrary to articles 18 and 19 of the Covenant and articles 18 and 19 of the Universal Declaration of Human Rights. His deprivation of liberty is thus arbitrary under category II.

(c) Category III

65. Given its findings that the detention of Mr. Ibhais is arbitrary under category II, the Working Group emphasizes that no trial should have taken place. However, on 29 April 2021, Mr. Ibhais was sentenced to five years' imprisonment, a fine of QR 150,000 and deportation from Qatar upon completion of the sentence.

66. The source claims that the deprivation of liberty of Mr. Ibhais is arbitrary under category III, as there was total or partial non-observance of the international norms relating to the right to a fair trial. More precisely, the source alleges the denial of legal assistance, forced confession, incommunicado detention, torture and other cruel, inhuman or degrading treatment, and a delayed trial.

67. The Working Group recalls that access to counsel is a right enshrined under 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. All persons deprived of their liberty have the right to legal assistance by counsel of their choosing at any time during their detention, including immediately after their apprehension, and such access

⁸ A/76/380, para. 22; and A/C.3/SR.127, p. 395 (Philippines).

⁹ CCPR/C/SR.1162, paras. 40 and 43.

¹⁰ See Human Rights Committee, general comment No. 22 (1993).

is to be provided without delay.¹¹ 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.¹² Moreover, a person who has had charges brought against him or her has the right to adequate time and facilities for the preparation of their defence, as guaranteed under article 14 (3) (b) of the Covenant.

68. The Working Group takes note of the un rebutted submission by the source that despite persistent requests following Mr. Ibhais's arrest on 12 November 2019, he was not provided with access to a lawyer and was interrogated without one on several occasions. Moreover, it is submitted that Mr. Ibhais was not able to contact a lawyer until nine days after his arrest. The Government has chosen not to contest these allegations, despite having been given the opportunity to do so. The Working Group considers that Mr. Ibhais's right to legal assistance was denied in violation of article 14 (3) (b) of the Covenant and contrary to principle 18 (3) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, rule 61 (1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and principle 9 and guideline 8 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court.

69. The Working Group is disturbed by the uncontested threats of torture and long detention made by the authorities in response to Mr. Ibhais's requests to be provided with a lawyer. The Working Group considers that such acts are unacceptable and constitute a violation of Mr. Ibhais's right to legal assistance.

70. The Working Group notes that Mr. Ibhais's trial began on 19 January 2021, and that he was only able to secure copies of his case file and the evidence against him on the day that his trial at the Court of First Instance began. Moreover, during the trial, Mr. Ibhais's attorney was denied the right to present a defence. Once at the Court of Appeal, Mr. Ibhais's attorney was reportedly allowed only five minutes to present the defence's case, during which time the judge was absent. On 15 December 2021, the Court of Appeal announced its decision in a sentencing hearing at which neither Mr. Ibhais nor his attorney was present. Similarly, it is submitted that Mr. Ibhais and his attorney were not informed of the hearing at the Court of Cassation held on 7 November 2022, and it was only later, on 29 November 2022, that they learned of its decision.

71. Moreover, the Working Group notes the source's allegations that Mr. Ibhais was placed in solitary confinement on more than one occasion and denied phone calls and visits from his family and attorneys, which consequently prevented him from properly preparing for his defence. The Government has chosen not to contest these allegations.

72. The Working Group thus considers that these facts constitute a violation of article 14 (3) of the Covenant and are contrary to principles 15–19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and principle 9 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court. Furthermore, the Working Group recalls that, according to rule 45 of the Nelson Mandela Rules, the imposition of solitary confinement must be accompanied by certain safeguards. Solitary confinement must only be used in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and must be authorized by a competent authority.¹³

73. The source further claims that Mr. Ibhais was interrogated without an attorney and was threatened that if he did not sign a confession, he would be sent to the State Security Service, where "they know how to get a confession". According to the source, Mr. Ibhais signed the false, pre-written confession. Moreover, the source submits that Mr. Ibhais's

¹¹ United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, principle 9 and guideline 8; Human Rights Committee, general comment No. 35 (2014), para. 35; [A/HRC/48/55](#), para. 56; [A/HRC/45/16](#), paras. 50–55; and [A/HRC/27/47](#), para. 13.

¹² See, for example, opinion No. 35/2019.

¹³ See, for example, opinion No. 83/2018.

coerced confession was the only inculpatory piece of evidence presented against him during trial. The Government has not contested these allegations.

74. The Working Group recalls that under article 14 (3) (g) of the Covenant, any individual charged with a criminal act is entitled, in full equality, not to be compelled to testify against him or herself or to confess guilt.

75. The Working Group has already established that Mr. Ibhais was interrogated repeatedly in the absence of legal counsel. As the Working Group has stated previously, confessions made in the absence of legal representation are not admissible as evidence in criminal proceedings.¹⁴ Furthermore, a forced confession taints the entire proceedings, regardless of whether other evidence was available to support the verdict.¹⁵

76. Consequently, the Working Group finds a violation of Mr. Ibhais's fundamental trial rights to be presumed innocent and not to confess guilt, under articles 10 and 11 of the Universal Declaration of Human Rights and article 14 (2) and (3) of the Covenant.

77. The Working Group notes the source's uncontested allegations that Mr. Ibhais was subjected to inhuman and degrading treatment, including physical assault, lack of access to medical care when he contracted COVID-19, confiscation of salt, which was his only way of maintaining the balance of minerals in his body while on hunger strike, sleep deprivation, and poor conditions of detention, including cold temperatures. The Government has chosen not to contest the prima facie credible allegations from the source.

78. The Working Group recalls that torture or ill-treatment of detainees not only is a grave violation of human rights, but also seriously undermines the fundamental principles of a fair trial, as it can compromise the ability to defend oneself, especially in the light of the right not to be compelled to testify against oneself or to confess guilt.¹⁶ Detainees should be protected from any practices that violate their right to be free from any act that could cause severe pain or suffering, whether physical or mental, and that is inflicted intentionally on a person. This is clearly stated in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The right to freedom from torture and other ill-treatment or punishment is absolute. This applies in all circumstances, and it may never be restricted, including in times of war or states of emergency. No exceptional circumstances whatsoever, including threats of terrorism or other violent crime, may be invoked to justify torture or other ill-treatment. Such prohibition applies irrespective of the offence allegedly committed by the accused person.¹⁷

79. The Working Group also notes the source's unrebutted allegations that Mr. Ibhais was not tried within a reasonable time, in violation of article 10 of the Universal Declaration of Human Rights, article 14 (3) (c) of the Covenant and principle 38 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. According to the source, Mr. Ibhais was first detained from 12 November to 21 December 2019 and arrested again pending trial for his appeal on 15 November 2021. As such, the source argues that the Court of Cassation did not publish a final decision until over a year after Mr. Ibhais's second arrest.

80. The Working Group recalls that the right of the accused to be tried without undue delay, provided for by article 14 (3) (c) of the Covenant, is not only designed to avoid keeping persons too long in a state of uncertainty about their fate and, if held in detention during the period of the trial, to ensure that such deprivation of liberty does not last longer than necessary in the circumstances of the specific case, but also to serve the interests of justice.¹⁸ However, what is reasonable has to be assessed in the circumstances of the case, taking into account mainly the complexity of the case, the conduct of the accused and the manner in which the matter was dealt with by the administrative and judicial authorities.

¹⁴ A/HRC/45/16, para. 53; opinions No. 1/2014, para. 22; No. 14/2019, para. 71; No. 59/2019, para. 70; No. 73/2019, para. 91; and No. 41/2020, para. 70; and E/CN.4/2003/68, para. 26 (e).

¹⁵ Opinion No. 34/2015, para. 28.

¹⁶ Opinions No. 22/2019, para. 78; No. 26/2019, para. 104; and No. 56/2019, para. 88.

¹⁷ Human Rights Committee, general comment No. 20 (1992), para. 3.

¹⁸ Human Rights Committee, general comment No. 32 (2007), para. 35.

81. The Working Group notes that Mr. Ibhais was convicted on 29 April 2021 by the Court of First Instance in Doha, and that his case involved multiple charges, namely bribery, violation of tenders and profits, and intentional damage to public funds. Moreover, the Working Group notes that Mr. Ibhais was arrested a second time, pending trial, on 15 November 2021, and that the Court of Cassation published a final decision on his case on 29 November 2022. Based on the facts presented, the Working Group is unable to conclude that the delay of over one year between Mr. Ibhais's second arrest and the publication of the Court of Cassation's decision constituted a breach of article 14 (3) of the Covenant.

82. Considering the above circumstances, the Working Group concludes that the violations of Mr. Ibhais's right to a fair trial under article 14 of the Covenant and articles 10 and 11 of the Universal Declaration of Human Rights were of such gravity as to render the detention arbitrary under category III.

3. Disposition

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

The deprivation of liberty of Abdullah Ibhaïs, being in contravention of articles 3, 9, 10, 11, 18 and 19 of the Universal Declaration of Human Rights and articles 9, 14, 18 and 19 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II and III.

84. The Working Group requests the Government of Qatar to take the steps necessary to remedy the situation of Mr. Ibhaïs 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.

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

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

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

4. Follow-up procedure

88. 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 Mr. Ibhaïs has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Mr. Ibhaïs;
- (c) Whether an investigation has been conducted into the violation of Mr. Ibhaïs's rights and, if so, the outcome of the investigation;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Qatar with its international obligations in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

89. 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.

90. 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.

91. 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.¹⁹

[Adopted on 20 March 2024]

¹⁹ Human Rights Council resolution 51/8, paras. 6 and 9.