



Qatar

Alternative Report for the Second Periodic Review of Qatar by the Committee against Torture

1 October 2012

Alkarama recalls that it concentrates its work on four priority areas; arbitrary detention, enforced and involuntary disappearances, torture, and extrajudicial executions. We base our work primarily on the documented individual cases we submit to UN Special Procedures and Treaty Bodies, as well as our contacts with local actors including victims, their families, lawyers and human rights defenders.

Table of Contents

1	INTRODUCTION.....	3
2	DEFINITION OF TORTURE	4
3	REFOULEMENT TO A COUNTRY PRACTICING TORTURE	5
4	SPECIAL LEGAL PROVISIONS.....	6
5	ARBITRARY AND SECRET DETENTION.....	6
6	TORTURE	9
7	INDEPENDENCE OF THE JUDICIARY	9
8	QATARI CITIZENS DEPRIVED OF THEIR NATIONALITY	10
9	CONCLUSIONS AND RECOMMENDATIONS.....	10

1 Introduction

Qatar covers an area of 11,438 km² that contains a population of 1,700,000 people, of which 85% are foreigners. The country is an emirate, with executive and legislative powers exercised by the Emir, Sheikh Hamad bin Khalifa al-Thani. After having acceded to power in 1995, the Emir began an important program of political reforms with the goal of increasing the political participation of Qatari citizens.

Qatar, rated 37th in the United Nations' Program for Development human development index in 2011, has one of the highest GDPs per capita in the world as of 2011 (92,501 USD according to the World Bank). In economic terms, the national development strategy for 2011-2016 projects more than 125 billion USD in public investments and the growth forecasts for the country are exceptionally high. At the political level, the new Constitution adopted by the Emir in 2005 provides for the election of 30 of 45 members of the Consultative Council by universal suffrage, with the 15 other members to be named by the Emir. Previously composed only of appointed members, the Council now has the role of proposing laws as well as approving the state budget. The role of the Council remains consultative, however, and the Emir retains his authority to create laws. No elections to the Consultative Council have been organized since the adoption of the new constitution, but the first vote is projected to take place in 2013, although no date has yet been announced.

It is within this context of exceptional growth that Qatar has built itself an influential place in the regional diplomatic scene in recent years. In addition to obtaining the football World Cup in 2022, its significant financial resources and its access to media such as Al Jazeera have allowed it to play a important role in recent events in North Africa and the Middle East. For example, Al Jazeera was one of the first channels to broadcast images of Cairo when ex-president Hosni Mubarak cut off internet and telephone lines following protests of his rule. Its coverage of political developments in Tunisia, Egypt, Libya, and Syria has permitted a debate and offered a media forum, until now nonexistent, to inform public opinion on the practices of authoritarian regimes and to denounce violations of human rights in these countries. Qatar has also participated in the military coalition that intervened in Libya under the UN mandate, financed a satellite channel in Doha for the Libyan opposition (Libya TV), and supports the Syrian opposition to Bashar al-Assad.

Qatar's growing role in important events in the Arab world, however, is at odds with its lack of media coverage of the recent protest movements in Saudi Arabia and the repression of the opposition movement in Oman, developments on which Qatar seemingly takes no position. This image contrasts with the fact that Qatari troops were sent to Bahrain as part of the coalition of the Gulf Cooperation Council, of which Qatar is a member, to quell protests in 2011.¹

The projected 2013 elections present an opportunity to clarify Qatar's position in relation to the contrast between its silence on human rights violations in Gulf countries and its denunciation of the same violations in other Arab states.

It is in light of the internal situation in Qatar and the current regional instability that Alkarama submits this alternative report to the Committee against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for the review of Qatar's state report during the Committee's 49th session scheduled from 29 October to 23 November 2012. This report is written in follow up to Alkarama's 2010 submission to the Committee's list of questions in view of its second periodic review of Qatar.

Alkarama notes with satisfaction the incorporation by Qatar of the definition of torture contained in article 1 of the Convention in its internal legislation in Law no. 8 of 2010. Alkarama also welcomes the decision of the National Human Rights Committee, created by the Council of Ministers, to recommend

¹ International Crisis Group, Middle East/North Africa Report N°105, *Popular Protests in North Africa and the Middle East (III): the Bahrain Revolt*, 6 April 2011, p.12. <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/105-%20Popular%20Protests%20in%20North%20Africa%20and%20the%20Middle%20East%20-III-The%20Bahrain%20Revolt.ashx> (accessed 24 September 2012).

Qatar withdraw its reservation on the competencies and responsibilities of the Committee referred to in articles 21 and 22 of the Convention.

At the same time, Alkarama regrets that the periodic report of Qatar, submitted three years after it was originally due, is limited to the period from 2004 to 2009, lacks statistics and detailed examples regarding the implementation of the Convention, and is in large part limited to presenting an overview of legislative changes undertaken in recent years.

Alkarama calls upon Qatar to provide accurate and detailed data about the practical application of the Convention in the future, in order to enable better assessment of its implementation and the effectiveness of legislative developments in the fight against torture and other cruel, inhuman, or degrading treatment or punishment in the country.

2 Definition of Torture

- Article 36 of the Qatari Constitution states that “no one shall be subjected to torture or degrading treatment. Torture is an offence that is punishable by law.” However, the Penal Code of 2004 does not provide specific provisions for punishment of this crime.
- According to article 232 of the Code of Criminal Procedure, “No reliance shall be placed in any statement proven to have been obtained from a defendant or a witness by means of force or the use of threats.”
- In their initial report, the authorities confirmed that “with the State’s accession to the Convention, the Convention acquired the force of domestic law so that it can be invoked before the courts in any case involving an infringement of its provisions. Under article 68 of the Permanent Constitution of the State of Qatar and article 24 of the Provisional Basic Law, as amended, a treaty acquires the force of law once the State has ratified it or acceded to it.”²
- In 2006, the Committee against Torture noted in the Concluding Observations of the initial report of the State that “[T]here is a lack of comprehensive definition of torture in domestic law necessary to meet the requirements of article 1 of the Convention. References to torture in the Constitution and to cruelty and harm in other domestic law, including the Penal Code and Code of Criminal Procedures, are imprecise and incomplete.”³
- In its request for information regarding the establishment of articles 1-16 of the Convention in 2011 (CAT/C/QAT/Q/2 §1), the Committee asked that Qatar “provide information on measures taken by the State party to adopt a definition of torture in domestic penal law fully consistent with article 1 of the Convention and to ensure that all acts of torture are offences under criminal law with appropriate penalties taking into account the grave nature of such acts.”
- In its second periodic report (CAT/C/QAT/2 p.14), Qatar stated that “the provisions [relating to the definition of torture] of the Criminal Code promulgated by Act No. 11 of 2004, were amended by Act No. 8 of 2010” to incorporate the definition of torture as set out in article 1 of the Convention. Former article 159 of Act No. 11 of 2004 was replaced with the following text: “Any public official who uses or orders the use of torture, force or threats against an accused person, a witness or an expert for the purpose of obtaining a confession to an offence, coercing the person into making a statement or providing information about an offence or covering up an offence shall be liable to a term of up to 5 five years’ imprisonment. If the victim sustains an injury which causes permanent disability as the result of an act committed by a public official, the perpetrator shall be liable to a penalty of up to 10 years’

² *Initial report submitted by Qatar to the Committee against Torture under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 5 October 2005, (CAT/C/58/Add.1), see Introduction.

³ Committee against Torture, 36th session, *Conclusions and recommendations of the Committee against Torture on the initial report of Qatar*, 25 July 2006, (CAT/C/QAT/CO/1), para. 10.

imprisonment. If the victim dies as a result of the act, the perpetrator shall be liable to the death penalty or life imprisonment."⁴

Alkarama notes the implementation by Qatar of the Recommendation of the Committee to adopt the definition and criminalization of torture in the Convention in its penal legislation.

At the same time, the report does not document cases in which articles 159 and 159 bis of Law no. 8 have been invoked, nor does it report on cases prior to the law's entry into force in which article 1 of the Convention had been invoked by litigants before the courts in accordance with Article 68 of the Constitution, stating "a treaty acquires the force of law once the State has ratified it or acceded to it."⁵

According to our information, individuals who had been arbitrarily detained for periods extending from several months to several years were finally released without trial on the condition that they did not report the ill-treatment they suffered while being detained. The possibility of invoking articles 159 and 159 bis of Law no. 8 of 2010 or article 1 of the Convention before national courts seems to remain largely unknown to lawyers and litigants.

The State party should therefore accurately document in detail cases in which articles 159 and 159 bis of Law no. 8 of 2010 (or the first article of the Convention) are invoked before national courts. Alkarama also calls upon the State party to pursue its efforts concerning the education of agents of the State, the legal community and the public about the Convention, as well as about legal developments brought by Law no. 8 of 2010, as is provided by article 10 of the Convention.

3 Refoulement to a country practicing torture

- In its domestic legislation, Qatar does not have any provisions expressly prohibiting the expulsion, refoulement or extradition of a person to another State where there are substantial grounds for believing that he or she would be subjected to torture as stipulated in article 3 of the Convention against Torture.
- During the review of Qatar's initial report (CAT/C/58/Add.1) on 9 and 10 May 2006, Qatar expressed its intention to incorporate article 3 of the Convention into domestic law.
- The Committee against Torture, in its Concluding Observations of 18 May 2006, recommended the State party to "ensure compliance in law and in practice the duties listed in article 3 of the Convention in all circumstances..." (CAT/C/SR.722 p.13).
- In its second periodic report (CAT/C/QAT/2 p.17), Qatar stated that it was no longer considering the adoption of Article 3 into its domestic legislation. The report merely cited sections 410, 413, 419, 420 and 421 of the Code of Criminal Procedure regarding the extradition and deportation, removal of suspects from the State, and the situations in which suspects cannot be extradited. It is important to note that torture is not explicitly considered to be a condition that excludes extradition under the Code of Criminal Procedure.

Alkarama therefore remains concerned by the fact that the State party has not incorporated explicit legal provisions in its domestic law to prevent possible abuse, especially extradition, expulsion or forced deportation of foreign nationals to States where they would be at risk. Alkarama is particularly troubled by the turnabout of the State party on considering incorporating article 3 into its legislation and its lack of comment on this topic in its present periodic report.

⁴ *Second periodic report submitted by Qatar to the Committee against Torture under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 23 March 2011, (CAT/C/QAT/2), see p. 12.

⁵ *Initial report submitted by Qatar to the Committee against Torture under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 5 October 2005, (CAT/C/58/Add.1), see Introduction.

The case of Awadf Muhamad Awad Al Hiqi, a Yemeni citizen born on 23 March 1979, is an example of a violation of article 3 of the Convention. The Imam of a mosque in Doha, Al Hiqi was summoned by Doha police on 18 October 2010 to be questioned. The police told him that he was being arrested on the grounds that he was wanted by the Saudi authorities. He was then extradited to Saudi Arabia without being notified of the possibility of legal challenge or appealing the decision, and his family was returned to Yemen. Mr Al Hiqi remains detained in Saudi Arabia, where, according to our information, he has been tortured and held in complete isolation from the exterior world for an extended period of time, at least since September 2011.

The case of Eman Al Obeidy has received a good deal of media attention. She is a Libyan national, recognized as a refugee by the UNHCR in Qatar, who was deported to Libya in June 2011 after having been raped by security service officers in March of the same year. Her case also demonstrates Qatar's failure to fulfill its obligations under article 3 of the Convention and the need for the State party to adopt specific legislation in this regard.

4 Special Legal Provisions

- Qatar enacted Law No. 17 of 2002 on the 'protection of society', and in 2004 acceded to the Gulf Cooperation Council Convention on Combating Terrorism. That same year, Qatar passed Law 3/2004 on anti-terrorism measures. This law defines terrorist acts as the use of force or violence to "defeat the Constitution, breach public order or jeopardise public safety."
- In its request for information regarding the implementation of the Convention in regard to previous recommendations (CAT/C/QAT/Q/2) the Committee asked for information concerning the human rights implications of the measures taken by Qatar in its fight against terrorism. The Committee also requested information on the training of the security services in the field as well as data on the types of convictions under the antiterrorism legislation.

For its part, Law No. 17 of 2002 on the 'Protection of Society' states that the Minister of Interior may decide to detain a suspect if there are presumptions he or she might, for example, threaten the security of the State. In practice, this definition allows for the criminalisation of any political opponent or person who expresses political opinions that are considered or interpreted by the authorities as being extremist. The 2004 Gulf Cooperation Council Convention on Combating Terrorism ratified by Qatar considers *inter alia*, "the supply or collection of funds of any kind with the aim of financing terrorist acts" as a terrorist offence. These broad definitions enable the repression of humanitarian activities undertaken by charity organizations, which, unfortunately, are the only civil society organizations permitted to exist in the countries of the region. Such definitions are also likely to restrict and violate the rights to freedom of expression, association and assembly, and allow governments to arrest and detain people (who may not have committed violent acts) arbitrarily and in an abusive manner.

Alkarama is concerned that Qatar has not responded to the Committee's request and has not given precise information regarding the implications of antiterrorist laws on its international human rights commitments in the fight against terrorism. The restrictions imposed by Law no. 17 of 2002 on the 'protection of society' may significantly restrict the political field in the next legislative elections scheduled in 2013, because they maintain provisions that can affect freedom of expression, opinion and association.

5 Arbitrary and Secret Detention

- Article 40 of Law No. 23/2004 establishing the Code of Criminal Procedure states that "it is forbidden to arrest or imprison anyone unless through an order issued by the competent authorities and in the cases provided for in the laws". Article 43 of the Code provides that the accused must be brought before the public prosecutor within 24 hours and that he or she must be heard within that same period. Following the hearing, the accused shall be released or placed on remand.

- The Code of Criminal Procedure states that "no person shall be arrested or imprisoned except by virtue of a warrant issued by the competent authorities and in circumstances prescribed by law."
- Law No. 17 of 2002 on the 'protection of society' provides in its article 1 that "the Interior Minister, in crimes related to state security or indecent assault or public morality, may decide to detain a suspect if there is strong presumptive evidence against him, in a report that will be presented by the Director General of General Security".
- This law prescribes in its article 2 that "the duration of detention is two weeks extendible one or several times without exceeding a total period of 6 months with the consent of the President of the Council of Ministers. The duration of detention can be doubled for a crime related to state security."
- Law 3/2004 on anti-terrorism measures reaffirms these provisions. It is not possible to appeal court decisions made under these two laws.
- In its conclusions and recommendations of 25 July 2006, the Committee noted the restrictions made to prisoners' right to communicate with a lawyer, an independent medical examination, and/or contact with their families, as well as detention that can last up to 6 months under the 'protection of society' law.
- In response to concluding observation No. 16, the Qatari Authorities state that "appeals may be brought pursuant to article 157 of the Code of Criminal Procedures, which grants accused persons or their representatives the right to appeal against detention orders".⁶
- In its request for information specifically concerning the implementation of articles 1 through 16 of the Convention (CAT/C/QAT/2) the Committee asked the State to "provide updated information on the legal safeguards and other measures taken to guarantee that a person under arrest is immediately informed of his/her right to consult with counsel and to receive independent and free legal aid when he/she cannot afford private counsel". The Committee also asks Qatar to "provide information on measures taken [...] to prevent derogation from the Code of Criminal Procedure which stipulates the maximum length of pre-trial detention of 48 hours."

In its periodic report, Qatar did not respond to the inquiry of the Committee contained in paragraphs 3 and 4 on the implementation of Articles 1 to 16 of the Convention. Alkarama notes that Law No. 17 of 2002 on the 'protection of society' and the anti-terrorism Act of 2004 legalized arbitrary and incommunicado detention and open the door to all kinds of abuse. Detainees under both emergency laws can neither challenge the legality of their detention nor have access to a lawyer.

Though the law on the 'protection of society' provides in its article 3 the opportunity to appeal the decision of detention or extension thereof by submitting a written request to the Chairman of the Council of Ministers, in reality, there is no possibility of an effective remedy for detainees.

Several people have been arrested and interrogated by the intelligence services under this law. They were detained, sometimes for several months, at State Security premises, which are not under the authority of the Ministry of Justice and are not considered places of detention that are subject to control measures and monitoring by the Prosecutor General, as provided for in section 395 of the Code of Criminal Procedure.

In recent years, Alkarama has submitted the cases several of people arrested and held incommunicado under the conditions mentioned above to the UN Special Procedures. They were all

⁶ *Comments by the State of Qatar on the Conclusions and Recommendations of the Committee against Torture*, 7 April 2009, (CAT/C/QAT/CO/1/Add.1), para. 5.

detained for a period of several months without being brought before a judicial authority or undergoing any type of legal procedure.

Our organization recently submitted the cases of Mssrs. Abdullah Khowar (عبدالله خوار) and Salem Al Kuwari (سالم الكواري) to the Working Group on Arbitrary Detention. Both men were arrested on 27 June 2009 by agents of State Security. After being taken to an unknown destination, they were held incommunicado for several weeks and tortured. Following this initial period of incommunicado detention, their families were allowed to visit them at the intelligence agency's detention centre in Doha. The two men were finally released on March 2010 without ever having been brought before a judge or having any charges brought against them.⁷

At present, Alkarama is particularly concerned by the case of Mr Fawaz Al-Attiyah (فواز العطية). Mr Al-Attiyah is aged 42 and is the former spokesman of the Qatari Ministry of Foreign Affairs. Because of his writings and statements, he was stripped of his Qatari citizenship and lived in Riyadh, Saudi Arabia where he was considered a political opponent. Mr Al-Attiyah was abducted from his home by Saudi security agents dressed in civilian clothes, flown in a private plane to Qatar, and presented to the Qatari authorities on 25 October 2009. Held incommunicado in solitary confinement in an unknown location, he was cut off from the outside world for several months. In April 2010 he was transferred to the headquarters of State Security where he was not allowed to receive visits from his lawyer and has had irregular contact with the outside world and only during certain hearings before the judge. Mr Al-Attiyah has been abused and received death threats from a member of the public prosecutor's office. The judge to whom he reported the abuse has neither responded nor ordered an investigation as provided for in article 12 of the Convention. Legal procedures were not followed and he was not allowed to be defended by the lawyers of his choice, instead being represented by foreign lawyers. His family solicited the services of local lawyers but they declined to represent him given that "the matter was too sensitive." Mr Al-Attiyah was finally released on 30 January 2011.

His cousin Nayef Al-Attiya (نايف العطية) was arrested for his part on 4 September 2009, about 2 months before Mr Al-Attiyah's arrest by the Qatari intelligence services, because he had a power of attorney to represent Mr Al-Attiyah in court. Nayef Al-Attiya was released on 2 May 2010 without any charges being brought against him.

Alkarama also submitted other similar cases in its report presented to the Human Rights Council during the Universal Periodic Review of Qatar.⁸

Around thirty people were arrested between 1995 and 2000 as part of the investigation into the attempted coup instigated by the father of the current Emir. Among this group, 18 people were sentenced to death in May 2001. Since then, after an exile of several years in Europe, the deposed Emir was allowed to return to Qatar where he lives today. The two main instigators of the failed attempt, Bakhit Marzoug al Abdallah and Skeikh Hamad bin Jassem bin Hamad al Thani (who had been sentenced to death) were pardoned by the Emir and released in 2005. Among the 28 other defendants who played a secondary role in the attempt, 21 were released in late May 2010. The others are still in detention. The people (former soldiers and army officers) who were released recently were immediately sent by force to Saudi Arabia, despite being Qatari nationals.

Alkarama calls upon the State party to take measures to stop secret and arbitrary detention, especially by strengthening the effectiveness of the procedural rights of the accused and the remedies available to them, particularly within the framework of Law no. 17 of 2002 on the 'protection of society' and the Anti-Terrorism Act of 2004.

⁷ Alkarama press release, *Qatar: FREED – Abdullah Al-Khowar and Salim Al-Kowari released after nine months in custody*, 19 March 2010, http://en.alkarama.org/index.php?option=com_content&view=article&id=458 (accessed 1 July 2010).

⁸ Alkarama report, *Qatar: Universal Periodic Review*, 1 September 2009, http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/QA/AlkaramaforHumanRights%20UPR_QAT_S07_2010_AlkamaraforHR_E.pdf (accessed 24 September 2012).

6 Torture

The issue of prolonged and incommunicado detention is recurrent in the State party. It is during these detentions that the risk of torture, and cruel, inhuman or degrading treatment is highest. They limit the detainee's access to a third party (family, lawyers, and doctors) and prevent them from filing an effective remedy before an independent and impartial judiciary. Among the cases of arbitrary detention mentioned in the previous section, several cases of torture or ill-treatment reported to Alkarama constitute a violation of the obligations of the State under the Convention.

We are informed that Mr Abdullah Khowar and Mr Salem Al Kuwari, mentioned above, were subjected to torture and ill-treatment during their detention. They were beaten, suspended for long periods of time and deprived of sleep.

Following his release, Mr Salem Al Kuwari alerted the national human rights institution to the treatment to which he was submitted in detention, as well as submitting a complaint to the General Prosecutor of Doha. To date, there does not seem to be any effort made to open an investigation into his claims.

In the case of Mr Fawaz Al-Attayah, Alkarama sent an urgent appeal to the Special Rapporteur on Torture on 11 May 2010 due to the information about the treatment he was suffering. According to his family's testimony, Mr Al-Attayah's detention conditions were particularly difficult and he suffered long periods in solitary confinement, beatings, suspension from bars, and psychological torture.

Referred to the General Prosecutor of Doha, Mr Fawaz Al-Attayah complained about the abuse and conditions of detention to a magistrate from the Prosecutor General's office. His allegations, however, have not led to the opening of any investigation as provided for in article 12 of the Convention against Torture.

Alkarama notes the absence of serious investigations and, consequently, sanctions, brought against people who have been accused of committing such acts.

The lack of political will to implement articles of laws (particularly article 159 of Law no. 8 of 2010 criminalizing the use of force or threat when questioning someone) risks rendering the articles completely ineffective and inadequate to fulfill the State party's international obligations regarding the combat against, and prevention of, torture.

Alkarama remains concerned by the silence of the State party during its second periodic review regarding the requests for information by the Committee as well as the absence of references to the concrete cases mentioned here.

7 Independence of the Judiciary

- Under article 130 of the Qatari Constitution, "The judicial authority shall be independent and it shall be vested in courts of different types and grades. The courts shall make their judgments according to the law." According to article 131, "Judges are independent. There is no power over them in their judgments except the law. No agency has the right to interfere in the process of justice."
- In its Concluding Observations relative to the initial report of the State party (CAT/C/QAT/CO/1 §11), the Committee against Torture recommended it "adopt effective measures to fully ensure the independence of the judiciary [...]". This concern was renewed in the request for information by the Committee regarding specifically the implementation of articles 1-16 of the Convention (CAT/C/QAT/Q/ 2 §25): "provide information on any measure taken by the State party to fully ensure the independence of the judiciary."

The Supreme Judicial Council was established in 1999. It is mandated to propose legislation on the judicial system and renders advisory opinions on the appointment of judges. The seven members of the Council are the president, the first-vice-president, the most senior judge of the Supreme Court, the president, the vice-president, and the most senior judge on the Court of Appeal and the president of the trials court. The procedure for appointing members of the Council contradicts the main objective of this institution, the independence of the judiciary, because it is the Emir who has the power to name or dismiss all of the members of this Council.

An important issue regarding the independence of the judiciary in Qatar also concerns the status of part of the judicial personnel composed of non-national contractors. These contractors, normally from other Arab countries, are directly appointed by the executive and hold a work contract of a limited duration.

Their residency status can represent a serious limitation upon their independence and prevent them from performing their duties in an independent manner. The principle of the tenure of judges, essential to the independence of the judiciary, cannot be guaranteed under these conditions.

Alkarama therefore considers that the State party should take effective measures to ensure the tenure of judges by giving the Supreme Judicial Council broader powers to guarantee the independence of all judges including judicial personnel who are non-nationals.

8 Qatari Citizens Deprived of their Nationality

A code governing nationality was promulgated in 2005 (Act No. 38/2005) which gave sweeping powers to the Emir for the granting, the revocation or the reinstatement of Qatari nationality. Article 11 of this law makes provision for certain cases where the Emir is entitled to remove the nationality of any citizen, particularly when the person in question has served with a foreign force or an institution or organization which harms the country's social, economic or political organization. Deprivation of nationality can take a collective form as in the case of the Al-Ghufran tribe, a branch of the great Arab tribe of Al Merri. Historically, this tribe lived as nomads in the east and north-eastern parts of the Arabian Peninsula – namely the current territories of Qatar and Saudi Arabia.

On 1 October 2004 the Minister of Interior deprived 927 heads of families of their nationality. This represents 5,266 people, but this figure takes real significance when it is related back to the total number of population of 1,700,000. This measure was interpreted by some observers as representing collective punishment as some members of this tribe had supported the cause of the father of the current Emir during his dismissal and the failed coup.

Specifically, civil servants, both men and women, were dismissed without notice while their children were excluded from school, and all the families were denied social security and the benefits they had access to previously, such as housing, free medical care, authorisation to drive a car, etc. Finally, they were ordered to regularise their situation with the authorities as foreigners. While many cases have been regularised since and the families concerned have had their rights reinstated by the authorities, hundreds of people, including children remain deprived of their nationality to date.

9 Conclusions and Recommendations

Torture is not a routine practice in Qatar as it is in many other countries in the region. Cases are relatively rare and the State party has made significant progress in adopting the definition of torture found in article 1 of the Convention into its domestic legislation.

At the same time, much remains to be done to improve the effectiveness of the implementation of the Convention. As such, Alkarama regrets the lack of accurate and detailed data as requested by the Committee, in particular concerning cases of detention justified by the law on the 'protection of society' and the Anti-Terrorism Act. This lack of data is a dubious lack of transparency needed to be able to properly assess of the effective implementation of the Convention by the State party.

In the State party's periodic report, it is not possible to assess the effectiveness of the measures taken in terms of training, educating and informing its personnel on the prohibition of torture in accordance with article 10 of the Convention.

The ability to detain suspects under the "protection of society" and Anti-Terrorism laws is another concern for Alkarama. Arbitrary detention generates situations that promote the use of torture, as illustrated in the various cases cited in this report. This emergency legislation authorizes the Executive to imprison citizens without judicial review and may be detrimental to freedom of expression and opinion as well as association in the context of the forthcoming elections.

Regarding these considerations, Alkarama recommends the State party:

- Document and maintain detailed and comprehensive statistics on all arrests and detentions, as well as the motives behind them.
- Repeal the emergency laws that justify detentions without judicial control, in particular Law no. 17 of 2002 on the "protection of society" and Law 3/2004 relative to the fight against terrorism.
- Incorporate into domestic law article 3 of the Convention relative to the question of refoulement and extraditions to States where there is a serious risk of torture.
- Take measures to ensure greater independence of the judiciary, including through guarantees of residency status for non-national judicial personnel.
- Give full effect to article 159 of the Code of Criminal Procedure and pursue agents of the State who practice torture and ill treatment as well as provide reparations to victims.
- On the normative level, the state party should ratify the Optional Protocol (OPCAT) and make the declaration under article 22 of the Convention against Torture.