



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

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\* Issued as received, in the language(s) of submission only.

GE.20-12056(E)



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## **Arbitrary detention in Qatar of Sheikh Talal bin Abdulaziz bin Ahmed bin Ali Al-Thani**

Sheikh Talal is a member of the royal family of Qatar. In 2008, Sheikh Talal's father, Sheikh Abdulaziz, died in exile in Jeddah in Saudi Arabia. Following his father's death, Sheikh Talal requested his inheritance from the Qatari authorities. Sheikh Talal sought a peaceful resolution of this issue by bringing it before the courts of Qatar. This appears to be the event that triggered Qatar's measures against Sheikh Talal and his family.

The Qatari authorities refused to settle the inheritance claim, but offered to pay the inheritance in increments if Sheikh Talal returned to Qatar from having lived abroad. When the Sheikh returned to Qatar with his family, the authorities continued to withhold his inheritance. In addition, the Qatari authorities proceeded to freeze and appropriate his assets. The freezing and appropriation of his assets for State use and for the personal use of the ruling family appear to lack basis in law. Furthermore, the Government involved him in a series of commercial transactions and infrastructure projects that later proved to be fictitious. Having been deprived of his assets through the actions of the Government and the ruling family of Qatar, Sheikh Talal fell into debt. The Government's conduct resulted in multiple court proceedings against the Sheikh. The common element of these proceedings was the politically motivated fabrication of the Sheikh's debts using cheques. In most cases, he was prosecuted when a party unsuccessfully tried to cash so-called 'guarantee cheques' that Sheikh Talal had signed.

On 21 February 2013, Sheikh Talal was arrested by plain-clothes police at a gas station and taken to pre-trial detention, and then to jail, for the trumped-up charge of defaulting on his debts. He was arrested without a warrant or an explanation of the charges brought against him. In so doing, Qatar violated the Sheikh's right to be promptly informed of the charges against him. Qatar's conduct was in violation of Articles 9(2) and 14(3)(a) of the International Covenant for Civil and Political Rights (ICCPR), as well as Principles 10 and 13 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Qatar's detention of Sheikh Talal without a judicial order further violated Article 9 of the Universal Declaration of Human Rights (UDHR) and Article 9(1) of the ICCPR, which prohibits arbitrary deprivation of liberty. Despite his repeated requests for legal representation, he is still denied access to a lawyer of his choosing; and his case has not been reviewed by an independent and impartial tribunal. The proceeding that led to Sheikh Talal's imprisonment failed to meet the requirements of a fair and public hearing, in general violation of Article 14 of the ICCPR. Qatar has acted in contradiction of the principle of equality of arms, the presumption of innocence, the right to be informed promptly and in detail of the nature and cause of the charge against him, the right to legal assistance of Sheikh Talal's own choosing, the right not to confess guilt, and the right to his conviction and sentence being reviewed.

He has remained arbitrarily detained in Qatar since then. In May 2018, Sheikh Talal received a sentence of over 22 years' imprisonment, running from 21 March 2013 to 30 June 2035. It is not plausible that Sheikh Talal is jailed for an inability to pay his debts. At all times, Sheikh Talal has shown a firm commitment to use his assets to settle any outstanding debts. Indeed, he has succeeded in settling several cases brought against him using his assets. Nevertheless, the freezing of Sheikh Talal's assets by Qatar has severely limited his ability to reach a settlement for debts that remain outstanding.

Despite this, Sheikh Talal has still sought to settle his debts using his monthly government income. Since his detention, Sheikh Talal was not informed of his rights. He was denied the right to legal representation despite the Sheikh's repeated requests to access a lawyer. Sheikh Talal decided to grant Mrs Arian power of attorney in the civil and criminal cases against him. Since then, Mrs Arian has pursued multiple court proceedings related to her husband's case. The Government has repeatedly denied her access to important documents concerning the lawsuits brought against the Sheikh.

Since his detention, Sheikh Talal has been subjected to reiterated and prolonged periods of solitary confinement. In addition, he has been and still is held in incommunicado detention, without having access to medical care, an independent lawyer and without being able to see

or communicate with his family. Sheikh Talal has been threatened and intimidated during interrogations to force him to make false confessions about crimes he had never committed. The authorities have also used Sheikh Talal's family in order to cause him mental suffering. After his detention, the Sheikh's pregnant wife and small children were forced to move to a remote location, where they lived in squalid conditions, exposed to raw sewage and pests. In consequence, the children fell ill and had to be frequently hospitalized. Eventually the family was allowed to travel abroad. They refused to return and now live in Germany, under police protection. The Qatari authorities have recently cut off all communication between Sheikh Talal and his family.

Visits from Sheikh Talal's family have been systematically impeded. During the seven years that he has been imprisoned, he has only seen his wife and children twice. He has gone on multiple hunger strikes in prison to force Qatari authorities to allow his family to visit. By luck, he was accidentally enabled to catch sight of his youngest son on one occasion, when Mrs Arian was called in to the prison to be informed of administrative matters and brought the baby.

Due to the poor prison conditions, Sheikh Talal now suffers from a life-threatening diabetic condition, loss of teeth, hypertension, chronic back and joint pains and very limited mobility. A medical certificate issued almost a year into his detention indicates that he required hospitalization for at least seven months during that period. Access to medical reports from subsequent years has been denied. Sheikh Talal is currently without adequate medical care, and in an extremely vulnerable situation as Qatar refuses to test its prison population for COVID-19. He receives no medication. His wife used to buy and bring him medicine after the Government froze the family's assets, and before she fled to Germany with their children.

The treatment of Sheikh Talal by the Government is symptomatic of the failing respect for human rights in Qatar, for which Qatar has been subjected to much international criticism. The abuse suffered by Sheikh Talal forms part of a pattern of gross violations of human rights and a consistent disdain for human dignity. The Government, including the Minister of Interior, have shown no concern for Sheikh Talal's health, including his psychological integrity, and his life. Qatar has and still is subjecting Sheikh Talal to cruel, inhuman and degrading treatment, and torture while in detention. Despite the existence of judgments acquitting Sheikh Talal and ordering his release, the Government refuses to end his arbitrary detention, in violation of Qatar's international legal obligations.

The arrest and detention of Sheikh Talal are arbitrary under several categories identified by the Revised Methods of Work of the Working Group on Arbitrary Detention (WGAD). Sheikh Talal's deprivation of liberty is arbitrary under Category I of the WGAD Methods of Work because there is no legal basis justifying such deprivation. The Sheikh's detention is also arbitrary under Category III of the WGAD Methods of Work because Qatar's detention, prosecution and conviction of Sheikh Talal failed to meet minimum international standards of due process. The violations of Sheikh Talal's fair trial and due process rights described in this section are also convergent with the WGAD's observations during its recent visit to Qatar. On 17 December 2019, an urgent appeal has been submitted to the WGAD on behalf of Sheikh Talal by his duly authorised legal team at Mrs Arian's request.

In light of the above, Maat hereby requests that the WGAD issue an opinion finding Sheikh Talal's arrest and ongoing detention to be in violation of Qatar's obligations under international law; to call for Sheikh Talal's immediate release and reunification with his family in Germany; to request that the Government of Qatar investigate and hold accountable all persons responsible for the unlawful arrest, continued detention and mistreatment of Sheikh Talal; to request the Government of Qatar to award Sheikh Talal compensation for the violations he has endured as a result of his unlawful arrest, arbitrary detention and mistreatment in custody; and if he is still imprisoned, to include Sheikh Talal among the list of detainees whom the WGAD intends to interview during its next visit to Qatar.