



# General Assembly

Distr.: General  
18 September 2020

English only

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## Human Rights Council

### Forty-fifth session

14 September–2 October 2020

Agenda item 3

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

## **Written statement\* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization 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.

[20 August 2020]

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

GE.20-12120(E)



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## **Arbitrary detention in Qatar**

### **Preamble**

Maat for Peace, Development and Human Rights shares the Working Group on Arbitrary Detention its grave concern about Qatar's Legislative Frameworks and the Practices carried out by executive authorities. Maat deeply regrets the detention of individuals over their peaceful exercise of their rights, to ensure everyone's right to personal freedom, and to ensure independent and effective judicial control over country detention systems, which is characterized by arbitrariness and the oppression of the fundamental rights and freedoms of individuals, residents, and immigrants alike.

### **Maat's comment on the United Nations Working Group on Arbitrary Detention visit to Qatar**

The United Nations (UN) Working Group on Arbitrary Detention (WGAD) carried out its official visit to Qatar between 3 and 14 November 2019. Experts expressed their grave concerns about the deprivation of liberty by civilians, which disproportionately affected women, through the legal guardianship system, and migrant workers, who were prevented from quitting their jobs. Maat is concerned about preventing the working group from visiting a Qatari state security detention center.

Also, the Working Group was unable to speak to several relevant officials, although the Group had informed the Qatari Government, prior to its visit, of its desire to meet with those officials. Maat regrets, in particular, that the working group did not meet with the Ministry of Defense at all. We are also deeply concerned about what the Working Group has noticed during its visit to some detention facilities, which were empty of prisoners. The team found later that prisoners had been transferred to other detention facilities prior to their arrival.

Maat shares the Working Group's concerns about the range of non-violent acts currently criminalized by the Qatari Government. These acts include debt, absconding from the employer, disobedience to parents, begging, drinking alcohol. Also, the Prosecutor is the representative of the investigative body, as well as the detention authority, which is contradictory and has a conflict of interest. Moreover, there is also concerns about the officers' lack of knowledge of the current number of detainees.

Additionally, the WGAD found that, in some police stations, the records do not clarify the date and time of arresting defendants and their referral to Public Prosecutor's Office. Unfortunately, there are still noticeable discrimination against women in Qatar. Maat shares the working group's concerns about the fact that the largest number of detainees based on zina crimes are women, with 26 detainees being held for adultery, all women. Although the male partners of these women were supposed to be detained, the group noted that the number of men detained for adultery was not as high as the number of women detained for the same crime.

Maat shares its concerns with The Working Group about the growing number of non-Qatari arbitrary detainees, who do not speak Arabic and have not received adequate translation either during their interrogation or trial. It was also reported that many of the defendants had not been able to communicate effectively with court-appointed lawyers, who had provided advice in Arabic. In "Maat", we have inquiries about what the Working Group has noted about the application of the Community Protection Law provisions, which is used by the Qatari authorities to circumvent the requirements of the Code of Criminal Procedure, to avoid the guarantees established by law to prevent arbitrary deprivation of liberty. "Maat" adds its voice to many UN human rights mechanisms. It is deeply concerned about the lack of independent civil society organizations and the absence of government consultation with civil society organizations in the implementation of human rights treaties. Maat recommends the Qatari Legislator to amend Law 12 of 2004 to create a more conducive environment for civil society organizations to participate in Qatar's political life, to support arbitrary detainees and to report any cases at risk of arrest and arbitrary detention.

## **Qatari legislative frameworks promoted to arbitrarily deprive individuals from their liberty**

"Maat" is deeply concerned about the continued use of Qatari legislation by executive authorities as a pretext for depriving certain individuals of freedom. Although Qatar acceded the International Covenant<sup>1</sup> on Civil and Political Rights in May 2018, which guarantees the right to freedom in Article 9 and the right to a fair trial in Article 14, Qatar has expressed its reservations about the covenant undermining the right to freedom. Maat would like to draw the attention of the Working Group to the fact that Qatar's continued reservations will result in individuals being detained for peacefully exercising their rights.

As for national legislation, we note that under article (117) of Law No. 23 of 2004, known as the Qatari Criminal Procedure Act<sup>2</sup>, the period of pretrial detention may be extended for renewable periods up to 45 days, if the charge involves a felony. This often leads to prolonged and unnecessary extensions of pretrial detention. This clearly violates article 9 (3) of the International Covenant on Civil and Political Rights, which requires that the accused be brought before the judges, which means that the accused must be brought before a judicial authority within 48 hours of his arrest. Any increase over this period would be exceptional and must be justified. Also, the provisions of Article 134 of Law No (11) of 2004, known as the Qatari Penal Code<sup>3</sup>, allows for arbitrary deprivation of liberty, if the charge against the person is the "challenge" of the Princely "self", which also implies criminalization of the right to freedom of expression<sup>4</sup>.

Several national legislations also allow detention outside the scope of the Code of Criminal Procedure, for example, the 2002 Law (17) on community protection<sup>5</sup> is used by the executive authorities to detain individuals under the name of "refinement". There are some cases that the Court has acquitted of the charges against it, but is subsequently detained under the articles of the Community Protection Act. Also, under The Juvenile<sup>6</sup> Act No. 1, 1994, a person between the ages of 7 and 16 is considered a minor, and individuals between the ages of 17 and 18 are sentenced as adults. According to Maat, the minimum age of criminal responsibility is very low and deprives children of enjoying their freedom and childhood.

Also, article 7 of Law No (5) of 2003, known as the State Security Service Act<sup>7</sup>, allows detention for a maximum of 30 days and may be extended to six months. Also, the law does not provide for any judicial oversight of detention centers, which is inconsistent with international human rights norms.

Article (18) of Law No. 3 of 2004, known as the Anti-Terrorism Act<sup>8</sup>, allows the Public Prosecutor's Office to detain a suspect for 15 days without referring it to any judicial authority, and his detention can be extended to six months. This in addition to amendments to the Penal Code, where some amendments were introduced in some provisions of the Penal Code in January 2020. Under the new amendments in article 136 repeat, imprisonment shall be punishable by up to 5 years' imprisonment and a fine of up to QR 100,000, or one of these penalties, for anyone who has publicly dealt with the public affairs of the State, broadcast, published or republished false, tendentious or sensational news, statements, rumors or propaganda. The amendments indicated that the penalty would be applied if "such acts would provoke public opinion, undermine confidence in the function of state institutions or those responsible for them, jeopardize the state's national interests or social order or adversely affect the public order of the State. All these terms are open to interpretation, which would undermine human freedoms and fundamental rights, and increase the power of the executive

<sup>1</sup> مكتبة حقوق الإنسان، العهد الدولي الخاص بالحقوق المدنية والسياسية، للإطلاع على مواد العهد، <https://cutt.us/dQpgo>.

<sup>2</sup> <https://cutt.us/qFfAr> قانون رقم (23) لعام 2004، بإصدار قانون الإجراءات الجنائية، الميزان، البوابة القانونية القطرية.

<sup>3</sup> <https://cutt.us/kzLGj> قانون رقم (11) لسنة 2004، بإصدار قانون العقوبات، الميزان، البوابة القطرية.

<sup>4</sup> <https://cutt.us/ed9Sa> قطر تلجأ للاعتقال بشكل مفرط لجرائم غير عنيفة (خبراء أمميون)، سويس انفو، 14 نوفمبر 2019.

<sup>5</sup> <https://cutt.us/ipTlr> قانون رقم (17) لسنة 2002 بشأن حماية المجتمع، الميزان، البوابة القانونية القطرية.

<sup>6</sup> <https://cutt.us/sDENB> قانون رقم (1) لسنة 1994 بشأن الأحداث، الميزان، البوابة القانونية القطرية.

<sup>7</sup> <https://cutt.us/rH0Jr> قانون رقم (5) لسنة 2003، بإنشاء جهاز أمن الدولة، الميزان، البوابة القطرية.

<sup>8</sup> <https://cutt.us/DHq6w> قانون رقم (3) لسنة 2004 بشأن مكافحة الإرهاب، الميزان، البوابة القطرية.

branch to arrest and arbitrarily detain citizens for exercising the right to freedom of opinion and expression.<sup>9</sup>

## Recommendations

- Consider withdrawing all reservations made by Qatar to the International Covenant on Civil and Political Rights, which undermines the fundamental freedoms and rights of individuals.
- Work to establish a national mechanism to investigate detainees' records, detention periods, and work continuously to address deficiencies in detainees' records.
- Amending the Qatari national legislation to ensure that individuals are not detained for exercising their rights to peacefully express their views.
- The need to ensure compliance with Article 72 of the Code of Criminal Procedure in practice by providing interpretation when needed, reviewing all cases in which translation was not provided, and considering the release of detained persons who did not enjoy the proper conduct of legal procedures.
- Guaranteeing the right to a fair and fair trial for detained persons, providing them with the necessary medical care during the period of detention, guaranteeing their rights to appoint a lawyer, contacting the family, and allowing visits by their relatives to check on them.
- Releasing the current detainees in State Security detention centers, against whom no charges have been registered, and expediting the submission of persons accused of documented charges to trials, and making trials in absentia a real exception.

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قطر.. تقرير "تعديلات قانون إثارة الرأي العام" يثير تفاعلا ودعوات للتوضيح، عربى سى ان ان، 18 يناير 2020. <sup>9</sup>  
<https://cutt.us/Y0DWI>.