



General Assembly

Distr.: General
23 February 2021

English only

Human Rights Council

Forty-sixth session

22 February–19 March 2021

Agenda item 3

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

Joint written statement* submitted by Partners For Transparency, Maat for Peace, Development and Human Rights Association, 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.

[01 February 2021]

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



The practices of torture and ill-treatment in Qatar

Introduction

In its statement to the Human Rights Council and the United Nations (UN) Special Procedures, especially the Working Group on Arbitrary Detention, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Partners For Transparency and Maat for Peace, Development and Human Rights Association (Maat) express their deep concern over the persistent recurrence of human rights violations and arbitrary practices against many Qatari citizens and foreigners. Such practices include, but are not limited to, extrajudicial detention, deliberate medical negligence in prisons, solitary confinement, punishment for holding opposing political beliefs, physical abuse, and psychological stress. These crimes, mostly carried out in State Security prisons, may amount to torture and are unequivocally inconsistent with the international obligations under international conventions and covenants ratified by Qatar.

Undermining the rule of law and impunity are the hallmark of a state claiming to have a clean human rights record. There has never been any previous information about holding Qatari officials accountable for human rights violations or even opening independent investigations in this regard.

Several arbitrary practices are indeed carried out within legal frameworks and legislative environment, opening the door wide for further violations. Qatari laws contain many loopholes that allow Qatari authorities to restrict public freedoms, arrest citizens and arbitrarily detain them for prolonged periods. Qatar often disavows its international obligations calling for guaranteeing and respecting basic human rights by using its media and wealth to draw a strikingly different image, which is far from reality, of the human rights situation in Qatar. Qatar dedicates huge sums of money to control the media and adapt its orientation to focus on the human rights situations in neighbouring countries while turning a blind eye to Qatar's.

The Qatari violations carried out under national laws, and the various horrible practices carried out in Qatari prisons in light of the lack of tools granted to the judicial authority to exert effective and independent control over places of detention, to ensure that both citizens and foreigners enjoy the basic rights guaranteed by international treaties, especially Article 9 of the International Covenant on Civil and Political Rights.¹

Maat calls on the Qatari authorities to respect the human rights of all residents within an independent legal and judicial system, and to implement the rule of law.

The legislative environment fostering ill-treatment and torture in Qatar

Qatari prisons are teemed with various kinds of ill-treatment, cruel and degrading treatment. Law enforcement officials, who are taking orders from superior officials in the executive branch, commit various crimes and violations that amount to torture, inconsistent with Qatar's international human rights obligations, and in a way that obstructs the application of the Criminal Procedure Code in Qatar, which Article 113 thereof stipulates that the Public Prosecution is obliged to issue an arrest warrant confirming the legal basis for the detention of the individual. Besides, any arrested person shall be informed immediately of the reasons for the arrest and shall be entitled to communicate with any person and to seek the assistance of a lawyer.²

Qatari laws contain many loopholes which are constantly abused by authorities to keep arbitrarily detained citizens for prolonged periods incommunicado, and to throw opposition behind bars instead of working to reform these flawed laws, especially the loopholes in Law No. 17 of 2002 on Protection of Community, amended by the Law. No. 2 of 2018, in which

¹ <https://bit.ly/2YgpQUU>.

² <https://bit.ly/3a8GU4K>.

Art. 1 allows the extrajudicial arbitrary detention for indefinite periods with the approval of the Minister of Interior.³

Qatar has amended its Penal Code No. 11 of 2002 under Law No. 2 of 2020 to restrict further the already-narrow space for free expression. Article 136 (bis) sets criminal penalties for “whoever broadcasts or publishes or republishes rumors or statements or false or malicious news or sensational propaganda, inside or outside the state, whenever it is intended to harm national interests or incite public opinion or disturb the social or public order of the state.” The article says that violators “shall be punished with a maximum of five years in prison and a 100,000 Qatari riyals, or one of the two penalties.” The penalty is doubled if the crime is committed in wartime.” The previous article is vaguely-worded and broad terms are used, making it open for various interpretations.⁴

On October 7, 2020, video footage of Qatari citizens being tortured in the Doha central prison went viral online. Two prisoners died as a result of this torture, believed to be members of the ruling family detained in the prison. For its part, the Qatari authorities did not comment on this video. It has been 20 years since Qatar joined the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; however, it is still failing to implement its provisions which stipulate the absolute prohibition of torture and ill-treatment.⁵

These lethal practices and physical violations were witnessed and confirmed by the French businessman and writer Jean-Pierre Marongi, who spent 5 years in the cells of Doha on charges related to a dispute with his sponsor. After his release, Marongi spoke about the horror of Qatari prisons in which violations have reached the point where guards kill prisoners. He further explained that the cell, which was supposed to accommodate between 8 and 12 prisoners, was receiving approximately 40 inmates. Besides, torture and murder are used as tools against the detainees in case they violated or objected to the orders of the guards.⁶

Qatar uses the controversial Article 136 (bis), referred to above, to crackdown opposition and whoever dares to raise his voice against the ruling family or the policies adopted by the government.

Arbitrary detention and ill-treatment of Abdul Razzak Ahmed Erzaik

Abdul Razzak Ahmed Erzaik is a Syrian citizen residing in Qatar. On May 28 2020, Erzaik was forcibly disappeared from his residence in Al Luqta City. He was reportedly abducted by three men dressed in civilian clothes and taken to an unknown location, and his brother has lost contact with him since then. Maat managed to know his whereabouts which is the Qatari State Security. Until now, neither Erzaik nor his family have been informed of the legal reasons leading to his imprisonment. Besides, no charges have been brought against him by the Qatari authorities.

Erzaik was subjected to enforced disappearance for more than 90 days before the Qatari authorities allowed him to communicate with his family for a few seconds. The severe torture, ill-treatment and psychological pressure that Erzaik faces in prison, have prompted him to think of ending his life, as reported by his family. On January 10, 2021, Erzaik went on a hunger strike in protest over the ill-treatment and violations that lack the lowest standards of the right to a fair trial and the guarantees that must be available for detainees in detention centers.

Maat has previously sent a complaint to the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention urging them to communicate with Qatar regarding the case of Erzaik, but Qatar ignored these complaints and, rather, intensified the restrictions on Erzaik in prison.⁷

³ <https://bit.ly/3iP6zni>.

⁴ <https://bit.ly/3qS7khV>.

⁵ <https://bit.ly/2NDty9d>.

⁶ <https://bit.ly/3sX0V75>.

⁷ <https://bit.ly/3a7MKDL>.

Recommendations

- The Qatari legislator should review all arbitrary laws that allow restricting freedom of opinion and expression and prolonged detention, thus obstructing the right to a fair trial and the right to communicate with a lawyer and family;
 - The Working Group on Arbitrary Detention should pressure the Qatari government to release the Syrian citizen arbitrarily detained in Qatar, Abdul Razzak Ahmed Erzaik, or at least provide him with adequate guarantees to obtain a fair trial, communicate with a lawyer or know the charges against him;
 - Allowing international organizations to conduct unannounced visits to Qatari prisons and places of detention, especially the headquarters of the Qatari State Security, and establishing an independent committee to investigate crimes of torture in Qatar;
 - Repealing Article 136 (bis) of Law No. 2 of 2020, amending some provisions of the Penal Code promulgated by Law No. 11 of 2004.
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