



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
24 February 2020
English
Original: Arabic
Arabic and English only

Committee against Torture

**Information received from Qatar on follow-up to the
concluding observations on its third periodic report***

[Date received: 14 October 2019]

* The present document is being issued without formal editing.



Progress report by the State of Qatar as part of follow-up to the concluding observations on the third periodic report of Qatar to the Committee against Torture

Introduction

The Committee against Torture considered the third periodic report of Qatar (CAT/C/QAT/3) on 1 and 2 May 2018, during its sixty-third session. The Committee adopted its concluding observations on 15 May 2018. In paragraph 49 of its concluding observations, the Committee asked the State to provide information on the implementation of the recommendations contained in paragraphs 14, 24 and 38 by 18 May 2019.

Responses of the State to the recommendations

Paragraph 14: Fundamental legal safeguards

- **“The Committee [recommends] that the State party should take effective measures to ensure that all detainees are afforded, in law and in practice, all fundamental safeguards, [...] including: the right to have immediate access to an independent medical doctor, regardless of any medical examination that may be conducted at the request of the authorities.”**

Comments:

The Public Prosecution Act and the Code of Criminal Procedure set out a range of basic guarantees for remand prisoners, the most important of which are as follows:

- The competent investigative authority, namely the Public Prosecution, which is an efficient, independent and well-respected judicial body, must produce an arrest report in accordance with article 1 of Public Prosecution Act No. 10 of 2002;
- The cases in which a person may be detained are laid down in article 110 of the Code of Criminal Procedure;
- The duration of pretrial detention and the conditions for extending pretrial detention are set out in article 117 of the Code;
- Remand prisoners have the right to apply for provisional release, either on bail or without bail, in accordance with article 119 of the Code;
- Pursuant to article 395 of the Code, public prosecutors are authorized to enter places of detention in order to ensure that no persons are being detained illegally. They may consult the records and arrest and detention warrants held at the facility and make copies of them, and they may communicate with any detainee and listen to any complaints. Prosecutors must be given all the help necessary to obtain the information they require;
- Article 396 (1) of the Code guarantees the right of all persons held in a detention facility to submit a written or oral complaint, at any time, to the manager of the facility and to request the manager to make a record of it and report it to the Public Prosecution;
- Under article 396 (2) of the Code, anyone who is aware that a person or persons are being held in unlawful detention or in a place that is not designated for the purpose of detention must report the matter to the Public Prosecution.

Although the Code of Criminal Procedure does not explicitly provide for medical examinations for remand prisoners, this does not prevent remand prisoners from receiving health care as required, either at the beginning of or during the period of pretrial detention. The Medical Services Department of the Ministry of the Interior has appointed a doctor to

make periodic visits to places of detention managed by the security departments in order to provide health care and medical examinations for remand prisoners and to refer those who require further treatment to a health centre or hospital.

Paragraph 24: Prompt, thorough and impartial investigations

- **“The Committee notes with concern that [...] the State party has not furnished specific information on the number of complaints of torture or ill-treatment or on the corresponding investigations and prosecutions during the reporting period.”**

Comments:

During the reporting period, the competent agencies within the Ministry of the Interior received no complaints against members of the police concerning the ill-treatment or torture of citizens or residents during the investigation of crimes committed during the reporting period.

During inspections of security department pretrial detention facilities, penitentiary and correctional institutions and pre-deportation detention facilities, the National Human Rights Committee and the Department of Human Rights also recorded no cases of ill-treatment or torture of prisoners or detainees during the reporting period.

- **“Ensure that all complaints of torture or ill-treatment are promptly investigated in an impartial manner by an independent body [and] that there is no institutional or hierarchical relationship between the body’s investigators and the suspected perpetrators of such acts.”**

Comments:

The Ministry of the Interior accords great importance to efforts to combat the use of torture or ill-treatment against suspects by law enforcement officials during the collection of statements or evidence relating to offences under investigation or other reports or complaints of offences. This policy, which is founded on the principle of respect for all persons and the preservation of freedom and dignity, is enshrined in the Code of Criminal Procedure, which is the legal framework that governs the work of law enforcement officials. To protect the fundamental freedoms of accused and suspected persons, the Attorney General oversees the work of law enforcement officials and the investigations conducted by the public prosecutors. Article 28 of the Code of Criminal Procedure provides that: “Law enforcement officials are answerable to, and under the oversight of, the Attorney General with regard to the performance of their functions.” The agencies directly concerned monitor investigation proceedings conducted by the Public Prosecution, which is an independent judicial investigative authority.

Article 1 of Public Prosecution Act No. 10 of 2002 stipulates that the Public Prosecution is an independent judicial body, led by an attorney general who shall be assisted by a sufficient number of prosecutors. Furthermore, the Public Prosecution may not be held liable for the results of its actions carried out during the performance of its functions. A number of guarantees exist to protect the institutional independence of the Public Prosecution, including the following:

- (a) Financial independence (independent budget and sufficient resources)

Article 1 of Public Prosecution Act No. 10 of 2002 stipulates that the Public Prosecution shall have a budget that is attached to the general State budget.

- (b) Administrative independence

Act No. 10 of 2002 envisages the appointment of a sufficient number of administrative officials and other personnel to the Public Prosecution. The provisions of the Staff Regulations, issued pursuant to a decision taken by the Council of Ministers at the proposal of the Attorney General, apply to the staff of the Public Prosecution. The

appointment of administrative officials within the Public Prosecution is subject to the provisions of the Human Resources Act No. 8 of 2009.

There are also many guarantees to protect the independence of public prosecutors and the Attorney General, including the following:

(a) There are guarantees to protect the personal and financial security of public prosecutors. Article 23 of Public Prosecution Act No. 10 of 2002, states that: “Public prosecutors may not be dismissed except pursuant to a disciplinary ruling issued in accordance with the provisions of the present Act.” Public prosecutors cannot, therefore, be held liable for the results of their actions carried out during the performance of their functions. Article 40 of the same Act stipulates that: “(1) In non-flagrante delicto offences, members of the Public Prosecution may not be arrested or investigated without the authorization of the Attorney General. They may be remanded in custody and their term of detention may be renewed only upon the decision of the Attorney General. (2) In flagrante delicto offences, the Attorney General must be informed immediately upon the arrest of the prosecutor in question. The Attorney General shall decide whether to remand in custody or release the suspect. In all cases, criminal proceedings against the prosecutor may be initiated only upon the decision of the Attorney General.”

(b) Interfering in or attempting to influence the decisions of a public prosecutor is a criminal offence. Article 201 of the Criminal Code provides that: “Any person who publicly refuses to show a judge or a member of the Public Prosecution due respect in relation to a case shall be liable to a term of imprisonment of up to 2 years and/or a fine of up to 10,000 riyals (QR).” Furthermore, article 202 of the Criminal Code stipulates that: “Any person who, for malicious purposes, attempts to order, request, threaten, entreat or recommend a judicial officer to take illegal action or to refrain from taking legally prescribed action shall be liable to a term of imprisonment of up to 3 years and/or a fine of up to QR 10,000.” Article 41 of the Public Prosecution Act stipulates that: “A department, attached to the Office of the Attorney General, shall be established to oversee the work of public prosecutors. It shall be led by a chief public defender, who shall be assisted by a sufficient number of public defenders and the heads of the Public Prosecution. The department shall be responsible for overseeing the work of public prosecutors, with the exception of the Attorney General and the chief public defenders. It shall also be responsible for examining and investigating complaints against public prosecutors in relation to their official actions or their conduct. The Attorney General shall issue a decree to invest authority in the director and members of the department for a renewable two-year term.”

The National Human Rights Committee Act lists the quasi-judicial tasks of the Committee, such as receiving and investigating complaints, examining human rights violations, coordinating with the relevant authorities regarding action to be taken and proposing ways to address and prevent such violations. The Committee also promotes and monitors the implementation of the international human rights instruments to which the State of Qatar has acceded and makes recommendations on accession to other human rights instruments.

- **“Ensure that, in cases of alleged torture and/or ill-treatment, suspected perpetrators are suspended from duty immediately for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation.”**

Comments:

In the Military Service Act, article 79 of chapter XI on disciplinary accountability for acts prohibited under the Act, including torture and ill-treatment, provides that: “The competent authority or its designated replacement, and the Disciplinary Board during the trial, shall suspend the military official in question from his or her job for up to 3 months if it is in the interests of the investigation or trial.”

Paragraph 38: Asylum and non-refoulement

- **“Ensure that no one may be expelled, returned or extradited to another State in which there are substantial grounds to believe that he or she would run a personal and foreseeable risk of being subjected to torture.”**

Comments:

Article 58 of the Constitution and articles 410 et seq. of the Code of Criminal Procedure provide for the implementation of these recommendations. Act No. 11 of 2018 on political asylum complements and supports these provisions, specifically in article 1, which defines political refugees as “any person outside his or her country of nationality or, if the person is stateless, outside his or her country of usual residence who cannot or does not wish to return to that country owing to justified fears of being subject to capital punishment, corporal punishment, torture, brutal or degrading treatment or persecution on the grounds of race, religion, political ideology or membership of a particular social group”.

Article 15 of the same Act states: “In all cases, it is prohibited to return political refugees to their country or to send them to another country where they fear that they would be in danger or at risk of persecution.”

- **“Guarantee that all persons on the territory or under the jurisdiction of the State party have effective access to the procedure for determining refugee status.”**

Comments:

Act No. 11 of 2018 on political asylum defines the legal status of political refugees. It sets out the requirements for obtaining refugee status and the legal implications on the individual’s rights and obligations.
