

UN Working Group on Arbitrary Detention
Ms. Leigh Toomey (Chair-Rapporteur)

Geneva, 14 March 2021

Subject: Urgent appeal on the imminent risk of extradition of an Australian citizen to Saudi Arabia

Dear Ms. Leigh Toomey,

The Geneva Council for Rights and Liberties (GCRL) is writing to you with utmost urgency in relation to the latest developments regarding the case of the arrest of Australian-Saudi dual national Mr. Osama al-Hasani, 42, a prominent figure, trader, Quran scholar, and former professor at King Abdulaziz University in Jeddah, he was arrested in Tangier in Morocco on 8 February 2021, just hours after meeting his newborn child at the airport.

The detention stems from a request from Saudi Arabia to Interpol, relating to a criminal matter but the specific accusations remain unclear. Other request was sent to the public prosecutor in Morocco, in a letter dated February 11, 2021. A court in Saudi Arabia previously sentenced Mr. Ossama al-Hasani, to two years in prison, and a Moroccan justice ministry official said the arrest took place following an Interpol notice filed by Saudi Arabia, adding that Hasani is wanted by the Saudis for a penal code matter involving theft.

Saudi Arabian prosecutors were seeking the extradition in light of the judicial cooperation relations between the Kingdom of Saudi Arabia and the sisterly Kingdom of Morocco.

On Wednesday 10 March, A Moroccan court approved the extradition of Mr. Osama al-Hasani to Saudi Arabia despite concerns about his safety. Osama was transferred from Tiflet 2 prison, which is 60 kilometers from the capital Rabat, to the headquarters of the Saudi embassy in Morocco. The handover process took place within the framework of the provisions of the Arab Agreement on Judicial Cooperation signed on April 6, 1983, but this would constitute a serious violation of the non-refoulement principle.

Some media reported that the Australian Department of Foreign Affairs spokesperson was saying they were providing consular assistance to Hasani's family and that the "circumstances of his detention and possible extradition are of concern to Australia » but so far no official reaction is underway.

Saudi Arabia has an already and well-known poor human rights record in clear contravention of human rights principles. Authorities systematically use arbitrary detentions against activist and human rights defenders as a way to suppress political opposition in the country, restrict freedoms, and create a general climate of fear among the population, in order to achieve certain political goals. The Saudi authorities are currently seeking to liquidate the opposition by persecution and organized political repression amounting to state terrorism. Such practices are a violation of the freedom of opinion and expression of Saudi citizens and many detainees face reprisal sentences that amount to the implementation of the death government, in addition to the risk of torture during the detention period.

Under international human rights law, the principle of non-refoulement guarantees that no one should be re-turned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, irrespective of migration status

The UN Universal Declaration of Human Rights provides for the absolute prohibition of arbitrary restriction of the freedoms of individuals in Article IX under the text “No person shall be subject to arbitrary arrest, detention or exile.”

Accordingly, the Geneva Council for Rights and Liberties submits this urgent appeal to call for the UN Working Group on Arbitrary Detention to do everything in its power to pressure the Moroccan authorities to stop the extradition decision immediately, and pressuring the Saudi authorities to release the detained citizen in the Saudi embassy in Morocco and to allow the Australian embassy to get into the matter and protect its citizen.

In addition, our organization calls for pressuring the Saudi government to cease arbitrary arrests against preachers and scholars under the pretext of fighting terrorism and urges it to review its anti-terrorism legislation.

Should you have any additional queries on this matter, please do not hesitate to contact us. Please accept, the Chair-Rapporteur of the UN Working Group on Arbitrary Detention, the assurances of our highest consideration.

Sincerely,

Geneva Council for Rights and Liberties

<http://genevacouncil.com/en/2021/02/28/morocco-call-for-the-release-of-saudi-academic-amid-concerns-over-his-deportation-to-saudi-arabia/>
<https://www.theguardian.com/australia-news/2021/mar/03/australian-facing-extradition-from-morocco-to-saudi-arabia-arrested-hours-after-meeting-his-baby-wife-says>
<https://www.middleeasteye.net/news/morocco-approves-extradition-saudi-australian-saudi-arabia>