



**H.E. Mr Andrey Gyurov**  
**Prime Minister of the Republic of Bulgaria**  
**Council of Ministers**  
**1 Dondukov Blvd.**  
**1594 Sofia, Bulgaria**

**Brussels, 20.03.2026**

**To the attention:**

Mr Andrey Yankulov – Minister of Justice of the Republic of Bulgaria  
Mr Emil Dechev – Minister of Interior of the Republic of Bulgaria  
Ms Nadezhda Neynsky - Minister of Foreign Affairs of Bulgaria

**Honourable Prime Minister,**

We are writing to you as Members of the European Parliament to express our profound concern regarding the situation of Mr Abdulrahman Al-Khalidi, a Saudi human-rights defender who is already in his fifth year of administrative detention in Bulgaria and continues to face the threat of deportation to Saudi Arabia. Such deportation would expose him to a real risk of torture, persecution and other grave human-rights violations.

Beyond the individual circumstances of this case, Mr Al-Khalidi's continued detention raises serious questions under EU law, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights, and Bulgaria's obligations under the Common European Asylum System.

**1. Ongoing asylum proceedings – repeated judicial annulments**

Contrary to certain public representations, Mr Al-Khalidi has submitted **one single application for international protection**, which remains pending and has not been finally determined. While his application for international protection remains pending, it has been the subject of repeated judicial annulments and remittals, including several rulings of the Supreme Administrative Court finding substantial procedural violations and requiring a new determination by the competent authority.

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The State Agency for Refugees rejected his application by administrative decision. That decision was annulled by the Supreme Administrative Court (SAC) and remanded for re-examination. Particularly concerning is the fact that, in its first ruling, the Supreme Administrative Court criticised the intervention of the National Security Agency (SANS) in the asylum procedure as a substantial procedural violation and an overreach of institutional competences. This finding points to serious institutional malfunction within the protection process and raises broader rule-of-law concerns.

A second rejection followed and was again annulled by the SAC, including the lower court's ruling. In total, Mr Al-Khalidi has obtained **three favourable rulings from the Supreme Administrative Court within the framework of his asylum proceedings.**

## **2. Neutralisation of the practical effect of judicial release rulings**

As you are aware, Bulgarian courts have repeatedly found the continuation of Mr Al-Khalidi's detention unlawful and ordered his release, including release rulings of 18 January 2024 and 26 March 2025. These rulings concerned the lawfulness of the prolongation of detention, not the initial placement as such.

In both instances, the practical effect of these rulings was immediately neutralised through the issuance of new detention decisions, with Mr Al-Khalidi remaining deprived of liberty. Following the ruling of 26 March 2025—concerning his release from detention under the State Agency for Refugees—a new detention decision was issued the following day under the Migration Directorate, and he was transferred within the same facility rather than actually released. A similar circumvention occurred after the ruling of 18 January 2024.

This pattern raises serious questions regarding the binding force and effectiveness of judicial decisions and compliance with the rule of law. Judicial release orders must not be rendered devoid of practical effect through immediate administrative re-detention in the same closed environment.

While the Supreme Administrative Court later issued a decision of 17 February 2026 upholding the continuation of detention, the central concern remains the earlier sequence of release orders being neutralised before the matter was subsequently formalised. The broader question remains whether detention has been assessed throughout in light of EU law, the Charter of Fundamental Rights, and the European Convention on Human Rights.

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## **3. National security justification and lack of individualised assessment**

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We are particularly concerned by the invocation of “danger to national security” as justification for continued detention.

The “national security” narrative has been advanced without an adequately individualised assessment of Mr Al-Khalidi’s personal conduct and risk, and without meaningful judicial scrutiny against standards of necessity and proportionality, despite medical assessments describing him as non-aggressive.

Moreover, the authorities appear to rely on detention-induced psychological deterioration—harm for which the State itself bears responsibility—as a justification for continued deprivation of liberty. Such an approach is inherently circular and incompatible with Articles 3 and 5 ECHR. The State cannot invoke the foreseeable consequences of prolonged detention as grounds to perpetuate that very detention. Under Article 3 ECHR, detention-related suffering triggers duties of protection and care and, where necessary, reconsideration of continued detention; it cannot lawfully serve as an additional justification for maintaining deprivation of liberty.

Under European human-rights standards:

- Article 5 ECHR requires that detention be lawful, non-arbitrary, necessary and proportionate, and subject to effective judicial review;
- Article 3 ECHR prohibits in absolute terms inhuman or degrading treatment;
- Articles 6 and 52 of the EU Charter require that any limitation of liberty respect the essence of the right and comply strictly with proportionality.

Even in matters concerning national security, the case-law of the European Court of Human Rights requires effective adversarial scrutiny and the possibility of meaningful judicial review. General references to classified information without concrete substantiation risk undermining those guarantees.

#### **4. EU legal standards on detention and removal**

We would like to draw your attention to the fact that under:

- Article 15 of the Return Directive (2008/115/EC),
- Article 8 of the Reception Conditions Directive (2013/33/EU),

detention must be a measure of last resort, based on an individualised assessment, proportionate, and limited to the shortest possible period. Detention cannot continue where there is no realistic prospect of removal. Where a person’s health deteriorates in detention, this must trigger a genuine reassessment of necessity and proportionality, including consideration of alternatives to detention.

Given that:

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- removal to Saudi Arabia is constrained by the principle of non-refoulement,
- entry into other EU Member States appears legally impossible due to an EU-wide entry ban,
- transfer to a third country remains uncertain and protracted,

serious doubts arise as to whether a “reasonable prospect of removal” genuinely exists within the meaning of Article 15(4) of the Return Directive.

### **5. Articles 3 and 5 ECHR and rule-of-law implications**

The cumulative duration of detention — already extending into a fifth year across shifting legal bases but within the same closed environment — raises serious concerns under Articles 3 and 5 ECHR. Deprivation of liberty is an exceptional measure with profound physical, psychological, social and economic consequences; it cannot become an open-ended administrative condition.

Furthermore, the pattern of neutralising judicial release orders strikes at the core of effective judicial protection and the rule of law, values enshrined in Article 2 TEU and safeguarded through Article 47 of the Charter.

### **6. Transnational repression context**

Mr Al-Khalidi’s case has been referenced in discussions and reporting at EU level concerning transnational repression — a phenomenon increasingly recognised within the Union, whereby third countries target dissidents abroad through legal, administrative or coercive means.

EU institutions have underlined the responsibility of Member States to counter such practices and to ensure that asylum and migration procedures are not instrumentalised in ways that indirectly facilitate repression. Safeguarding the integrity of protection mechanisms is essential to maintaining trust in the Common European Asylum System.

In light of these abovementioned concerns, we respectfully urge your government to:

- 1. Ensure full and effective compliance with judicial rulings concerning detention;**
- 2. Reassess the necessity and proportionality of continued detention in light of EU law and Articles 3 and 5 ECHR;**
- 3. Guarantee that no deportation or indirect refoulement will occur;**
- 4. Ensure that the pending asylum proceedings are conducted free from undue interference and in full respect of judicial independence.**

Given the seriousness of this matter, we request a written clarification addressing:

- **the legal basis for continued detention despite prior release rulings;**
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- **the procedural safeguards ensuring that national security claims are subject to effective judicial scrutiny and adversarial review, and that any assessment meets the required high threshold of seriousness and complies with the principles of necessity and proportionality under international refugee law and the European Convention on Human Rights;**
- **the assessment of reasonable prospect of removal under EU law;**
- **and the measures taken to safeguard the effectiveness of judicial review.**

Protecting human-rights defenders, preventing transnational repression, and upholding the binding force of judicial decisions are essential components of the European Union's legal order.

Yours sincerely,

Erik Marquardt, MEP

Krzysztof Śmiszek, MEP

Cristina Guarda, MEP

Joanna Scheuring-Wielgus, MEP

Tineke Strik, MEP

Ilaria Salis, MEP

Anna Cavazzini, MEP

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Lena Schilling, MEP

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