



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

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## Committee against Torture Forty-ninth session

### Summary record of the first part (public)\* of the 1104th meeting

Held at the Palais Wilson, Geneva, on Monday, 5 November 2012, at 10 a.m.

*Chairperson:* Mr. Wang Xuexian (Vice-Chairperson)

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\* No summary record was prepared for the rest of the meeting.

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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** (*continued*)

*Second periodic report of Qatar* (CAT/C/QAT/2; CAT/C/QAT/Q/2/Add.1 and Add.2)

1. *At the invitation of the Chairperson, the members of the delegation of Qatar took places at the Committee table.*
2. **Mr. Jabr Al Thani** (Qatar) said that since the consideration of its initial report, the State party had amended the Criminal Code to include a definition of torture fully consistent with that contained in article 1 of the Convention, withdrawn its reservations to articles 21 and 22, amended its general reservation to the Convention relating to articles 1 and 16, and decided to review the provisions of the law dating from 2002 on the protection of society, in order to better promote civil liberties. Furthermore, Qatar had established an administrative control authority, responsible for monitoring the transparency and integrity of the civil service and combating all forms of corruption, and its National Human Rights Committee was currently drafting a national plan to promote and protect human rights.
3. In 2009, the Council of Ministers had decided to establish a national committee on international law, which would advise and assist the Government in the implementation and dissemination of the rules of international law.
4. In order to combat organized crime, the State party had adopted legislation on human trafficking in 2011, which provided protection against trafficking and acts of physical and psychological torture or other cruel or inhumane treatment. Furthermore, it had joined and helped to fund the Arab initiative to build national capacities to combat human trafficking.
5. In order to ensure safe and humane detention conditions, in 2009, Qatar had adopted a law on the organization of penitentiary and correctional institutions, which provided for the incorporation into national law of all relevant international minimum standards.
6. As far as cooperation with NGOs in the field of human rights was concerned, a delegation from Amnesty International had visited Qatar in October. The delegation had visited several of the services of the Ministry of the Interior, as well as the central prison.
7. The Government of Qatar made sure that persons at risk of persecution were protected and maintained a clear position vis-à-vis regimes that violated fundamental freedoms, especially those which used torture. Moreover, it continued to comply with its obligations as a State party under the Convention, particularly the obligation not to expel or extradite any person to another State where there were substantial grounds for believing they would be in danger of being subjected to torture.
8. Lastly, the State party maintained its ongoing collaboration with the Office of the United Nations High Commissioner for Human Rights, with which it had organized three coordination meetings during the period under consideration, following the opening in Doha, in 2009, of the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab region.
9. **Ms. Gaer** (Country Rapporteur) asked whether the seven officials who, between 2005 and 2008, had been convicted and received prison sentences for acts of cruelty, abuse of power or acts of torture, had in fact been imprisoned, and what sentences had been handed down in each case. She also asked whether any persons had already been prosecuted under new articles Nos. 159 and 159 bis of the Criminal Code, which contained a definition of torture in line with article 1 of the Convention.

10. She sought clarification as to whether Qatar now recognized the Committee's competence to receive and examine communications submitted by individuals — or on their behalf — in the light of the withdrawal of its reservations to articles 21 and 22 of the Convention. She asked whether Qatar, having amended its general reservation, intended to maintain its reservations to articles 1 and 16 of the Convention, which were allegedly not in keeping with the precepts of Islamic religion or law. If that was the case, she enquired about the reasons for the State party's decision, bearing in mind that the Government had amended the Criminal Code to reflect the exact wording of the definition of torture contained in article 1 of the Convention. Could the delegation also indicate which of the obligations under the Convention the State party did not wish to assume?

11. On the subject of the fundamental guarantees to which all detainees were entitled, she asked the delegation to explain whether national legislation guaranteed all persons deprived of their liberty the right to be examined by an independent doctor and, if not, whether the State party planned to incorporate that guarantee into its national legislation. She invited the delegation to respond to questions raised in the list of issues concerning access to a lawyer, and to clarify whether all police stations and other places of detention were obliged to keep a register of all persons held in detention, giving the identity of the person concerned, the date and place of detention, and any other relevant data. Concerning how the application of fundamental guarantees was monitored, and given that the State party had indicated in its written replies that neither the Disciplinary Council nor the Department of Legal Affairs at the Ministry of the Interior had registered any cases where law enforcement officials had refused to grant detainees one form of basic legal protection or another, it would be helpful if the delegation could clarify whether that meant that the Government was not aware of any such cases, or it was asserting no cases of that kind had ever arisen. Similarly, was the Government aware of any cases in which a law enforcement agent had failed to register all the necessary information concerning a detainee, or rather was it asserting that no such case had ever arisen?

12. She also wished to know what progress Qatar had made in its deliberations on the video recording of interrogations. Given that NGO reports had indicated that the Attorney General could waive the application of the Code of Criminal Procedure, it would be interesting to know whether there were cases in which the Attorney General could extend the legal maximum length of custody. She enquired about the status and outcome of any investigation into the case of Mohamed Faruq Al-Mahdi, specifically whether any disciplinary or criminal sanctions had been applied and compensation awarded to the victim. Furthermore, she requested the delegation to clarify whether, in accordance with the recommendations of the Human Rights Committee and the Committee against Torture, the State party intended to amend its emergency legislation, particularly the law on the protection of society which undermined the legal guarantees designed to protect human rights, and to indicate how many persons had been prosecuted and convicted under that legislation.

13. Recalling that corporal punishment was incompatible with the provisions of the Convention, she welcomed the adoption of a law prohibiting flogging as a disciplinary measure in penitentiary and correctional institutions, but expressed concern that for certain offences, including drinking alcohol and apostasy, the Criminal Code provided for stoning, amputation or flogging. She asked whether judges continued to apply those penalties.

14. She wished to know whether the State party planned to adopt legislation to criminalize domestic violence. Noting that no perpetrators of domestic violence had been arrested or prosecuted, she wished to know what action had been taken by the judiciary to follow up on the hundreds of complaints relating to domestic violence registered since 2008 by the Qatari Foundation for the Protection of Women and Children.

15. She requested additional information on the status of the draft legislation on the protection of domestic workers, particularly whether it would permit domestic workers who had fallen victim to violence to file confidential complaints and whether their fundamental rights would be protected. Details of the steps taken by the State party to investigate cases of alleged physical and sexual abuse reported by domestic workers to the Philippine Overseas Labour Office in Doha, Qatar, would also be welcome.

16. She enquired about the number of unannounced visits made to detention centres by the Office of the Public Prosecutor and the National Human Rights Committee. Recalling that the alleged arbitrary detention of Sultan Al-Khalaifi had been the subject of an urgent appeal to the Qatari authorities launched by four special procedures mandate holders, she asked whether those allegations had resulted in an investigation or sanctions.

17. **Ms. Belmir** (Country Rapporteur) requested further details on the implementation of Act No. 15 of 2011 on combating human trafficking and on the nature of the offences covered by that legislation. She particularly wished to know why victims of human trafficking were afraid to submit complaints to the authorities and how many underage trafficking victims had been subjected to sexual abuse. She wished to know whether national courts were able to take direct action or whether they had to be requested to do so by the Qatari Foundation for Combating Human Trafficking.

18. Noting that judges, who were appointed by the Amir, were employed on a contractual basis, and that 75 per cent of them were not Qatari nationals, she asked whether measures had been taken to guarantee the independence of the judiciary. She asked whether female judges were able to issue rulings on the same cases and in the same courts as their male colleagues. She also asked whether national legislation permitted children who were still in school to work. She regretted that the awareness-raising courses on domestic violence provided by the Qatari Foundation for the Protection of Women and Children did not form an integral part of training courses for police officers, members of the judiciary and of the medical profession. Lastly, she requested clarification as to whether Qatar planned to incorporate article 3 of the Convention into national legislation.

19. Turning to detention conditions, she noted that although visits by the National Human Rights Committee were infrequent, cases of ill-treatment and poor prison conditions had nevertheless been identified. Given that some visits were carried out following complaints relating to acts of torture or ill-treatment, she requested clarification regarding the role of the Public Prosecutor in the organization of visits. In addition, she would welcome more detailed data on complaints registered and their follow-up.

20. She invited the delegation to comment on the status of the draft legislation on children's rights — which was to increase the age of criminal responsibility from 7 to 15 years — and to provide further information on juvenile reception centres and detention centres. She welcomed the measures adopted to prohibit corporal punishment in educational establishments, but urged the State party to redouble its efforts to prohibit such punishment within the family.

21. As far as the fight against terrorism was concerned, she considered that the State party should revise its antiterrorist legislation to make it compatible with its human rights obligations. Lastly, she noted the State party's intention to become party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and encouraged it to do so as soon as possible.

22. **Mr. Domah** asked who was responsible for appointing members of the judiciary and whether there was a compulsory retirement age for judges. He requested clarification regarding the shortage of Qatari judges which meant that the State party had to rely on foreign judges. Information on the time limit within which a person arrested must be brought before a judge would also be welcome. He asked whether decisions relating to

solitary confinement had been contested in court and, if so, what judgements had the courts handed down.

23. **Mr. Bruni** asked the delegation to provide examples of judicial proceedings during which the Convention against Torture had been invoked. He requested further information on the scope law enforcement or army personnel had to refuse to obey orders which could lead them to commit acts of torture. He also wished to know how the National Human Rights Committee monitored, on a permanent basis, whether the provisions of the Convention relating to the placement of detainees in solitary confinement were observed.

24. Noting that the State party had withdrawn its reservation to article 22 of the Convention, he asked whether the State party intended to make the declaration provided for in that article, in order to recognize the competence of the Committee to receive communications submitted by individuals.

25. **Ms. Sveaass** said that she wished to know more about the time frame for adopting the new legislation on mental health, and the legal guarantees currently in force in that regard. Referring to the list of persons who had benefited from rehabilitation schemes, featured on page 57 of the State party's written replies to the list of issues, she asked whether that information had been made public in connection with judicial proceedings, or whether it had been taken from medical files. Lastly, she wished to know whether the care in question had been provided as part of rehabilitation measures for victims of torture.

26. She invited the delegation to respond to questions raised in paragraph 8 of the list of issues, relating to the standards of proof required in cases involving violence against women and the need for women to obtain the consent of a guardian in order to file a complaint. Additional information on women's detention centres, particularly the medical care provided therein, would be welcome.

27. She requested further information on the follow-up given to complaints of violence registered by the National Human Rights Committee in 2011 and mentioned in its report. She also asked whether the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) was covered in the training courses for law enforcement officers and medical staff concerned.

28. **Mr. Mariño Menéndez** asked whether children born out of wedlock enjoyed the same rights as other children, particularly with regard to obtaining Qatari nationality. He requested further information on procedures relating to the revocation of nationality, conditions for passing on Qatari nationality to children born to a Qatari mother and a non-Qatari father, and opportunities for foreign residents to acquire Qatari nationality.

29. Concerning the fight against terrorism, he wished to know whether the interrogation of suspects was subject to judicial oversight, and what was the maximum length of pretrial detention for terrorist suspects. He also requested clarification regarding the exercise of universal jurisdiction for arresting foreigners suspected of terrorist acts or of having links with terrorists.

30. Stressing the role played by lawyers in the proper functioning of the judicial system, he asked for further information about their training and the rules governing the legal profession in Qatar.

31. **Mr. Tugushi** asked whether the State party planned to ratify the Geneva Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967, with a view to formalizing its asylum reception system. With regard to mental health institutions, he asked whether there was an independent mechanism to monitor their activities, and whether the State party planned to develop local services in line with the

provisions of the Convention on the Rights of Persons with Disabilities, to which it was party.

32. **Mr. Gaye**, referring to page 24 of the French version of the second periodic report of Qatar, requested further details of the 183 complaints and requests submitted to the Human Rights Department in 2008 which had been “resolved”. With regard to the independence of the judiciary, he requested further information on conditions relating to the dismissal of judges and the statutory guarantees provided to judges holding Qatari nationality.

33. **The Chairperson** said that while he welcomed the fact that the vast majority of the members of the Al-Ghufran branch of the Al-Murra tribe had reacquired Qatari nationality, he noted that approximately a dozen of them remained stateless. In that connection, he wished to know whether the tribe members who had reacquired Qatari nationality enjoyed the same rights as other citizens.

*The public part of the meeting rose at 11.55 a.m.*