Bulgaria: Saudi activist at risk of deportation

Joint Statements · Diaspora & Exile · Saudi Arabia · 10 March 2025

Bulgarian authorities should suspend any plans to deport Saudi human rights defender Abdulrahman al-Khalidi to Saudi Arabia, and should allow his resettlement to a third country, twenty organizations said today. Bulgarian authorities would violate the Bulgarian, European, and international law obligation of nonrefoulement, which bars returning someone to a country where they would risk facing torture or ill-treatment if they deport this highly visible critic of the Saudi government.

Bulgaria's National Security Agency issued an expulsion order against al-Khalidi in February 2024. On October 21, 2024, the Sofia Administrative Court ruling confirmed the expulsion order, imposing compulsory expulsion to Saudi Arabia, according to Al-Khalidi's lawyer. Al-Khalidi has a separate pending asylum case before the Supreme Administrative Court and his lawyer in Bulgaria told Human Rights Watch that his expulsion order cannot be executed unless his asylum appeals are exhausted and denied.

"Bulgaria will violate its nonrefoulement obligations and become complicit in Saudi repression if they deport Abdulrahman al-Khalidi to Saudi Arabia before the outcome of his asylum case," said Joey Shea, Saudi Arabia researcher at Human Rights Watch. "Bulgarian and European Union authorities should prevent a patent violation of international and EU law and halt the deportation of al-Khalidi and immediately allow his resettlement to a third country."

Human rights organizations have documented Saudi authorities targeting of human rights defenders and activists for their peaceful expression, punishing them with decades-long sentences and rampant abuses in Saudi Arabia's criminal justice system.

Al-Khalidi has been a human rights defender for more than a decade, advocating the rights of prisoners and participating in multiple demonstrations supporting Saudi detainees.

He fled Saudi Arabia in 2013, fearing for his safety. Al-Khalidi continued his activism abroad by writing articles criticizing the Saudi government and taking part in the prominent Saudi journalist Jamal Khashoggi's online movement Bees Army, which seeks to counter pro-Saudi government propaganda and trolls online. He lived in exile for nearly a decade in Egypt, Qatar, and Turkey, but after the murder of Khashoggi in the Saudi consulate in Istanbul, al-Khalidi crossed to Bulgaria on foot to claim asylum.

In May 2022, Bulgaria's State Agency for Refugees rejected al-Khalidi's asylum application because it did not accept he was at risk of persecution in Saudi Arabia, claiming that Saudi Arabia had "taken measures to democratize society." Al-Khalidi appealed this decision to the Supreme Administrative

Court of Bulgaria twice and is awaiting a decision on his second appeal, al-Khalidi's lawyer in Bulgaria told Human Rights Watch. The decision can be appealed further to the appellate and supreme courts.

Rights organizations have documented poor living and hygiene conditions, beatings by officers, and other ill-treatment during his detention at Sofia Busmantsi Detention Centre. In April 2024, Human Rights Watch documented allegations of abuse by police officers in Bulgaria's Busmanci Migrant Accommodation Center against al-Khalidi. Al-Khalidi was denied medical care after, an informed source told Human Rights Watch. Bulgarian authorities should investigate the alleged assaults and abuse and hold those responsible to account.

Bulgaria is under an obligation to refrain from returning individuals to another state where "there are substantial grounds for believing that he would be in danger of being subjected to torture," under article 3 of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 3 of the European Convention on Human Rights. This protection also applies under the EU Charter of Fundamental Rights, and under customary international law.

Al-Khalidi's deportation could also violate article 33 of the Convention Relating to the Status of Refugees that prohibits "return of a refugee in any manner whatsoever to the frontiers or territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

"Bulgaria's potential violation of European and international law is deeply concerning, especially when it could expose al-Khalidi to torture and other serious abuses in Saudi Arabia," Abdullah Alaoudh, countering authoritarianism senior director from Middle East Democracy Center. "Bulgaria's State Agency for Refugees was wrong to conclude the 'measures' Saudi Arabia had taken 'to democratize society' were sufficient to disqualify al-Khalidi's asylum claim, given the state's continuing record of persecuting political dissidents like him."

Signatories:

1. ALQST for Human Rights
2. Bayerischer Flüchtlingsrat – Bavarian Refugee Council
3. Center for Legal Aid – Voice in Bulgaria
4. Collettivo Rotte Balcaniche
5. European Saudi Organization for Human Rights
6. Feminist mobilisations (Bulgaria)
7. Front Line Defenders
8. Gulf Centre for Human Rights (GCHR)
9. Human Rights Watch
10. HuMENA for Human Rights and Civic Engagement

11. International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders
12. Law and Democracy Support Foundation – LDSF
13. Medical Volunteers International (BG: Medical Solidarity International)
14. MENA Rights Group
15. Middle East Democracy Center (MEDC)
16. Migrant Solidarity Bulgaria
17. Munich Refugee Council – Münchner Flüchtlingsrat
18. No Name Kitchen
19. Scalabrinian Agency for Development Cooperation (ASCS)
20. World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders

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Published at https://humena.org/saudi-activist-at-risk-of-deportation/
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