**Maat report to** **the United Nations Committee Against Torture about the State of Qatar**

**Submitted by:** Maat for Peace, Development and Human Rights (an NGO

**Submitted to:** UN Committee Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (70 Session) as a contribution to the LOIPR on the state of Qatar.

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* **Preamble**

Qatar has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in accordance with Emiri Decree No. (27) of 2001[[1]](#footnote-1). The Committee against Torture (CAT) had considered the third periodic report of Qatar (CAT/C/QAT/3) at its 1627th and 1630th meetings (see CAT/C/SR.1627 and 1630), held on 1 and 2 May 2018, and adopted the concluding observations at its 1647th and 1648th meetings, held on 15 May 2018. The committee requested the state according to Paragraph No. (49) in its concluding observations to provide information on the implementation of a number of recommendations contained in paragraphs (14, 24 & 38*[[2]](#footnote-2)*) of the concluding observations document, no later than May 18, 2019. Accordingly, Qatar provided its information on follow-up - after a delay of several months - on October 14, 2019*[[3]](#footnote-3)*, and will submit its fourth periodic report on May 18, 2022.

Qatar overlooks the legislative deficiencies in its national laws, especially the Penal Code and the Criminal Procedure Code. This failure often contributes to impunity for the perpetrators of the crime of torture, and in the most extreme cases a lenient penalty may be imposed that does not rise to the level of the crime committed.

Accordingly, **Maat Peace, Development and Human Rights** submits this report is to follow up Qatar’s implementation of the recommendations contained in the three paragraphs of the concluding observations document submitted to it by the Committee against Torture, in addition to making a number of recommendations to the Qatari government, which **Maat** hopes that the Qatari authorities will put it into consideration in accordance with its obligations to the international covenants and treaties related to human rights.

* **Qatari legislative deficiencies regarding the absolute prohibition of torture (Paragraph 14)**

**Maat** is concerned about the unjustified reservation by the Qatari legislator on Articles 1 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, Maat, through its review of the Qatari national legislation, did not find any explicit legislative text that guarantees the absolute prohibition of torture, which is in clear contradiction to the text of Article No. (2) of the Convention against Torture. Which states that “1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. 2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. 3. An order from a superior officer or a public authority may not be invoked as a justification of torture. [[4]](#footnote-4)”

In view of the Qatari national legislation, **Maat** is deeply concerned about the text of Articles No. (22, 92, and 159) of Law No. (11) of 2004[[5]](#footnote-5), which states that imprisonment for a period of three years is the punishment for anyone who commits the crime of torture, and in fact, according to Article No. 92) of the same law can be reduced, which clearly contradicts both Articles (1 and 4) of the articles of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition to the fact that Article No. (14) of Law No. (23) of 2004 has stated an explicit provision for the expiry of a criminal case in the articles of felony after ten years, and in the articles of misdemeanor after the lapse of three years, and in the articles of violations by the lapse of one year, unless the law provides otherwise. That, and this period starts from the day of the crime[[6]](#footnote-6). This means that the crime of torture may be extinguished by the statute of limitations after ten years, which means in one way or another to ensure impunity. This is in addition to the text of Article No. (117) of the same Law - No. (23) of 2004, which stipulates in its content that the accused may be held in pretrial detention for a period of four days, which may be extended for another four days before appearing before a judge[[7]](#footnote-7), and as all Qatari laws do not contain an explicit provision guaranteeing the detainee's right to an independent medical examination.

Based on the foregoing, we note that the State party (Qatar) has not yet taken serious or effective steps regarding the implementation of the recommendations of the Committee against Torture, especially in Paragraph No. (14), in which it called on the State party to take effective measures to ensure the enjoyment of all The detainees, in law and in practice, shall have all the basic guarantees from the outset to their deprivation of liberty in accordance with international standards. These include the right to immediate access to medical care from an independent source, regardless of any medical examination that may be carried out at the request of the authorities; The right to be brought promptly before a judge. In addition to its recommendation to the State party, it is necessary to make the necessary amendments to the Code of Criminal Procedure with the aim of abolishing the ruling that permits the detention of detainees in police custody for a period of eight days or more, depending on the crime, and to replace this provision with a maximum period in accordance with international standards.

Accordingly, **Maat** recommends that the Qatari authorities explicitly affirm in their legislation the absolute prohibition of torture an unambiguous text, and that they declare that any person suspected of committing any acts that fall under the name of torture should be held legally accountable. In addition to the need to study the Qatari legislator to withdraw its vague reservations on Articles 1 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition to the importance of taking into account the grave nature of the crime of torture in accordance with Article No. (4) of the Convention. Maat urges the Qatari authorities in light of the spread of the Corona epidemic and the current global situation to make independent medical examination a top priority immediately upon arresting the accused or issuing a detention order. To ascertain the certainty that the accused or detainees will not be subjected to any ill-treatment, the presence of diseases or an epidemic that may spread it in the place of detention, which may harm the health and safety of the remaining detainees.

* **Lack of information regarding torture complaints and prompt investigations (Paragraph 24)**

**Maat** reviewed the national periodic reports submitted by Qatar, and their appendices, until the date of writing this report. It found that the State party (Qatar) did not provide any information on the implementation of the recommendation contained in Paragraph 24 of the Committee's concluding observations regarding the provision of specific information on the number of complaints related to torture or ill-treatment submitted or on the investigations and prosecutions carried out regarding these complaints, This is effectively inconsistent with the provisions of Articles 2, 12, 13 and 16 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[[8]](#footnote-8).

Accordingly, **Maat** shares with the Committee Against Torture its repeated recommendation to ensure that all complaints of torture or ill-treatment are investigated promptly and impartially by an independent body. Ensure that there is no institutional or hierarchical relationship between investigators affiliated with the authority and the alleged perpetrators of these acts, and ensure that the alleged perpetrators are tried in accordance with due process procedures, and that if they are convicted, they are punished with penalties commensurate with the gravity of their acts, as well as ensuring that the authorities conduct investigations whenever there are reasonable grounds for believing that an act has been committed. Acts of torture or ill-treatment, and ensuring that the alleged perpetrators are immediately suspended from work for the duration of the investigation, in cases of alleged torture or ill-treatment, especially if there is a possibility that they could somehow repeat the alleged act, commit acts of reprisal against the alleged victim, or impede the investigation. And the need to collect disaggregated statistical information on monitoring the implementation of the Convention, including information on complaints, investigations, trials and convictions in cases of torture and ill-treatment*.*

* **Systematic practices: torture inside places of detention**

The legislative deficiencies in Qatari laws, especially the Criminal Procedure Law and the Penal Code, imply the lack of adequate judicial guarantees for arbitrarily detained persons in Qatar, which makes them vulnerable at many times to torture by law enforcement officials Qatar. In addition to the foregoing, hundreds of detainees in Qatar face the risk of death, torture, and medical negligence that may lead to death.

**Violation by the Government of Qatar of the provisions of the Convention against Torture in concrete cases**

**There are several specific cases which reflect non-compliance with the Convention against Torture by the Government of Qatar.**

1. **The case of Sheikh Talal**

Sheikh Talal bin Abdulaziz bin Ahmed bin Ali Al-Thani (Sheikh Talal) was arbitrarily detained in 2013 and has remained in incommunicado detention since then, suffering various acts of torture and ill-treatment. In Sheikh Talal’s case Qatar is indisputably violating the provisions of the Convention against Torture, as well as requests by the Committee against Torture and other international treaties Qatar has ratified.

In 2008, Sheikh Talal’s father, Sheikh Abdulaziz, died in exile in Jedda in the Kingdom of 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 regime 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. 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.

On 21 February 2013, Sheikh Talal was arrested by plain-clothes police at a gas station without a warrant, denying him information regarding the basis of his arrest and detention. 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 of Imprisonment. Qatar’s detention of Sheikh Talal without a judicial order further violated 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.

Among other judgments, in May 2018 Sheikh Talal received a sentence of 22 years’ imprisonment, running from 21 March 2013 to 30 June 2035. In January 2021, Qatar informed the UN Special Rapporteur on torture that the Qatari authorities extended Sheikh Talal’s prison sentence to 9 December 2050. They have done so without having informed his family, his legal team that directly requested from Qatari authorities documents related to the legal proceedings against him, and without providing Sheikh Talal, who is still in incommunicado detention, access to a lawyer of his own choosing and independent medical care. Having in mind his age and his deteriorating physical condition, this is a death sentence in all but name.

Since his detention, Sheikh Talal has been subjected to reiterated and prolonged periods of solitary confinement. The Committee against Torture has received multiple reports of prolonged solitary confinement of detainees in Qatari prisons, indicating that it is an extended practice in this country.[[9]](#footnote-9) The Special Rapporteur on Torture has described the situations in which solitary confinement amounts to torture. Especially relevant to Sheikh Talal’s case is solitary confinement in which detention conditions are so poor that they cause severe psychological and physical pain. Detention in such conditions amounts to torture.[[10]](#footnote-10)

In addition, he has been and still is held in incommunicado detention, without access to medical care, an independent lawyer and without being able to see or communicate with his family. Paragraph 8b of Human Rights Council Resolution 16/23 recognises that incommunicado detention “can in itself constitute a form of [torture or other cruel, inhuman or degrading treatment or punishment]”. Amnesty International has noted that “incommunicado detention is standard practice by State Security forces in Qatar”.[[11]](#footnote-11) In its concluding observations on Qatar’s third periodic report, adopted in June 2018, the UN Committee against Torture urged the Qatari Authorities to adopt several measures in this regard. Among other issues, the Committee emphasised that Qatar “should take effective measures to ensure that all detainees are afforded, in law and in practice, all fundamental safeguards from the very outset of their deprivation of liberty, in conformity with international standards”.[[12]](#footnote-12) In this respect, it specified that detainees should be informed about the charges against them and be permitted to have contact with family members, lawyers and independent medical professionals.[[13]](#footnote-13) None of these requirements have been respected by the Qatari authorities in the case of Sheikh Talal.

In October 2020 the UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment -- together with the Working Group on Arbitrary Detentions and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health -- sent a Letter of Allegations to the Government of Qatar concerning the case of Sheikh Talal.[[14]](#footnote-14) In its reply to this letter, sent on 15 January 2021, the Qatari authorities did not contest the allegations about Sheikh Talal‘s incommunicado detention and solitary confinement.[[15]](#footnote-15) Qatari authorities also did not deny that imprisonment for defaulting on debts, which is the charge against Sheikh Talal, is a systemic practice in Qatar that violates non-derogable human rights law, as emphasised by the Working Group on Arbitrary Detention after their visit to Qatar and as highlighted specifically for Sheikh Talal’s case by the Letter of Allegations issued jointly by the Special Rapporteur on Torture, the Working Group on Arbitrary Detention, and the Special Rapporteur on the Right to Health.[[16]](#footnote-16)

Moreover, Sheikh Talal has been threatened and intimidated during interrogations to force him to make false confessions about crimes he had never committed. Qatari officials with the assistance of Al Jazeera journalists sought to record Sheikh Talal stating, under duress, that he was jailed for inability to pay his debts and not as a political prisoner. This included threats of higher sentencing, worsened detention conditions and harsher interrogation methods. In the Concluding Observations to Qatar’s previous report, the Committee Against Torture requested the authorities to “take effective steps to ensure in practice that confessions obtained under torture or ill-treatment are ruled inadmissible”.[[17]](#footnote-17) 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. Such mistreatment of the next of kin in order to pressure the victim to act against his or her will is considered an indicator of psychological torture in international human rights law.[[18]](#footnote-18)

Threats against Sheikh Talal have been accompanied by denial of vital medical care, thereby subjecting him to severe physical pain and suffering. 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 Special Rapporteur on Torture affirmed that the denial of pain treatment constitutes cruel, inhuman, or degrading treatment when the suffering is severe; when the State is, or should be, aware of the suffering; and when the Government fails to take all reasonable steps to protect individuals’ physical and mental integrity.[[19]](#footnote-19)

It is submitted that the circumstances of the present case including the purpose of the treatment given to Sheikh Talal, his powerlessness while in detention, his overall detention conditions, the length and effect of his solitary confinement, and the intensity of the physical and psychological pain and suffering inflicted on Sheikh Talal are factors that together point to the treatment of the Sheikh by Qatari Authorities as amounting to torture,[[20]](#footnote-20) and consequently indicate that the State is failing to implement the Convention against Torture as well as the requests by the Committee against Torture in its previous concluding observations on Qatar’s compliance.

1. **The case of Sheikha Asma Arian and her four children**

Mrs. Asma Arian is the wife of Sheikh Talal and the mother of his four children. By keeping her husband in incommunicado detention for over seven years and depriving Mrs. Arian and her children from any contact with him, the Government of Qatar has inflicted severe mental pain and suffering on them. Especially for the four children it has been traumatising to spend most of their lives not knowing if their father is well or even alive. These consequences of the severe and multiple human rights violations by the Government of Qatar meet the definition of psychological torture established by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, according to which “psychological torture should be interpreted to include all methods, techniques and circumstances which are intended or designed to purposefully inflict severe mental pain or suffering without using the conduit or effect of severe physical pain or suffering.”[[21]](#footnote-21)

Incommunicado detention can constitute torture and ill-treatment not only against the detainee, but also against close relatives and family members. In cases such as the present one, in which the fate of a detainee and his whereabouts and state of health are not disclosed (despite multiple direct requests), such detention can amount to an act of enforced disappearance.[[22]](#footnote-22) This was confirmed by the Special Rapporteur on Torture in its report 1/56/156 of 2001. There, he emphasised “that the working definition of ‘disappearance’ refers also to the refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty. This is an intentional act directly affecting close family members. Being fully aware they are hurling family members into a turmoil of uncertainty, fear and anguish regarding the fate of their loved one(s), public officials are said to maliciously lie to the family, with a view to punishing or intimidating them and others”.[[23]](#footnote-23)

The applicability of criteria for determining torture to the present case has been further confirmed in the case law of the Committee Against Torture. For instance, in its Communication No. 456/2011 the Committee affirmed that “enforced disappearance entails multiple human rights violations and a failure bythe State party concerned to comply with the obligations contained in the Convention, and that this (…) may constitute, in relation to the person’s relatives, a form of torture or inhuman treatment contrary to the Convention.”[[24]](#footnote-24) The UN Human Rights Committee also found in several cases that incommunicado detention and enforced disappearance constitute *per se* violations of the Article 7 ICCPR rights of the victims’ loved ones because of the fear and anguish they cause.[[25]](#footnote-25) Experts have also argued that family members of victims of torture may themselves be victims of torture and ill-treatment in their own right due to their mental suffering, and that the lack of investigation concerning acts of torture may in itself also result in a violation of Article 7 of the ICCPR with respect to the family members.[[26]](#footnote-26)

Mrs. Arian’s and her children’s mental suffering further worsened after Qatar’s indiscriminate asset-freeze imposed on the Sheikh’s assets being used to support her and her children. Following the freezing of Sheikh Talal’s assets and his detention by the Government, Mrs. Arian had no means to provide for herself and the couple’s four children. As a non-Qatari citizen, she lived in Qatar under the much-criticised kafala system, sponsored by her husband. On 18 December 2013, Mrs. Arian and her children were evicted from their home by the Ministry of Interior. The family was assigned sub-standard housing in a remote and inhospitable location near Al Mashaf. At the time of the eviction, Mrs. Arian was a mother of three, and seven months pregnant with their fourth child. Mrs. Arian and her children lived for almost two years in squalid conditions in the housing assigned to them by Qatar. They were exposed to raw sewage, pests and other environmental hazards. The house, located in an area where temperatures rise to 50 degrees Celsius, lacked air conditioning. Mrs. Arian requested to be moved from the house, but the Government declined. Qatar’s failure to provide adequate housing is in breach of Article 25 of the UDHR and Article 11(1) of the International Covenant on Economic, Cultural and Social Rights (“ICESCR”), to which Qatar is a recent signatory and which recognises the right to adequate housing. Moreover, Article 27(1) of the 1989 United Nations Convention on the Rights of the Child guarantees every child a standard of living adequate for the child’s physical, mental, spiritual, moral and social development. The housing offered to Mrs. Arian’s family does not meet this description. Qatar has also failed to respect the human rights set out in Article 26(1) of the UDHR and Article 13 of the ICESCR. These provide for the right to education, which shall be free at elementary and fundamental stages. Mrs. Arian’s children have not had access to any such free education. In any event, Qatar made it impossible for Mrs Arian’s children to travel to school from the housing in which they were put.

The children of Sheikh Talal and Mrs. Arian required regular hospitalisation due to the dismal conditions they had to live in. At the time of their forced eviction Mrs. Arian was experiencing a high-risk pregnancy. The prenatal and postnatal care offered to Mrs. Arian during this time failed to meet international minimal standards. Not only did Qatar fail to provide Mrs. Arian with the special care and assistance due to women with high-risk pregnancies, according to Article 25(2) of the UDHR and Article 10(2) of the ICESCR. In addition, Qatar denied the family health insurance. As a result, Mrs. Arian and her children were denied access to normal medical care and the requisite continuity of care and were instead forced to rely on emergency care whenever it became available. The youngest son of Mrs. Arian and Sheikh Talal, born after their eviction, almost died from illness, and suffers medical complications to this day. Qatar has deprived Mrs. Arian of the right to a standard of living adequate for the health and well-being of herself and her children. The standard of living that the Government of Qatar had provided is demonstrably unsuitable to the well-being of both Mrs. Arian and her children.

Mrs. Arian feared that her children, if they continued to live in Qatar, would be persecuted because of their relationship with their father. In June 2018, Mrs. Arian received permission by Qatar to visit relatives in Germany. She chose not to return to Qatar and settled with her children in Germany. Following resettlement, she commenced a public campaign to secure her husband’s release and the family’s reunification. This has led to another form of torture and ill-treatment against them, as they became victims of direct threats and intimidation by the Qatari authorities. This has caused and continues to this day to cause them extreme fear and anxiety.

Mrs. Arian has received direct threats from a source close to the royal family of Qatar. This source told Mrs. Arian to stop talking in public about her husband’s case and to forego any claims against the Qatari government, or “something bad” would happen to her. In addition, Mrs. Arian was physically threatened and intimidated in 2019 when she was leaving an event in Geneva at which she spoke to the press about her husband’s situation in Qatar. Currently she and her children live under the constant protection of the German police and State authorities. As a consequence, Mrs. Arian and her children cannot live a normal life. The use of threats and intimidation has been described by the UN Committee against Torture as “torture methods”.[[27]](#footnote-27) The UN Human Rights Council, in paragraph 8a of its Resolution 16/23, also pointed out that “[i]ntimidation and coercion (…) including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or to torture”. A recent report by the Special Rapporteur on Torture on psychological torture states that “[p]erhaps the most rudimentary method of psychological torture is the deliberate and purposeful infliction of fear”.[[28]](#footnote-28)

To aggravate Mrs. Arian’s suffering, Qatari authorities have sought to undermine her reputation through the dissemination of defamatory news items that mischaracterise her as a thief who fled Qatar with stolen money. It is widely recognised that the Government of Qatar controls Qatari press and there is reasonable basis to believe that Qatari Authorities either orchestrated or failed to curb such attacks on Mrs. Arian’s honour and reputation. This coordinated campaign by the Qatari authorities to destroy Mrs. Arian’s reputation has led to her manifesting severe symptoms of psychological stress, anxiety and depression. She lives with a constant fear for her and especially her children’s safety and well-being. In addition, Mrs. Arian’s right to privacy was violated in October 2020, when her personal computer was hacked and someone accessed her personal data and documents, including the confidential address where she was living at that time with her children. This has increased the fear for her and her children’s safety and well-being. The hacking attack was investigated by the German police and it is currently with the public prosecutor. It is obvious that the breach of her privacy and personal data is related to the other acts of torture and ill-treatment detailed above. The October 2020 attack has led to a renewed fear and anxiety and prompted Mrs. Arian to seek psychological treatment due to her depression and anxiety disorders. The psychiatrist and psychotherapist has diagnosed Mrs. Arian with severe depression, anxiety attacks, and cognitive and emotional suffering due to threats, humiliation and fear.

In 2020 Qatar decided to cease transferring to Mrs. Arian the only source of income that Sheikh Talal could provide for her and the children’s maintenance – his government income. Qatari Authorities demand the return of Mrs. Arian and her children to Qatar in order to release this money. These tactics have caused Mrs. Arian severe psychological suffering. They constitute a deliberate attempt by Qatar to intimidate, humiliate and coerce Mrs. Arian and her family into complying with the demands of Qatari Authorities.

As described above, Mrs Arian and her children have suffered harassment by the Government that amounts to inhumane and degrading treatment. In her own words, the family has been treated as “filth” and deliberately subjected to hardships for reasons of revenge against her family and in order to withhold their property and cause psychological torment to her imprisoned husband. This amounts to a violation of Mrs Arian’s and her children’s rights under Article 5 of the UDHR and Article 7 of the International Covenant on Civil and Political Rights.

This case clearly shows that the Government of Qatar has failed and continues to fail to implement the Convention against Torture and is in ongoing breach of several provisions of this treaty. The acts described here constitute not only multiple violations of Article 2 of the Convention due to the state’s failure to prevent these acts of torture and ill-treatment, but also of Article 6, as no inquiry has been ever made by the Qatari authorities despite the allegations of torture.

**3. The case of “Buhendi”**

In April 2020, the Qatari engineer and writer Fahd Buhendi, the former director of the Cultural Creativity Center at Qatar State TV, passed away after he was arrested in August 2017 by the Qatari National Security Agency, for blogging on social media against the policies of the Qatari government, and the Emir of Qatar, Tamim bin Hamad, Buhendi spent three years of arbitrary detention in the Qatari “Bohamour” prison, and after days of disturbances in the prison due to fears of an outbreak of the new Corona virus, human rights organizations stated that the Qatari journalist died due to torture and all kinds of coercion and physical abuse[[29]](#footnote-29).

It was reported that two members of the Qatari National Security Agency were involved in the torture process, and Buhendi had succeeded in communicating with a human rights organization after one of the guards assigned to guard the prison cooperated with him and informed them about the bad conditions he is going through inside the prison and the prisoners' condition, especially in light of the outbreak of the new Corona virus. A prison officer found out about the call and reported it to the officials. After that, Buhendi was subjected to various types of torture and intimidation, and he was denied food for continuous days, or communicating with his family, and it was reported that the National Security Agency wanted to terrorize prisoners of conscience and spread terror within them towards any attempts to communicate with human rights organizations to reveal their conditions in prisons. While the Qatari Ministry of Interior or the Qatari Attorney General did not clarify the circumstances of the death of the journalist Buhendi until this moment[[30]](#footnote-30).

Not more than a month passed since the death of the Qatari journalist "Buhendi" until another victim of torture in the Qatari detention centers joined him, the Qatari citizen Ahmed Tahoud, who died as a result of being tortured and severely beaten by noble police officers on orders from the prison administration in a hunger strike with A number of Qatari prisoners due to the weak measures taken by the Qatari Prisons Department to confront the outbreak of the new Corona[[31]](#footnote-31).

**4. The case of “Abdulrazzak Erzaik”**

Since May 28, 2020, the Qatari Ministry of Interior has been detaining the Syrian citizen, residing in Qatar, Abdul Razzak Ahmed Erzaik, after he was kidnapped from his residence in the Qatari city of Al-Luqta, and communication between Erzaik and his family has been cut off since then. As a result of the pressures made by Maat, after three months of enforced disappearance, Erzaik was allowed to make a phone call to his family for a few seconds, informing them that he was still alive, and despite the fact that the family had submitted reports to the Qatari authorities to report the incident of his arrest and enforced disappearance, demanding his whereabouts be revealed he was released, but he remained disappeared until August 2020. Erzaik spent 103 days forcibly disappeared in Qatari prisons, amid fears of physical and physical abuse that could lead to his life, especially in light of his being denied access to a lawyer or being brought to trial.

Erzaik's life to this moment is in danger if the Qatari government does not intervene to release him or at least allow him the right to a fair trial in accordance with international standards that Qatar promotes its application of these standards, and that it is making progress in the implementation of human rights. Because actual practice proves that Qatar violates these standards, due to the broad powers that Qatar grants to administrative detention, without adequate judicial guarantees during the period of detention, which is considered an entry point for further violations of the right of detained persons, and makes them vulnerable to torture, as According to Article 23 of the Anti-Terrorism Law No. 27 of 2019, the suspect can be detained for up to 15 days, which can be extended to six months. Article 7 of the State Security Law No. 5 of 2003 allows people to be detained for 30 days before they are brought before them. Attorney General, Article 2 of the Community Protection Law allows pre-trial detention, with the approval of the prime minister, for a period of up to one year, in crimes related to state security, public decency and public morals, which are unclear phrases that can be interpreted in a way that serves the desire and direction of the executive authority, in a way that harms detainees in a way that makes them vulnerable to various kinds of punishment and torture, which may lead to their death in the end.

* **Qatari authorities' violation of the principle of non-refoulement (paragraph 38)**

The principle of "refoulement" was formally preserved in the 1951 Convention Relating to the Status of Refugees and was also included in the 1967 Protocol and Article 3 of the 1984 Convention against Torture. Unfortunately, Qatar is not a party to the 1951 Convention relating to the Status of Refugees, as well as its 1967 protocol, in addition to the fact that Qatar does not respect Article 3 of the Convention against Torture, to which Qatar is a party, which prohibits Countries may not return and extradite anyone to another country, if they have real reasons to believe that he will be at risk of torture. The Saudi activist and citizen, Muhammad Al-Otaibi, who was detained by the Qatari authorities at Doha airport while traveling to Norway, was returned to the Kingdom. Saudi Arabia on May 25, 2017, in which he was subject to charges related exclusively to his human rights work*[[32]](#footnote-32)*. Accordingly, Maat urges the Qatari authorities to consider ratifying the Convention Relating to the Status of Refugees, the Protocol Concerning the Status of Refugees, the Convention Relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness, and the importance for Qatari legislators to include legal guarantees through binding legislative texts to guarantee Not violating the principle of non-refoulement, and the need to ensure that no person is expelled, returned or extradited to another country if there are real reasons for believing that he would be personally at risk of torture in an expected manner.

* **Recommendations**

**Maat for Peace, Development and Human Rights recommends that the Qatari government to:**

* Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
* Consider ratifying the Convention Relating to the Status of Refugees, the Protocol Relating to the Status of Refugees, the Convention Relating to the Status of Stateless Persons, and the Convention on the Reduction of Statelessness.
* Consider the withdrawal of the reservations it has made to Articles 1 and 16 of the Convention, in accordance with Article No. (19) of the Vienna Convention on the Law of Treaties.
* Enshrine absolute prohibition in national legislation, and not to invoke any exceptional circumstances, or any other state of public emergency as a justification for torture, in accordance with Article No. (2) of the Convention against Torture.
* An investigation must be opened into the killing of the engineer and writer Fahad Buhendi, and the citizen Ahmed Tahoud, the circumstances of their deaths must be uncovered, and those involved in their torture brought to trial. With the necessity of giving the Committee Against Torture the issue of the Syrian citizen, Abdul Razzaq Ahmed Erzaik, and pressure on Qatar to ensure that the largest amount of fair trial guarantees is available to him.
* The Committee against Torture should pay attention to the issue of Qatar about providing all basic legal guarantees since the detention of those arrested, including guarantees for non-citizens. These guarantees include the right to obtain legal aid and to undergo a medical examination, the right to contact his relatives and transfer to a judge within a period of time consistent and international standards, while strengthening the resources of the National Human Rights Committee to ensure that it performs its duties in an optimal manner.
* Conducting unannounced visits to places of detention in Qatar, including those of the Qatari State Security Service, and appointing independent individuals to carry out these tasks, with the results of these visits announced upon completion.
* The importance of ensuring that perpetrators of the crime of torture are punished with appropriate penalties, in accordance with Article 4 (2) of the Convention against Torture.
* Ensure that there is no statute of limitations applied to the crime of torture, in order to exclude any possibility of impunity in relation to the investigation, prosecution and punishment of perpetrators of torture.
* Make the necessary amendments to the Criminal Procedure Code; With the aim of abolishing the ruling that allows detainees to be kept in police custody for a period of eight days or more, depending on the crime, and to replace this provision with a maximum period in accordance with international standards.
* The importance of expanding the scope of professional training programs targeting judges and public prosecution representatives to ensure that they are able to detect torture and ill-treatment and investigate all allegations of these acts.
* Ensure that all complaints of torture or ill-treatment are investigated promptly and impartially by an independent agency.
* Ensuring that there is no institutional or hierarchical relationship between the agency’s investigators and the alleged perpetrators of these acts.
* Ensure that alleged perpetrators are tried according to due process, and that if found guilty, they are punished with penalties commensurate with their actions.
* Ensure that authorities conduct investigations whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed.
* Ensure that the alleged perpetrators are immediately suspended from their duties for the duration of the investigation, in cases of alleged torture or ill-treatment, especially if there is a possibility that they will be able in one way or another to repeat the alleged act, commit acts of reprisal against the alleged victim, or impede the investigation.
* Collect disaggregated statistical information on monitoring implementation of the Convention, including information on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment.
* Ensure that specific training is provided to all relevant personnel, including medical personnel, on detecting cases of torture and ill-treatment in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
* Ensure that no person is expelled, returned or extradited to another country if there are substantial grounds for believing that he or she would be personally at risk of torture foreseen.
* Ensure that there are procedural safeguards against refoulement, and effective remedies in relation to complaints of refoulement in the context of expulsion procedures, including review of judgments by an independent judicial body in cases of refusal, particularly at the appeal stage.

1. 39/ 46 - اتفاقية لمناهضة التعذيب وغيره من ضروب المعاملة أو العقوبة أو اللاإنسانية أو المهينة، الميزان، الرابط. <https://cutt.us/8u38c> [↑](#footnote-ref-1)
2. CAT/C/QAT/CO/3. <https://cutt.us/AeTOV> [↑](#footnote-ref-2)
3. CAT/C/QAT/FCO/3. <https://cutt.us/8C4nL> [↑](#footnote-ref-3)
4. اتفاقية مناهضة التعذيب وغيره من ضروب المعاملة، أو العقوبة القاسية أو اللاإنسانية أو المهينة، الرابط. <https://cutt.us/01CtO> [↑](#footnote-ref-4)
5. قانون رقم (11) لسنة 2004 بإصدار قانون العقوبات، للإطلاع على نصوص المواد، الرابط. <https://cutt.us/b9Ipq> [↑](#footnote-ref-5)
6. قانون رقم (23) لسنة 2004 بإصدار قانون الإجراءات الجنائية، للإطلاع على نص المادة رقم (14) كاملاً، الرابط. <https://cutt.us/1kRqf> [↑](#footnote-ref-6)
7. قانون رقم (23) لسنة 2004 بإصدار قانون الإجراءات الجنائية، للإطلاع على نص المادة رقم (117) كاملاً، الرابط. <https://cutt.us/hYWns> [↑](#footnote-ref-7)
8. اتفاقية مناهضة التعذيب وغيره من ضروب المعاملة، أو العقوبة القاسية أو اللاإنسانية أو المهينة، الرابط. <https://cutt.us/01CtO> [↑](#footnote-ref-8)
9. As in the cases of Mansoor Al Mansoori, Mohammad Meshab, Abdulrahman bin Omair Rashed Al Jabr Al Nuaimi and Mohammed Rashid Hassan Nasser alAjami. See Committee Against Torture, Concluding observations on the third periodic report of Qatar, adopted at its 1647th and 1648th meetings, held on 15 May 2018 (CAT/C/SR.1647 and 1648), paragraph 15. [↑](#footnote-ref-9)
10. See, United Nations General Assembly, Torture and other cruel, inhuman or degrading treatment - Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, A/66/268, 5 August 2011, paragraph 74, available at: <http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf>. [↑](#footnote-ref-10)
11. Amnesty International, Qatar Human Rights, available at: https://www.amnestyusa.org/countries/qatar. [↑](#footnote-ref-11)
12. Committee against Torture, Concluding observations on the third periodic report of Qatar (CAT/C/QAT/CO/3), 4 June 2018, paragraph 14. [↑](#footnote-ref-12)
13. Committee against Torture, Concluding observations on the third periodic report of Qatar (CAT/C/QAT/CO/3), 4 June 2018, paragraph 16 a) and b). [↑](#footnote-ref-13)
14. Joint Letter of Allegations by the UN Special Rapporteur on Torture, the UN Working Group on Arbitrary Detentions and the UN Special Rapporteur on Health concerning the case of Sheikh Talal (QAT 2/2020), 19 October 2020, available at: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35808 [↑](#footnote-ref-14)
15. See Reply from Qatar to the Joint Letter of Allegations by the UN Special Rapporteur on Torture, the UN Working Group on Arbitrary Detentions and the UN Special Rapporteur on Health, 15 January 2021, available at: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35907 [↑](#footnote-ref-15)
16. See, “Working Group on Arbitrary Detention: Preliminary Findings from its visit to Qatar (3 - 14 November2019)”, WGAD official website, 14 November 2019, available at:

    <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25296&LangID=E>; and Joint Letter of Allegations by the UN Special Rapporteur on Torture, the UN Working Group on Arbitrary Detentions and the UN Special Rapporteur on Health concerning the case of Sheikh Talal (QAT 2/2020), 19 October 2020, available at: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35808

    8 [↑](#footnote-ref-16)
17. Committee against Torture, Concluding observations on the third periodic report of Qatar (CAT/C/QAT/CO/3), 4 June 2018, paragraph 18. [↑](#footnote-ref-17)
18. See Pau Pérez-Sales, Psychological Torture: Definition, evaluation and measurement, London: Routledge, 2017, pp. 78-79. [↑](#footnote-ref-18)
19. UN Human Rights Council, Report of the Special Rapporteur on Torture, Juan E. Méndez (A/HRC/22/53), 1 February 2013, paragraph 54. [↑](#footnote-ref-19)
20. See, United Nations General Assembly, Torture and other cruel, inhuman or degrading treatment – Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, A/66/268, 5 August 2011, paragraph 71, available at: <http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf>. [↑](#footnote-ref-20)
21. HRC, Torture and other cruel, inhuman or degrading treatment or punishment, Report of the Special Rapporteur, A/HRC/43/49, 20 March 2020, para. 19. [↑](#footnote-ref-21)
22. See, Christof Heyns, Carmen Rueda and Daniel du Plessis, “Torture and ill treatment: the United Nations Human Rights Committee”, in Malcolm D. Evans and Jens Modvig, *Research Handbook on Torture: Legal and Medical Perspectives on Prohibition and Prevention*, Edward Elgar Publishing, 2020, p. 116, highlighting the close link between incommunicado detention and enforced disappearance while arguing that “[t]here is often no telling which is which, because of the cloak of secrecy that hangs over places of detention”. [↑](#footnote-ref-22)
23. UNGA, Report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, A/56/156, 3 July 2001, paragraph 12. [↑](#footnote-ref-23)
24. CAT, Communication No. 456/2011, Decision adopted by the Committee at its fifty-fourth session (20 April to 15 May 2015), CAT/C/54/D/456/2011, 26 June 2015, paragraph 6.4. [↑](#footnote-ref-24)
25. See e. g. Grioua v. Algeria (CCPR / C / 90 / D / 1327 / 2004); Nakarmi v. Nepal (CCPR / C / 119 / D / 2184 / 2012), para 11.8. [↑](#footnote-ref-25)
26. *See*, Christof Heyns, Carmen Rueda and Daniel du Plessis, “Torture and ill treatment: the United Nations Human Rights Committee”, in Malcolm D. Evans and Jens Modvig, *Research Handbook on Torture: Legal and Medical Perspectives on Prohibition and Prevention*, Edward Elgar Publishing, 2020, p. 121. [↑](#footnote-ref-26)
27. UN Committee against Torture, Report on Mexico Produced by the Committee Under Article 20 of the Convention, and Reply from the Government of Mexico, U.N. Committee Against Torture, 30th Session, paragraphs 143,U.N. Doc. CAT/C/75 (2003), available at:<https://www.atlas-of-torture.org/en/document/snl091hw4vqhyscgaf9zr529?page=1>. [↑](#footnote-ref-27)
28. HRC, Torture and other cruel, inhuman or degrading treatment or punishment, Report of the Special Rapporteur, A/HRC/43/49, 20 March 2020, para. 46. [↑](#footnote-ref-28)
29. إدانات حقوقية لتعذيب صحفي حتى الموت بسجن الهامور القطري، سكاي نيوز عربية، 26 أبريل 2020، للمزيد على الرابط التالي: <https://bit.ly/3bwu0jD> [↑](#footnote-ref-29)
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31. مقتل سجين قطري في عملية تعذيب جديدة بالدوحة، الدستور، 2 مايو 2020، للمزيد على الرابط التالي: <https://bit.ly/3bwyDu1> [↑](#footnote-ref-31)
32. قطر: إعادة الناشط محمد العتيبي قسرا إلى السعودية، هيومن رايتس ووتش، 31 مايو 2017. <https://cutt.us/rJ9Oc> [↑](#footnote-ref-32)