



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

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COMMITTEE AGAINST TORTURE

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SUMMARY RECORD OF THE 707th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 May 2006, at 10 a.m.

Chairperson: Mr. MAVROMMATIS

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (agenda item 7) (continued)

Initial report of Qatar (CAT/C/58/Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Qatar took places at the Committee table.
2. The CHAIRPERSON, welcoming the high-level delegation of Qatar, said that the Committee was gratified to see an increasing number of countries from the region ratifying international human rights instruments.
3. Mr. AL-BOLINAIN (Qatar), introducing his country's initial report, stressed the great and increasing importance attached by Qatar to human rights issues. Under the leadership of His Highness Emir Sheikh Hamad bin Khalifa Al-Thani, the promotion and protection of human rights represented one of the cornerstones of a policy of comprehensive constitutional, political, economic, social and cultural reform. The new Constitution, which had come into effect on 9 June 2005 following its endorsement by referendum in 2003, reinforced the principles of the separation of powers, the independence of the judiciary, the rule of law, and the protection of basic rights and freedoms. The basic rights and freedoms guaranteed by the Constitution included equality before the law, prohibition of discrimination, freedom of the press and expression of opinion, the right to establish associations, freedom to practise religious rites, the right to employment, the right to education and the right of assembly. The adoption of other legislation, such as Qatar's Penal Code and Code of Criminal Procedures, Labour Law and Law on Private Associations and Institutions, had consolidated and enhanced those basic rights and freedoms.
4. A Human Rights Bureau and a Human Rights Department had been established within the Ministry of Foreign Affairs and the Ministry of the Interior respectively, and a non-governmental National Human Rights Committee had been established to further implementation of the objectives embodied in the international human rights instruments which Qatar had ratified, including examining and proposing ways of redressing violations, and promoting human rights awareness and education. Recognizing the importance of civil society for the promotion and protection of human rights, Qatar had placed strong emphasis on human rights education and on culture-oriented programmes based on dialogue and tolerance. And it had organized a number of international conferences on the human rights culture, the alliance of civilizations and inter-faith dialogue.
5. With regard to freedom from torture, article 36 of the Constitution provided that "no person may be subjected to torture, or any degrading treatment; and torture shall be a crime punishable by law". The constitutional safeguard against torture had been reinforced by detailed provisions in the Code of Criminal Procedures, which stipulated that persons arrested or imprisoned must not be "subjected to mental or physical harm" (art. 40) and that confessions obtained through torture were inadmissible in any proceedings (art. 232).

6. Articles 159-164 of the Penal Code, relating to abuse of position and powers on the part of any official, criminalized torture in all its forms. Article 159 established penalties ranging from up to five years' imprisonment for the practice or ordering of torture against a witness, expert or detainee, to life imprisonment or death penalty where the actions of the official had led to the death of the victim. In accordance with article 68 of the Constitution, the Convention against Torture had acquired force of law in Qatar following its ratification and publication in the official gazette in 2001. Additional procedural guarantees against torture were provided by: judicial supervision over detention and arrest procedures; the detainee's right of access to legal counsel immediately following arrest, and the legal counsel's right to attend all stages of the investigation; inspection and monitoring of prisons and other places of detention; and acceptance and investigation of detainees' complaints.

7. The State was facing certain temporary obstacles and challenges in its attempt to achieve optimum implementation of the Convention against Torture. They included the fact that legislative and institutional development and monitoring mechanisms were relatively new, and the technical capacities of cadres were still embryonic. However, the existence of a political commitment at the highest levels to promote and protect human rights constituted a favourable context for enforcement of the provisions of the Convention at the domestic level. It was envisaged that the Human Rights Centre for South-West Asia and the Arab region, established by General Assembly resolution 60/153 and to be hosted by Qatar in Doha, would assist in addressing the relevant challenges through training, information, documentation, studies and exchanges of expertise.

8. His delegation looked forward to cooperating closely with the Committee to ensure enhanced compliance by Qatar with the provisions of the Convention.

9. Ms. GAER, Country Rapporteur, noted the many changes and reforms taking place in Qatar and expressed the hope that the Committee's review of its initial report would serve to clarify their impact on the implementation of the Convention.

10. With regard to the reservation entered by Qatar on its accession to the Convention in February 2000, 12 States parties had registered objections on the grounds that it consisted of a general reference to national law without specifying the degree of acceptance of the country's obligations under the Convention. Clarification of the extent of Qatar's commitment to fulfil those obligations would be helpful.

11. The initial report before the Committee, which had been submitted four years late, contained considerable information on relevant statutory provisions but rather less in the way of analysis. What seemed to be generally lacking were examples and statistics that would enable the Committee to understand how the provisions cited were protective in practice. She hoped that the current dialogue would help to clarify their meaning and the scope of their implementation.

12. Welcoming the establishment of a National Human Rights Committee, she said it would be helpful to know by what process its members were selected, whether there was any provision for the representation of particular groups such as women, and the degree of independence of a membership that included many government ministers and officials. Were there any plans to implement changes in that Committee?

13. Concerning article 1 of the Convention, while it had been made clear that torture was prohibited under the Constitution and the Code of Criminal Procedures, she would appreciate clarification whether torture was specifically prohibited and how it was defined in the Penal Code. Under what statute, with what charging and sentencing provisions, was it criminalized? Article 161 of the Penal Code prohibited cruelty, but that was a less precise term than torture as defined in article 1 of the Convention. The definition of torture in the country report focused on the aspect of severe pain and suffering while tending to neglect its purposes, such as obtaining information, punishing or intimidating. Moreover, it seemed to her that the Penal Code (and particularly articles 58 and 64) only prescribed punishment for public officials who used or ordered the use of torture and that it applied mainly to acts carried out in prisons, detention centres and correctional facilities, to the exclusion, for example, of pretrial situations. Did the prohibition of torture apply to other contexts, and how were the terms “cruelty” and “harm”, as used in the report, to be understood?

14. Paragraphs 6-9 of the report claimed that the independence of judiciary - essential for the effective implementation of the Convention - was ensured through the Higher Council of the Judiciary. However, it was her understanding that judges were appointed by the Emir and held their positions at his discretion. How could the judiciary be fully independent in those circumstances? Could the delegation clarify what the discretion of the Emir was in relation to a judge’s term of office? She would also like to know what the qualifications of judges were and by what criteria they were appointed. She understood that most judges were not citizens of Qatar. What training did they have? Did they have permanent residence? Was there any legal pressure on them because they were not permanent citizens? Were they liable to be expelled? She would also appreciate information on whether there were any women judges in Qatar, on their number and on whether there was any restriction on their jurisdiction.

15. With regard to measures taken under article 2 of the Convention to ensure its effective implementation, how far did detainees have access to a lawyer, a doctor and a relative? What was the period during which someone could be held incommunicado, and how did it differ as between the normal jurisdiction and the State Security Court? With reference to paragraph 40 of the report, what was the reason for the exception to the rule that lawyers must be present during the questioning of an accused person, how often was the exception used and in what circumstances? Why was it that non-citizens, who constituted a majority of Qatar’s population, had to have written authorization from the Ministry of the Interior before consular staff could visit them in prison or detention (report, para. 25)? How often was such authorization requested and on what grounds could it be refused?

16. She would welcome any figures that could be provided on the number of prisoners held in Qatar, the number of deaths in captivity and the percentage of women prisoners. How often did the unscheduled and unannounced visits to places of detention and imprisonment by the Department of Public Prosecutions, mentioned in paragraph 50 of the report, actually take place? She understood from non-governmental sources that the National Human Rights Committee also enjoyed the right to make such visits. How often had it availed itself of that very important right? She would also like clarification on whether there was any limitation on the bodies that could make inspection visits. Was it true that no international NGOs had made such visits and was it because they had not been authorized, or had not requested, to do so? Were visiting bodies given unlimited access to detainees and could they speak to them in private? Did they issue reports and were they made public?

17. She understood that concerns had been expressed about the detention of children with adults. Was that permissible under the Penal Code and, if not, at what age were children and adults separated?
18. The Convention required that torture be criminalized by making it a specific offence. The report of the National Human Rights Committee instanced two cases of torture but gave no indication of the outcomes. Another case, involving acts of torture perpetrated by a policeman to obtain a confession, had reportedly been referred to a court of law but the outcome had again not been given. Could the delegation say how many cases of torture had been recorded since the Convention had come into force and provide details of the cases concerned, together with information on trial verdicts and punishments and on what had happened to the victims?
19. The Committee understood that, prior to the Convention coming into force, 20 persons had been sentenced to death in connection with a coup plot in 1996. Of the 18 that remained under death sentence pending the decision of the Emir, some had claimed that they had been held incommunicado and forced to confess. Had there been any review of their cases, and could the delegation provide any information on their current status, the conditions under which they were being held, and whether they were segregated from other prisoners?
20. Was there any monitoring of sexual violence in places of detention and were there any statistics on such violence, disaggregated by gender and age? How would confidentiality be facilitated in connection with any complaints in that regard? She would also like clarification of reports from NGO and press sources that persons suspected of homosexuality were subjected to invasive body searches at police stations, and that non-nationals suspected of similar conduct were deported. The television station Al Jazeera had also reported that a scholar by the name of Mr. Qaradawi had said of a prominent Qatari personality suspected of visiting a gay nightclub in London that he should be stoned. Did the punishment of stoning exist in the country? Was there a death penalty for homosexuality? Could the scholar's pronouncement be assimilated to a fatwa? In that connection, what was the scope of the Government's responsibility when fatwas were pronounced by persons in authority? What was its responsibility for countering the climate of fear created by such threats and intimidation?
21. In connection with article 2, paragraph 2, of the Convention, she noted that a number of security provisions had been incorporated into national legislation to counter-terrorism. There had been no reports of ill-treatment of individuals under those provisions, but NGOs had expressed concern at their potential for misuse, since they failed to provide detainees with safeguards of access to legal counsel and medical examination, and limited the right to challenge detention before a court. She asked how many people had been detained under Law No. 17 of 2002 and Law No. 3 of 2004, and for how long. Was there a time limit on the detention of persons arrested before charging? Was any reform of those laws envisaged? On what basis might a member of the Department of Public Prosecutions deny a lawyer the right to examine his client's investigation file before trial? Orders from a superior officer could not be invoked as a defence for torture in criminal cases, in accordance with article 2 (3) of the Convention. Did that defence exist under Qatari jurisdiction?
22. Article 3 explicitly prohibited returning a person at risk of torture to his country of origin. Were non-citizens protected from refoulement? She had in mind Yemeni nationals, who were reported to be particularly at risk. Had any relevant provisions been incorporated into domestic

law? Which authorities were responsible for ordering a person's return? Could any statistics be supplied on people who had been returned to their countries? The process and time frame for developing laws on extradition would be helpful. More generally, were aliens protected under the Constitution, and did they have a right to complain if treated in violation of the Convention? With regard to article 4, she would be grateful for any information on charges that might have been brought against police or security officers in the past year.

23. Referring to the categories and treatment of prisoners in Qatar, she noted that "category B" prisoners were sentenced to imprisonment with hard labour or flogging. She would welcome an update on the information that the competent authorities were considering amending the Prisons Act, thereby abolishing those penalties. In certain cases, prisoners could be subject to disciplinary measures which included up to 20 lashes, provided that the individual concerned was certified as medically fit to sustain a flogging. How often had flogging been inflicted since the Convention had come into force? And how was the penalty administered in practical terms? She sought clarification as to whether the purpose was to inflict pain or to humiliate the victim - both of which constituted a violation of the Convention. Which offences were punished by flogging? She would welcome any relevant data broken down by gender, age and nationality. Was the Government pressing for the amendments under consideration, and could it apply pressure on the competent authorities to abandon the practice of flogging?

24. In 2001, the Qatari delegation had appeared before the Committee on the Rights of the Child, which had concluded that under the 1994 Juvenile Act there was a possibility that persons under 18 could be subjected to judicial sanctions such as flogging. Was that the case, and if so, how many times had flogging been administered? In addition, were the punishments of stoning and amputation established by law or had they been proscribed? Could clarification be provided on the prosecution of acts of torture under the Code of Criminal Procedures? That Code proscribed ill-treatment at the arrest and detention stage, but did the authorities envisage expanding the principle beyond that stage?

25. Her understanding was that in the past, certain crimes had been classified as "crimes of honour", and that their perpetrators had been shown leniency on that ground. What penalties were now imposed and were there any exculpatory provisions? Had such "crimes" been committed within the last year? In filing criminal complaints against certain forms of domestic violence, women might not be given the same consideration as men. She asked for details of the new legal provisions in that area and wondered whether women's testimony now had greater evidentiary weight in court.

26. Concerning exploitation of workers and abuses of authority, the Penal Code prescribed a penalty of up to five years' imprisonment for public officials using torture or force on a person for the purpose of obtaining information or a confession. Was the sentence proportionate to the gravity of the offence? Article 5 of the Convention obliged States parties to assume universal jurisdiction over persons who had committed torture, irrespective of their nationality. Did such jurisdiction exist in Qatar? Were any bilateral agreements in place for judicial cooperation on issues relating to prohibition of torture? It was essential that the delegation clarify how the Qatari authorities complied with the obligation to undertake prompt and impartial investigations into alleged illegal acts, pursuant to the Convention.

27. In relation to articles 1 and 4 of the Convention, she noted that the Committee on the Rights of the Child had expressed concern at the use of very young boys as camel-jockeys in Qatar. Although she understood that that practice had recently been replaced by a system of robots, a genuine problem had nonetheless emerged involving the trafficking of persons. Since many past victims had been sold into the practice from other countries, she wondered what provisions were now in place to cover them. Were they permitted to return to their country of origin and to their families, or was that subject to the conditions of article 3 of the Convention? What complaint mechanisms were available to them, and did they receive rehabilitation and compensation?

28. There had been many complaints regarding foreign workers, in particular women, who had claimed to be subjected to violence but had not been permitted to leave their place of employment or to travel. They felt intimidated in the absence of protection and of the right to complain under the Qatari judicial system. Had any proceedings been filed against employers for ill-treatment, torture, rape or domestic violence? She drew attention to the case of Hamda Fahad Jassem Ali Al-Thani, who had married abroad and reportedly been brought back to Qatar, confined to her family home and ill-treated since 2003. What information could be supplied on that case and was the Government able to take any action? The United Nations Special Rapporteur on violence against women had expressed concern about the ill-treatment of domestic servants from south Asia and the Philippines. She wondered what steps had been taken to provide protection to victims and to ensure appropriate sentences for perpetrators of gender-based violence. A hotline had been set up by the Qatari Foundation for the Protection of Women and Children for victims of domestic violence, but its effectiveness had been questioned. Had any inquiry been made into the matter and how could the situation be remedied? Information suggested that women in Qatar were not authorized to join women's rights organizations. Could that possibly be correct? She requested clarification on that point. Reports on human rights practices had indicated the ability of men to prevent women and children under their guardianship from leaving Qatar, with the support of immigration officers at points of departure. Was that the case, and how might it affect the ability of individuals to escape situations of domestic violence?

29. Statistics on the death penalty and the types of crime for which it had been prescribed in recent years would be helpful. Prison sentences for certain offences referred to as cruel treatment were punishable by up to five years' imprisonment. Such offences included abortion, in which case the woman who had undergone the abortion was considered to be an offender. In addition, pretrial detention was practised in connection with political offences. She wondered how that was ordered and whether there was a time limit on such detention. Finally, non-payment of debts was punishable by detention, thus resulting in degrading and inhuman treatment at variance with the terms of the Convention. How common was that practice?

30. Mr. WANG Xuexian, Alternate Country Rapporteur, welcomed the commitment of the Government of Qatar to undertake comprehensive reform and the positive steps so far taken. They included the establishment of the National Human Rights Committee, and also the agreement to make Doha the headquarters of a human rights training and documentation centre for south-west Asia and the Arab region. It had been mentioned that a workshop for the training of law enforcement officials would shortly be held in Qatar. Had it been held yet? He welcomed that initiative since the eradication of torture began in the minds of those officials.

31. He drew attention to two national laws relating to detention. Firstly, under the Code of Criminal Procedures, the detention of prisoners who had not been charged could be extended to six months, and up to two years in some cases. Secondly, under the anti-terrorism law of 2004, pretrial detention could be extended to six months. Were long-term detainees allowed access to their families and legal counsel? Was detention in those cases subject to judicial supervision? Did the courts have jurisdiction to hear challenges to detention or to order release? Had compensation ever been granted to victims of torture, and if so, could examples be provided? There had been allegations that the Qatari police did not consider violence against women, in particular domestic violence, as a criminal offence. Could that be disproved?

32. Mr. MARIÑO MENÉNDEZ asked to what extent sharia was incorporated in the Constitution, and whether sharia applied to orthodox Muslims only, to all Qatari nationals or to all persons within the territory of Qatar.

33. The fact that not all provisions of the Convention had been incorporated into domestic legislation and could therefore not be invoked by the Qatari courts gave rise to certain problems, particularly with regard to article 3. What steps had been taken to address the problems?

34. He asked for more information on the role of the Department of Public Prosecutions, and clarification of the statement that it could not be held to account for the results of its work or acts carried out in the line of duty (para. 3). Could another State body be held to account?

35. He expressed concern about the use of evidence extracted under torture, enquiring whether it was prohibited in proceedings other than criminal ones.

36. According to the information provided on the scope of application of chapter II of the Penal Code (para. 66), it seemed that acts of torture which had been committed abroad by foreigners who were currently in Qatar did not fall within the jurisdiction of its courts. He sought clarification of that point.

37. The independence of the judiciary was supposedly guaranteed by the Higher Council of the Judiciary, which had very extensive powers. How were the members of the Council appointed?

38. He sought more detailed information on the procedural guarantees for persons under arrest or detention. Was a register kept at detention facilities? Were interrogation procedures conducted by judicial or police authorities? How much time elapsed between the interrogation of detainees and their appearance in court?

39. Mr. GROSSMAN, observing that the Convention covered various elements including training, implementation and reparation, enquired whether any training activities on the Convention were organized for law enforcement officials and whether civil society was involved.

40. With regard to implementation, he stressed the importance of incorporating into domestic legislation the definition of the offence of torture contained in article 1 of the Convention. Were there any statistics available on allegations of or convictions for the offence of torture?

41. He stressed that it was the international obligation of State parties to ensure the non-return of a person to another State where there were substantial grounds for believing that he or she would be in danger of being subjected to torture. According to paragraph 54 of the report, the Government was considering the incorporation of the provisions of article 3 into domestic legislation. Had any commission been established for that purpose, or a target date set? The purpose of article 3 was to enable the victims of violations to bring criminal proceedings against the State party concerned. Had any allegations under article 3 been made in Qatar?

42. A further matter of concern was prolonged detention and its use in the fight against terrorism. In that connection, according to Amnesty International, no reports had been received of torture or other cruel, inhuman or degrading treatment or punishment in Qatar. Nonetheless, he enquired whether it was compulsory to keep a register of persons held in detention facilities under anti-terrorism legislation, and whether adequate provision was made for visits by relatives and defence lawyers.

43. He shared the concerns voiced about regulations governing the situation of foreign workers in the country in view of their high number.

44. Ms. BELMIR said that in February 2006 she had attended a meeting chaired by Mr. Boutros Boutros-Ghali during which she had witnessed the active role played by Qatari civil society in promoting human rights. Her comments on the report were intended to help the State party improve the human rights situation even further. She noted that although torture was criminalized under Qatari legislation, it referred to a specific period of time, namely the arrest and detention stage (para. 57). That was a matter of concern given that torture could well occur before or afterwards.

45. After citing paragraph 69 of the report concerning bilateral extradition treaties, she asked whether Qatar could extradite a person for polygamy or domestic violence, which were criminal offences in some other States. She also sought clarification regarding the definition of “political offences”.

46. Ms. SVEAASS observed that according to paragraph 31 (e) of the report, prisoners must be proved to be medically fit to sustain a flogging. In view of strong international opposition by health workers to involvement in medical procedures relating to flogging, she asked how medical staff were recruited for that purpose and whether the same staff evaluated the condition of prisoners after flogging. She hoped that that form of punishment would soon be abolished.

47. She would welcome more information on training programmes for law enforcement officials and whether they covered women’s and children’s rights. The State party had referred to efforts to change attitudes and encourage respect for women. However, there would always be some sectors of society that were slower to change; hence the importance of strategies to monitor the impact of training. Did they exist?

48. She asked whether there were special centres for the rehabilitation of children used in camel-racing and thus subjected to various degrees of cruel, inhuman or degrading treatment or punishment.

49. She shared the concerns expressed about violence against women in the home, and the particularly vulnerable situation of immigrant domestic workers. What measures had the Government taken to protect them?

50. The CHAIRPERSON welcomed the many recent improvements in legislation in Qatar and the Government's political will to continue in that direction.

51. Turning to the report (CAT/C/58/Add.1), he said what was lacking was a comparative review of the legal framework prior to and following ratification of the Convention. More information was also required on steps taken to eliminate torture in compliance with article 2. The basic aim of the Convention was to ensure that there was no safe haven for the perpetrators of torture. The information provided in paragraph 66 of the report was not in full compliance with the provisions of article 5. The same applied to the definition of torture contained in article 1. To simplify matters, he suggested that the State party should reproduce the definition in its domestic legislation and make provision for more severe penalties.

52. The State party should take steps to ensure the greater independence of the National Human Rights Committee (para. 36) and make its recommendations binding. It should also abolish the penalty of flogging. He would welcome more information on pretrial detention and the provision of legal aid. He asked whether foreigners residing in Qatar were given information on their rights in their native language.

The meeting rose at 11.55 a.m.