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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint written statement* submitted by Maat for Peace, Development and Human Rights Association, Elizka Relief Foundation, Partners For Transparency, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 February 2020]

* Issued as received, in the language(s) of submission only.



Freedom of opinion and expression in Qatar

Preface

Emphasizing the role that Qatar plays by interfering in the affairs of many countries under the cover of human rights; highlighting its keenness to enhance human rights situations and defending freedoms in various countries of the world, Doha issued new legislation No. (2) for the year 2020, amending some provisions of the penal code issued by the law No. (11) for the year 2004. This new legislation eliminates completely the freedom of opinion and expression either inside or outside for its citizens abroad. It's also clearing Doha's claims to support freedom of opinion and expression in various countries which would be erased into hollow slogans.

The law criminalizes every word or act may oppose or otherwise violate Doha policy in general. It establishes a set of penalties, including imprisonment for a period of up to five years and a fine of up to one hundred thousand Qatari riyals (about \$ 27,000) for everyone who exercises his right to expression Whether inside or outside Qatar. This is happened under the cover of "stirring up public opinion" and across a set of loose terms that include almost every statement contradicts the state's direction.

What's interesting is that Doha intentionally kept it secret. The law is published in the Qatari official newspaper, and the official Qatari media re-published its articles, especially the "Al-Raya" newspaper, which is affiliated with the Qatari government. However, the newspaper apparently deleted the content immediately due to a government wish to obscure the law, in contravention of all international covenants aimed at guaranteeing the right to opinion and expression. It seems that the Qatari authorities have deliberately obscured the law as a result of the outburst of anger and fear among the Qatari people, as the law will result in the elimination of the last outlets for freedom of expression in Qatar.

Hence, the three organization (Maat for Peace, Development and Human Rights - Partners for Transparency - Al-Zika for Relief) submit this joint intervention to highlight this law, in addition to other laws, such as the Anti-Cyber Crime Law 2014 and the Media Law 2012, in which The Qatari authorities impose wide restrictions on freedom of opinion and expression. They also give the Qatari security forces the right to abuse opponents and silence opinions that are contrary to the policies of the Qatari government. Which is a clear violation of all international covenants and treaties, most of which have been joined by the State of Qatar.

Qatar ... new legislation leads to gagging

At the beginning of 2020, Tamim bin Hamad Al Thani, the prince of Qatar, issued a law, new legislation No. (2) for the year 2020 amending some provisions of the Penal Code promulgated by Law No. (11) for the year 2004, with the aim of gagging the voices of the opposition inside Qatar or even whose residents abroad. The law is criminalizing discussion and expressing opinions on any matters that the Qatari authorities consider to stir the public opinion with the use of loose terms that place everyone without exception subject to these penalties.

The law added a new article (Article 136 bis), which states the determination of deprivation of liberty penalties up to five years' imprisonment and a fine of up to one hundred thousand Qatari riyals (about 27 thousand dollars), or one of these two penalties, for anyone who broadcasts, publishes or re-publishes rumors or statements, or False, biased, or sensational propaganda news, at home or abroad, whenever that was intended to harm national interests, stir public opinion, or prejudice the social order or public order of the state. This penalty may also be doubled if the aforementioned crime occurs in wartime.

The previous article contradicts Article Nineteen of the Universal Declaration of Human Rights, which states " Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

The aforementioned article also contradicts with the International Covenant on Civil and Political Rights regarding the right to hold opinions freely without harassment, and to exercise the right to freedom of expression without restrictions. It also violates Article (13) of the American Convention on Human Rights, as well as violating the European Convention on Human Rights in its article (No.10), and all international covenants that guarantee the human right to express his views.

It is noteworthy in this law that it affirms the circumvention of the Qatari constitution to protect freedom of opinion and expression. The Qatari constitution in its articles "46, 47, 48" refers to the freedom of the individual to address the public authorities, as well as ensuring freedom of opinion and scientific research and freedom of the press, printing and publishing. However, the constitution itself manipulated guaranteeing these rights by placing a text "in accordance with the terms and conditions determined by the law,". Which meaning that freedom of opinion and expression guaranteed by the Qatari constitution is ineffective because it is related to other laws, including the Qatari Penal Code which was amended in early 2020 to impose wide restrictions. Wide on this right.

The law was also written in a loose formulation, lacking the minimum guarantees of freedom of expression. It was specifically designed to abuse opponents and silence any opinions that might oppose in a way or another the policies of the prince of Qatar. Among the words that were mentioned in the amendments and raised the concerns of Qataris "dealing with public affairs, inflammatory propaganda, destabilization, tendentious/biased, stirring up public opinion, prejudice order", all of which are loose terms that can be used to abuse the opposition. For instance, there is no accurate explanation of the term "dealing with the public affairs of the state". In this regard, the law allows the security authorities to abuse everyone who talks about the public affairs of the state and becomes subject to the penalty prescribed in the law, without specifying what is the public affairs of the state. Also, there no guarantees have been put in place for this manner. Therefore, this article is the most serious in this law and completely eliminates the concept of freedom of opinion and expression within Qatar.

The issuance of this law comes in conjunction with the suffering of Qatar from increasing voices opposing the Qatari government due to the many regional crises to which Doha is a party, especially with regard to its interference in the other countries' affairs in a blatant manner. That led to diplomatic hostilities and boycotts with neighboring countries, as well as the accusations of Qatar being supporter for terrorist groups. These matters compelled the Qatari government to confront opposition by making legislation that eliminates the remaining space of freedom of expression in this country that bragged by defending human rights issues, but in all countries except Qatar.

The absence of independent media

Qatar suffers from the absence of independent media largely inside, especially after blocking the most important independent news site in Qatar, Doha News. International human rights organizations described Qatar's behavior as supposed to lead the ranks of freedom of the press advocates, especially as it is the founder of the Al Jazeera Channels Network, and even hosts a center that specializes in Media freedoms. However, it targets one of the main sources of credible independent journalism in Qatar.

Freedom of opinion and expression in Qatar is subject to strict control, especially with the issuance of a law called "Combating Cyber Crime" issued No. (14) for the year 2014, by Doha. It imposes many restrictions on journalistic and media work, even codifies the right of the Qatari authorities to block the sites they see "Threatening to the country's safety". This law also states to punish those who publish or exchange digital content "undermines" social "or" public order in Qatar. " They are loose terms that justify tightening the grip of the state on platforms of expression.

That law also imposes penalties of imprisonment for a period of up to three years and a large fine of up to 500,000 Qatari riyals (\$ 137,000), on who violates the provisions of this law which severely undermines the practice of journalistic work freely. Qatar also ranks 128th in the World Press Freedom Index 2019 ranking.

It is striking that Qatar claims through its media platforms that cover almost the most important events in the countries of the world, that it guarantees freedoms in general, supports freedom of opinion and expression in particular. As well, it promotes through the networks of its famous channels around the world to the need to strengthen human rights situations and uphold the values of freedom of opinion and expression. Also, to the need to listen to different opinions and other voices. However, Doha not only suffers from the absence of these freedoms but also issues laws that made specially to silence dissenting voices, in a clear challenge to all international covenants supporting the protection and promotion of human rights.

Recommendations

- Repealing Article (136) bis of Law No. 2 of 2020 amending some provisions of the Penal Code issued by Law No. 11 of 2004.
 - Stop using vague, stretchy and loose terms that hostage to broad interpretations or interpretations by prosecutors and judges, and use them to limit freedom of opinion and expression legally.
 - Freeing the media from state control, allowing the independent press, and opening platforms for expressing opinion without restrictions, in accordance with international human rights instruments.
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