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Paris, le 16 décembre 2020

**RÉF :** 20206004 - OP/BM/CD

**AFF. :** Criminal complaint of Mr. Tayeb Benabderrahmane

**VIA:** Certified letter anticipated by email at [info@nhrc-qa.org](mailto:info@nhrc-qa.org) / [dr.ali@tanmiyat.qa](mailto:dr.ali@tanmiyat.qa) and by fax +974 44444013

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**OBJET:** Criminal complaint for torture, inhuman and degrading treatment, illegal abduction, sequestration, arbitrary detention and unlawful arrest

Mr. Chairman,

We have the honor to write to you in our capacity as Mr. Tayeb Benabderrahmane's Counsels to report torture and other crimes including inhuman and degrading treatment, kidnapping, forcible confinement, arbitrary detention and unlawful arrest which occurred in Qatar between January 13, 2020 and October 31, 2020.

On January 13, 2020 in the morning, Mr. Benabderrahmane was arrested near his home by about fifteen agents claiming to be members of the Qatari security forces.

His wife and kids, who witnessed the arrest, were extremely shocked by its suddenness and brutality.

During this arrest, Mr. Benabderrahmane was not informed of what he had been charged with, neither was he notified of any right likely to be exercised in the context of his defence. He was merely told that this arrest was carried out by order of the emir.

Mr. Benabderrahmane was then taken to his home, handcuffed. There, he discovered other officers conducting a search of his home against the consent of his wife who was present.

Following the search, Mr. Benabderrahmane was forced to sign a document written in Arabic even though he had informed the agents that he could not read it.

Mr. Benabderrahmane was then placed in an unmarked vehicle where his head was covered with an opaque black hood preventing him from seeing and his hands were shackled.

Mr. Benabderrahmane was then taken to an undetermined location.

When the black hood was removed, Mr. Benabderrahmane discovered that he was in a windowless room with several officers present. He was then ordered to undress completely, Mr. Benabderrahmane complied, and after a body search, he was given a dress to cover himself.

Mr. Benabderrahmane had his head covered with a black hood again and was taken to a cell of about 2 m<sup>2</sup> empty, without any window, furniture or toilet.

Mr. Benabderrahmane remained locked up for several hours in this cell without any contact with the outside. The light remained permanently on preventing Mr. Benabderrahmane from sleeping, Mr. Benabderrahmane could hear screams of pain, complaints and calls for help from the outside.

Mr. Benabderrahmane was then taken, blindfolded and handcuffed, to an interrogation room.

After being shown the configuration of the interrogation room, which included a table and chairs, no window but an opaque glass wall from the inside, Mr. Benabderrahmane was again blindfolded and forced to stand facing a wall.

After several hours standing facing the wall, Mr. Benabderrahmane was taken back to his cell without even having been questioned.

It was not until the third day that he was taken to the interrogation room and allowed to sit down and interrogated for the first time. During this first interrogation, he was not notified of any rights, he was not told where he was, nor was he informed of the charges pressed against him. Mr. Benabderrahmane was told by the questioning officers that if his answers were not satisfactory, he would again be forced to stand for several hours, blindfolded and hands tied, without being able to sit down. Conversely, if his answers were satisfactory, he would be allowed to sit down.

During the days which followed, Mr. Benabderrahmane was interrogated on multiple occasions in this room, tortured according to the method which had been set out to him by being forced to stand still for long hours because of the "unsatisfactory" nature of his answers. Mr. Benabderrahmane was taken to his cell five times a day to pray. If Mr. Benabderrahmane tried to rest, he was immediately awakened and taken back to the interrogation room.

On for about four days after his arrest, the torture and interrogation sessions were made even more unbearable with threats of violence and death if Mr. Benabderrahmane did not reveal the "truth".

It was in this context that the officer questioning him had him belted by another officer and ordered a third to break his legs. This third agent then pretended to violently kick Mr. Benabderrahmane but was arrested by the agent in charge of the interrogation. This simulated violence terrified Mr. Benabderrahmane who promised to sign any confession submitted to him.

As a reward for his cooperation Mr. Benabderrahmane was placed in a larger cell still without a window but with a toilet.

The interrogations continued for a week when Mr. Benabderrahmane was taken back to his cell for about 4 to 6 hours a day to sleep.

On January 20, 2020, after nearly seven days of detention and torture, Mr. Benabderrahmane spoke on the phone with his wife under the constant control of the investigators. He was forced to ask his wife to cooperate with the alleged ongoing investigation and tell her that her life was at stake.

On January 22, 2020, Mr. Benabderrahmane met with his wife without being able to exchange freely with her. Mr. Benabderrahmane's wife was threatened and Mr. Benabderrahmane was forced to forbid her to inform the French authorities or to seek the assistance of a lawyer. Mrs Benabderrahmane was warned by officers that any failure to act as directed to her would lead to repercussions on her husband which could be fatal.

My client was deprived of his fundamental rights guaranteed by international law, in particular the Vienna Convention, namely that he was unable to meet with the French consular authorities. Moreover, the Qatari authorities failed their international obligation to inform the French authorities of Mr. Benabderrahmane's arrest and its motives.

During the days that followed, the interrogations - interspersed with sessions of physical or psychological torture - continued at a more sustained pace.

On February 1st, 2020, Mr. Benabderrahmane was transferred to the Salwa Road prison where he was placed in total isolation.

The interrogations continued in an isolated room of the prison. If Mr. Benabderrahmane did not respond satisfactorily, the sanction was sleep deprivation and the obligation to remain seated in a chair without moving for ten hours.

On February 10, 2020, Mr. Benabderrahmane was brought before the General Prosecutor. He was denied the right to be assisted by a lawyer or to have the services of an interpreter. He was told that he was suspected of acts of "intelligence with a foreign power" and that he had been issued a 4-day committal warrant.

On February 13, 2020, Mr. Benabderrahmane was brought again before the General Prosecutor, and his depositary mandate was renewed for 4 days.

On February 16, 2020, Mr. Benabderrahmane was brought before a judge in court. Without a lawyer or an interpreter. Mr. Benabderrahmane was unable to defend or explain himself. The judge ordered his continued detention for a period of 30 days.

On March 9. Mr. Benabderrahmane was allowed to meet with his wife again. He was forced on this occasion to ask his wife to hand over documents.

On March 16, 2020, Mr. Benabderrahmane was taken to the parking lot of the court but he was not brought before a judge. After spending the day in the investigators' car, he was taken back to the prison where he was told, 48 hours later when his detention title was extended again by 30 days.

On April 9, 2020, Mr. Benabderrahmane was authorized for the first time to meet with his lawyer for about thirty minutes. This lawyer was not informed of the charges pressed against his client nor was he allowed to consult the file of the proceedings.

On April 13, 2020, Mr. Benabderrahmane was questioned by a man claiming to be a deputy director of intelligence services. A deal was then discussed whereby Mr. Benabderrahmane would hand over documents in his possession through his wife in exchange for his release.

On April 15, 2020 at 2 p.m., Mr. Benabderrahmane's wife was informed of the proposal made to her husband. Under threat, Mr. Benabderrahmane was forced to ask his wife to hand over the requested documents. The phone call was recorded by Ms. Benabderrahmane (Exhibit 1).

These facts appear to constitute the offences of blackmail and threats.

On April 22, 2020, Mr. Benabderrahmane was authorized for the second time to speak with a lawyer. The latter was still not informed of the charges pressed against Mr. Benabderrahmane nor did he have access to the file.

Without the presence of his lawyer, Mr. Benabderrahmane was questioned on numerous occasions and subjected to lie detectors. During these interrogations, Mr. Benabderrahmane was forced to sign fabricated affidavits implicating relatives of Mr. Benabderrahmane as well as foreign personalities.

Mr. Benabderrahmane was threatened with death by the officers questioning him as well as threatened with "disappearance". The officers also threatened Mr. Benabderrahmane with attacking members of his family.

My client was never informed, even informally, of the nature of the accusations that led to his arrest nor its legal or factual basis.

On July 1<sup>st</sup>, 2020, after having handled the requested documents, Mr. Benabderrahmane was released and placed under house arrest without permission to leave the territory of Qatar.

This house arrest lasted for four months, until October 31, 2020, when Mr. Benabderrahmane was authorized to return to France.

Mr. Benabderrahmane is a victim and his treatment described above is likely to qualify as arbitrary arrest and detention, torture, death threats and blackmail.

I must remind you that torture is punished as a criminal offence in both Qatari and French law, and that these two countries have ratified the UN Convention against torture of December 10, 1984 (New-York) that states:

***"Article 4***

*1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.*

**Article 5**

*1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:*

*(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;*

*(b) When the alleged offender is a national of that State;*

*(c) When the victim is a national of that State if that State considers it appropriate.*

*2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.*

*3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law."*

We of course have, among other evidence, a complete medical file that confirms these facts.

in addition, Mr. Benabderrahmane was deprived of the right to a fair trial in that he was notably deprived of the right to the effective assistance of counsel, the right to benefit from the services of an interpreter and the right to be informed of the nature and cause of the accusation.

These facts constitute serious violations of fundamental human rights and principles of justice.

Mr, Benabderrahmane is a victim and hereby formally files a complaint for criminal behaviour by the Qatari authorities, as a result of the treatment he has endured which qualifies as torture, inhuman and degrading treatment, removal, abduction, arbitrary arrest and detention

We thank you for your consideration and respectfully request that you keep us informed of any action you may take. Regardless of the opening of an administrative and criminal investigation, which appears essential given the seriousness of the reported facts, we are prepared to start a direct discussion with you.

Of course, in parallel of this complaint, we are considering the possibility to submit a request to the international, European and regional appropriate institutions.

Respectfully submitted,



William BOURDON