***List of issues prepared by the committee to be considered during the examination of the second periodic report of Qatar (CAT/C/QAT/2)***

***Written replies by Qatar to the list of issues***

**Articles 1 and 4**

Issue 1: Regarding the amendment to the Criminal Code in June 2010 (CAT/C/QAT/2, pp. 16-18 and 34), notably on the definition and criminalization of torture, please provide information on measures taken to ensure the effective implementation of those legal provisions. Please indicate the number and the nature of the cases in which those legal provisions were applied by domestic courts, including penalties imposed or the reasons for acquittal. As the cases in the table on page 15 of the State party’s second periodic report all took place prior to the amendment, please clarify the specific length of sentences and penalties imposed on the eight persons charged and found guilty of “cruelty” or “torture”, and provide other case details including names and locations.

Article (36) of Qatar’s constitution guarantees the right or freedom not to be subjected to torture or degrading treatment. This article also criminalizes torture as it stipulates: “Personal freedom shall be assured. No one may be arrested, imprisoned, searched, compelled to reside at a given location or have his freedom of residence or movement curtailed except in accordance with the law. No one may be subjected to torture or degrading treatment. Torture is an offence that is punishable by law”.

Constitutional protection in Article (36) of the constitution was strengthened and enhanced by detailed provisions in the penal and criminal procedures laws by forbidding and criminalizing torture. It is worth mentioning here that in order to implement the recommendations of the Committee against Torture that comply with Article (1) of the Convention against Torture, Law no. 8 of 2010 was promulgated to amend some provisions of the penal code under Law no. 11 of 2004 as follows:

First: the stipulation of Article (159) of Law no. 11 of 2004 was replaced with the following stipulation:

“Any public official who uses or orders the use of torture, force or threats against an accused person, a witness or an expert for the purpose of obtaining a confession to an offence, coercing the person into making a statement or providing information about an offence or covering up an offence shall be liable to a term of up to 5 five years’ imprisonment. If the victim sustains an injury which causes permanent disability as the result of an act committed by a public official, the perpetrator shall be liable to a penalty of up to 10 years’ imprisonment. If the victim dies as a result of the act, the perpetrator shall be liable to the death penalty or life imprisonment”.

Second: A new article no. (159 repeated) was added. It stipulates that:

“Any public official or any other person acting in an official capacity who uses or instigates torture or agrees or acquiesces to the torture of any person shall be liable to a term of up to 5 five years’ imprisonment. If the victim sustains a permanent disability as a result of being tortured, the perpetrator shall be liable to a term of up to 10 years’ imprisonment. If the victim dies as a result of being tortured, the perpetrator shall be liable to the death penalty or life imprisonment. Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act that he or a third person is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions”.

The Criminal Procedure Code includes several articles that prohibit torture such as Article (40), which stipulates, “No one may be arrested or imprisoned except pursuant to a warrant issued by the competent authorities under the conditions specified by law. Such persons shall be treated in a manner conducive to the preservation of their human dignity and may not be subjected to physical or mental harm. Law enforcement officers shall inform the accused of his right to remain silent and to contact a person of his own choosing”.

Moreover, the Criminal Procedure Code explicitly stipulates in Article (232) that a confession extracted under torture is inadmissible as evidence.

It is worthwhile to refer to the role of Public Prosecution in implementing judicial sentences[[1]](#footnote-1). Article (135) of Qatar’s Permanent Constitution stipulates, “The right of legal recourse is guaranteed to all. The law shall specify the procedures and conditions for exercising this right.”

Article (324) of the Criminal Procedure Code no. 23 of 2004 lays down the procedures and conditions for bringing prosecutions and affords parties at law full legal guarantees. Remedies are provided for under the Code of Civil Procedure and administrative laws. This is really weak English, the original was much clearer

Article (347) of the Criminal Procedure Code stipulates that the execution of sentences that restrict a person’s freedom upon an order by Public Prosecution written on a special template is carried out in places designated for imprisonment. Finally, Article (359) of the same code stipulates that it is permissible to release a convicted person before serving his full sentence, except in cases specified by the code.

Public Prosecution is the competent authority for executing mandatory judicial sentences, and executing prison sentences, unless a court permits release on bail.[[2]](#footnote-2) To ensure effective execution of judicial verdicts, the Public Prosecutor issued Decisions no. 43 and 72 of 2004 thereby establishing the Verdicts Execution Office entrusted with overseeing and monitoring the enforcement of sentences and orders in accordance with the stipulations of Articles (264) and (227) and articles (323) to (378) of the Criminal Procedure Code no. 23 of 2004. This office is overseen by a chief prosecutor assisted by a sufficient number from the Public Prosecution Office and by specialized employees to ensure oversight of the execution of mandatory judicial verdicts according to provisions of laws.

Realizing the significance of Public Prosecution’s role in executing verdicts, the Public Prosecutor allocated the task of the Verdicts Execution Office to the Technical Office. In reference to the length of sentences imposed on the persons charged with using cruelty and torture that are mentioned in the Second Annual Report, the sentences range from a fine of 10,000 Riyals to dismissal from work.

Issue 2: The Committee notes the information provided by the State party concerning its reservation to the Convention (CAT/C/QAT/2, p. 24), in response to the recommendation of the Committee in the previous concluding observations (para. 9). Please update the Committee on the measures that have been taken by the Council of Ministers in response to the suggestions made by the national committee calling for a partial withdrawal of the general reservation that would clarify that the reservation is limited in scope and applies only to articles 1 and 16 of the Convention. Please inform the Committee how the proposed reservations on articles 1 and 16 would meet the requirements of the Convention, demonstrating an acceptance of the State party’s obligations under the Convention. Clarification of the extent of the State party’s commitment to fulfil those obligations would be appreciated.

In terms of the stage of legislation reached by the process of withdrawal of reservsations, the document titled “A Partial Withdrawal and Withdrawal of a Reservation” was signed by His Highness the Emir signed a document titled, “A Partial Withdrawal and Withdrawal of a Reservation,” which was delivered to the Secretariat General of the United Nations for deposit in accordance with Article (26) of the UN Convention against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment. However, the State of Qatar has not received a reply from the Secretariat General about completion of the deposit process.

A partial withdrawal of the general reservation made by the State of Qatar upon acceding to the Convention was made to confirm the State’s desire to express its acceptance of the Convention’s provisions and to strengthen its commitment to its obligations under the Convention.

The State of Qatar realized that the general reservation that is in accordance with Islamic Law (Sharia) might contradict the purposes and goals of the Convention, and that it is ambiguous and open to several interpretations, both of which violate the accuracy required to bear legal obligations. Moreover, it is not accompanied by interpretations and explanations that show what is meant by its legal and practical extent. Finally, the reservation is not linked to a specific article of the Convention. Accordingly, the withdrawal of the general reservation and replacing it by a specific reservation that applies to Articles (1) and (16) of the Convention clearly exhibit the extent to which the State of Qatar is adhering to the Committee’s recommendations in its first report.

**Article (2)**

Issue 3: Please provide information on measures taken by the State party to ensure that all detained persons are afforded, in practice, fundamental legal safeguards from the very outset of detention, including the right of access to a lawyer and an independent medical doctor, as well as the right to inform a relative, and to be informed of their rights. Which measures have been taken to ensure de facto implementation of the Criminal Procedure Code in that regard, including its articles 40 and 113, as referenced in the State party’s report (CAT/C/QAT/2, p. 26)? Is a statement of detainee rights available at all places of detention for consultation by detainees? Have any law enforcement officers been subjected to disciplinary or other penalties for failing to afford fundamental legal safeguards to detainees during the reporting period? Please indicate whether legal aid lawyers are made available to all detained persons. How many legal aid lawyers are available in the country, disaggregated by location? Please indicate how the State party monitors the adherence of law enforcement officer to the laws and regulations guaranteeing these fundamental safeguards. Does the State party require that all interrogations be videotaped? If not, is this under consideration?

Article (36) of Qatar’s constitution guarantees personal freedom and affirms that it is not permissible to arrest, imprison, search, restrict a person’s residence or liberty of residence or movement, except in accordance with provisions of the law. Thus, personal freedom is guaranteed by the Law.

Also, Article (39) of the Constitution stipulates that a defendant is innocent until proven guilty before a judiciary in a trial that affords him fundamental legal rights to practice the right of defense. In adherence to this constitutional rule, the Criminal Procedure Code stipulates in Article 40 that no person may be arrested or imprisoned without an order by the competent authorities and in accordance with conditions specified by the Law -such a person must be treated in a manner that preserves human dignity, and he may not be bodily or morally abused.

The law enforcement officer must alert the defendant to his right to remain silent and to contact whomever he wishes to call.

Article (112) of the Criminal Procedure Code stipulates that any person placedt under arrest or in provisional detention must be immediately informed of the cause of his arrest or detention and of the charge or charges against him, while affording him the right to contact anyone he wishes to and to seek the assistance of a lawyer.[[3]](#footnote-3)

To ensure the adherence of law enforcement officers with these procedures, Article (28) of the Criminal Procedure Code stipulates that a law enforcement officer, whether belonging to the Public Prosecutor or the police (Article 27 of the same code) has to report to the Public Prosecutor and his authority in matters that relate to judicial apprehension. The Public Prosecutor may ask the competent authority to whom the officer belongs to question him and take action if that officer violates the rules of his duties or neglects his mission. The Public Prosecutor may request filing a disciplinary suit against that officer without any prejudice to the criminal lawsuit.

It is significant to point out that Public Prosecution receives all interrogation minutes and all complaints and reports from the police. The law makes it mandatory if enough evidence is available to direct a charge against the defendant under arrest to bring him before the competent prosecution office within 24 hours of the arrest. Thereafter Public Prosecution monitors[[4]](#footnote-4) the adherence of law enforcement officers in providing the abovementioned fundamental protections. The Public Prosecutor has the right to bring a disciplinary suit against a law enforcement officer who violates or neglects his duties. Public Prosecution assumes its role by hearing any complaints by the defendants since all detainees are brought before it within 24 hours of their arrest. The right to file an official complaint is guaranteed for any defendant who claims that his legal rights were violated in some form.

It is worth mentioning that Article (23) of a Law no. 3 of 2009 pertaining to regulating penal and correctional institutions stipulates “Members of the Office of the Public Prosecutor shall have the right to enter institutions in their area of jurisdiction in order to check that no one is being detained there illegally. They may view and make copies of logbooks and arrest and detention warrants. They may speak to prisoners and listen to any complaints that they wish to make. They shall provide them with all necessary assistance in obtaining the information that they require.” The Ministry of Interior enjoys the same powers. The Human Rights Department of the Ministry of Interior has adopted a mechanism for overseeing and monitoring human rights conditions in penal and correctional institutions and detention centers at security departments through unannounced visits by inspection teams organized under the Human Rights Department. The results and recommendations obtained from these visits are submitted in periodic reports to the decision-making authority at the Ministry of Interior to take any proper action needed.

It is worth pointing out that neither the Disciplinary Council nor the Department of Legal Affairs at the Ministry of Interior have registered any cases of failure in providing any form of fundamental legal protection to defendants by any officer or member of Public Prosecution during the period of writing this report.

Additionally, it is worth mentioning that informative lists of regulations pertaining to detainees’ rights and rules of conduct are posted in all detention centers at security departments and in the Department of Penal and Correctional Institutions.

As for videotaping interrogations, Public Prosecution does its best to use all modern technological devices to illustrate, prove and show the reality of the incident under investigation, including photographic examination of major crimes. Public Prosecution seeks the help of the Technical Assistance Department and inspects the crime scene in the presence of the defendant and his lawyer. If the defendant has admitted his crime, he would be asked to explain and reenact his crime while being videotaped. Video recording would be considered as an additional evidence to be used by Public Prosecution.

Moreover, after field visits to other countries, Public Prosecution has considered using videotaping of interrogations, and is currently reviewing the possibility of having this application consistent with effective legal provisions.

Issue 4:Please provide information on measures taken by the State party to register all persons it detains under its jurisdiction by documenting the identity of the detainee, the date, time and place of the detention, the full names of all detaining and interrogating authorities, the ground for the detention, the date and time of admission to the detention facility, the state of health of the detainee upon admission and any changes thereto, and the time and place of interrogations, as well as the date and time of release or transfer to another detention facility. Please indicate if any law enforcement officer have been subjected to disciplinary or other measures during the reporting period for failing to properly register detainees in accordance with these measures.

Security departments and police stations register all detainees, the date, time and place of detention in accordance with organizational regulations that observe the rights of detainees.

It is worth noting that cases of detention in Qatar’s procedure code are divided into two types: The first is the precautionary imprisonment, which includes all those who are imprisoned by an order of a custody agency and the second is an execution of mandatory judicial sentence.[[5]](#footnote-5) In both cases, the rules of registering prisoners are the same and are reviewed below:

* If the interrogation produces enough evidence to charge the defendant and if the incident is a felony or a misdemeanor punishable by more than 6 months, the member of Public Prosecution may order precautionary imprisonment of the defendant. In all circumstances, he may imprison the defendant as a precautionary measure if the latter has no known permanent address in Qatar and his crime is a misdemeanor punishable by imprisonment[[6]](#footnote-6).
* The precautionary imprisonment order must contain the defendant’s first and last name, his occupation, place of residence, and the crime he is accused of, the date of the order, the name of the officer and his signature, and the official seal of the Public Prosecution office he works for.
* Upon placement in custody, the manager of the facility must receive a copy of the precautionary imprisonment order showing the end date of imprisonment after he signs the original copy of the order.
* In both cases precautionary imprisonment or execution of a judicial sentence no person may be placed in custody in a penal or correctional institution without a written order issued by Public Prosecution or another competent agency. The imprisoned person should not remain in that institution beyond the period specified in the detention order.[[7]](#footnote-7)
* The incarceration order is submitted in original form with two copies all signed by the relevant authority. The officer in charge or his deputy must sign and present the person who transferred the prisoner with a copy. The original copy is kept in the institution, while a second copy is kept in the prisoner’s file.[[8]](#footnote-8) The custody order is registered in the facility’s registry in the presence of the person who brought in the prisoner, who he must also sign the registry.[[9]](#footnote-9)
* When a prisoner is transferred to another facility all papers pertaining to his case and a copy of the incarceration order accompany him.[[10]](#footnote-10)
* Fingerprints of both hands of the prisoner are taken upon his entry and kept at the relevant department.[[11]](#footnote-11)
* Every incarceration facility has a medical unit headed by a physician who oversees the health, treatment, and nutrition of the prisoners. Prisoners undergo a medical examination upon admission into a facility.
* Prisoners receive health care free of charge at the facility.
* In all circumstances, the law gives members of Public Prosecution the right to enter detention centers in their qualified capacity to ascertain that no person is being held unlawfully. They are authorized to examine logbooks, arrest, and detention orders and make copies of such documents. They are able to contact any prisoner and listen to any complaint he wishes to raise. They are entitled to all assistance they request to obtain the needed information.[[12]](#footnote-12)
* Anyone who knows of an illegally detained person or of a person detained in place that is not an official detention facility, must inform any member of the Public Prosecution office who should immediately go to that place, investigate the case, and order the release of the illegally detained person.
* Finally, every prisoner in an official facility may at any time submit to that facility’s manager a written or verbal complaint and ask him to report it to Public Prosecution after registering it in a special registry. The manager must accept and report the complaint.[[13]](#footnote-13)
* The Disciplinary Council or the Department of Legal Affairs at the Ministry of Interior did not register any failure by any officer in terms of improperly registering detainees during the reporting period.

Issue 5: Please provide information on:

(a) The monitoring mechanisms and measures adopted by the State party to prevent derogation from the Criminal Procedure Code, which stipulates that persons detained should be charged or released within 48 hours. Please indicate cases, if any, when detention without charge may be extended by the Attorney General for 16 days before the person is presented before a judge. Please provide data on any cases in which law enforcement officer were disciplined for failing to adhere to the Code’s requirements;

(b) The role of a judge in authorizing detention in all cases and the mechanisms that ensure that this rule is adhered to. Please provide data on any cases in which personnel were disciplined for failing to adhere to this rule. Please comment on the case of Abdullah al-Khowar and Salim al-Kowari, who, following their arrest on 27 June 2009, were reportedly held in custody without trial for nine months, including with regard to alleged torture during incommunicado detention;

Article (43) of the Criminal Procedure Code stipulates that a law enforcement officer must listen to what the defendant has to say immediately after his arrest, and if there is sufficient evidence for charging him it must be conveyed to the competent Public Prosecution within 24 hours.

Public Prosecution must interrogate the defendant within 24 hours of receiving his case and must order his release or precautionary detention. If the 24-hour period allotted the law enforcement officer passes without referring the defendant to Public Prosecution, his detention is terminated and he must be released immediately.

Since Article (40) of the Criminal Code stipulates that, “No one may be arrested or imprisoned except pursuant to a warrant issued by the competent authorities under the conditions specified by law. Such persons shall be treated in a manner conducive to the preservation of their human dignity and may not be subjected to physical or mental harm. Law enforcement officers shall inform the accused of his right to remain silent and to contact a person of his own choosing”. Any officer who does not abide by these rules will have committed a felony under Article (163/1) of the Criminal Code, which stipulates that it is a crime for a public official to arrest, imprison, or detain any person in circumstances other than those provided for by law. Such an act carries a penalty of up to 5 years’ imprisonment.

Thus anyone associated with the detainee is able to file a complaint on the detainee’s behalf with Public Prosecution, which is then obliged to visit the place of detention to verify the claim. If a violation of the law is proved, a crime is registered and the actor is punished under the law.

The Disciplinary Council or the Legal Affairs Department at the Ministry of Interior did not register a failure by any law enforcement officer in terms of adhering to the abovementioned requirements during the reporting period.

(c) Mechanisms in place which allow detainees to challenge the lawfulness of their detention before a judge. Please provide data on all such challenges made during the reporting period, and the outcomes of such challenges, including data on any disciplinary sanctions or criminal penalties issued against law enforcement officer found responsible. Please also comment on the following cases:

(i) Mohamed Farouk al-Mahdi, who was reportedly arrested on 15 October 2009 without a warrant and allegedly held incommunicado at the Asima police station in Doha and who remained in detention without charge or trial until his release on 14 September 2010;

(ii) Sedki Ibrahim, a Jordanian national, who was reportedly arrested by Qatari Special Security forces in 2009 for a traffic violation and held at a police station in Doha for two months before being brought before a judge. Despite the judge’s order that he be released on bail, he was reportedly held in solitary confinement at the State security prison for more than three months;

Throughout the proceedings of the criminal lawsuit, the defendant has the right to seek the assistance of a lawyer to defend his rights, including objecting to the legitimacy of his detention by filing such a complaint. The Disciplinary Council and the Legal Affairs Department did not register any case whereby an officer was involved in preventing detainees from complaining during the report period.

**The following are details of the measures that enable detainees to contest the legitimacy of their detention in the context of the Anti-terrorism, Public Safety, and Emergency Laws**

1. Terrorism Combating Law no. 3 of 2004:

As an exception to the Criminal Procedure Code, an order of precautionary imprisonment is issued by Public Prosecution with regard to crimes that fall under the provisions of this law.[[14]](#footnote-14) An initial interrogation of 15 days may be extended in similar increments if the interest of the interrogation, yet this detention cannot exceed 6 months except by an order of a competent court.

In all circumstances an imprisoned person may complain to Public Prosecution against his precautionary imprisonment. Public Persecution may order temporary release of that person on its own or as a result of his request.[[15]](#footnote-15) The defendant or his representative may appeal the order of the competent court to extend his imprisonment.[[16]](#footnote-16)

1. Public Safety Law

In exception to the provisions of criminal procedures, the Minister of Interior may decide in cases that affect state security, sexual honor, indecency or public morality to detain the defendant if there is strong justification for such action as evident in a report submitted by the Director General of Public Security.

The protective detention period is two weeks and may be renewed for similar periods up to six months. An extension of another 6 months could be enforced with permission of the Prime Minister. The protective detention period is doubled if the crime concerns state security.

The person in protective detention or his family may complain against his detention or its extension through a written request addressed to the Prime Minister.[[17]](#footnote-17) The person under protective detention is treated like a person under precautionary imprisonment.

1. Law no. 5 of 2003 establishing a State Security Agency[[18]](#footnote-18)

In exception of the provisions of criminal procedures, the detention period for any person accused of committing a crime under the competencies of this agency[[19]](#footnote-19) is 30 days at most before referring him to Public Prosecution. This period is justified by the nature of the serious crimes dealt with by this agency, in addition to being followed by most legislative systems.

**Comment on detention cases mentioned by the Committee**

Mr. Ibrahim Sidki Ibrahim:

The police received a report that Mr. Ibrahim was intoxicated and lying in the middle of the street. Two police officers arrived at the scene where he began cursing at them. He violently resisted arrest, but was eventually arrested and the officers filed a report on the incident.

At an investigation by Public Prosecution, the two officers repeated what was in their report. A witness testified that the defendant cursed the two officers and used violence to resist being arrested. During questioning on 26/11/2009, Mr. Ibrahim said that he was intoxicated after consuming alcohol and decided to lie down on a public street and later realized he had arrested. On the same day, Public Prosecution (PP) ordered detaining him for four days pending investigations. On 2/12/2009, PP ordered an extension of detention for an additional four days. On 3/12/2009, the court decided to release him on bail of 3,000 Riyals, and imprisoning him for two weeks if he is unable to pay bail. On 20/12/2009, the court decided to continue imprisoning him for two weeks. Since Public Prosecution had referred the defendant to criminal court and asked that he be punished under Articles (2/1), (2), (167), (270) and (329) of the criminal code because he assaulted public employees on duty, was consuming alcohol in public, and was disruptive because of his intoxication. The case was heard in several court sessions with a final verdict being passed on 12/5/2011 sentencing Mr. Ibrahim in absentia to four years and nine months in total, and deporting him after completion of his jail term.

Mr. Mohammed Farouk Al-Mahdi:

All investigations conducted in the case against defendant Mohammed Farouk Gharib Al-Mahdi and all measures taken against him were completed in compliance with the correct legal principles of Qatari Law (Penal Code and Criminal Procedure Code). The defendant enjoys all rights afforded him by Qatari Law. He was not subjected to any form of torture. He enjoys visiting rights by his lawyer and family members according to applicable legal procedures. Mr. Al-Mahdi was arrested in a lawful way. Public funds prosecution charged Mr. Al-Mahdi with four charges of committing crimes in his capacity as a public employee in his position as Director of Public Relations at the Gulf Commercial Bank, namely:

1. Facilitating the usurpation of public money owned by the Gulf Commercial Bank
2. Deliberate abuse of the funds and interests of his employer
3. Demanding and accepting bribes
4. Colluding with another person in forgery and misuse of official documents

Documentation shows that Mr. Mohammed Farouk Al-Mahdi, Public Relations Director at the Gulf Commercial Bank had accepted a bribe of 500,000 Qatari Riyals (five hundred thousand Qatari Riyals) from another person was able to usurp 308,000,000 (three hundred and eight million Qatari Riyals) of the funds of Gulf Commercial Bank. An Accounts Committee was formed by Qatar’s Central Bank. The Committee confirmed in its accounting report that Mr. Al-Mahdi had received the bribe and had facilitated the usurpation of his employer’s funds. The bribery check was seized. Also, Qatari laws guarantee all defendants, during their detention period or during executing a freedom restricting sentence, the right to a lawyer, visitation rights, and the right to a fair trial compatible with recognized international criteria.

d) Please provide detailed information about the following cases, which allege that fundamental safeguards were absent and that ill-treatment or torture ensued. Please indicate the status and result of any investigation into the allegations made, whether any personnel have been subjected to criminal or disciplinary penalties, and what redress, including compensation and rehabilitation, has been provided:

(i) Salim Hasan Khalifa al-Kawari, allegedly arrested on 7 February 2011 by State Security personnel, taken to an unknown location and held incommunicado for six weeks. Denied legal representation, he was allegedly subjected to ill-treatment and threats to compel him to sign documents;

(ii) Fawaz al-Attiyah, former spokesperson of the Qatari Ministry of Foreign Affairs, whose arrest and detention were the subject of an urgent appeal from the Special Rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, and the Working Group on Arbitrary Detention on 8 June 2010 (A/HRC/16/52/Add.1, para. 174). Please comment on the concerns expressed in the appeal, alleging that Mr. Al-Attiyah was denied proper access to legal counsel and family members and was placed in solitary confinement for more than six months without trial. Please also indicate whether Mr. Al-Attiyah remains in detention, and if so, please also indicate his condition. Please also comment on reports that Mr. Al-Attiyah’s cousin, Nayef Bin Ghanim al-Attiyah, was arrested on 4 September 2009 after he brought a claim on his cousin’s behalf and was reportedly subjected to torture and held incommunicado, without trial, for nearly nine months.

Mr. Fawaz Ahmed Hamad Al-Attiya:

Investigations by Public Prosecution of the registered claim against defendant Fawaz Ahmed Hamad Al-Attiya, a Qatari citizen, and all measures taken against him were in line with the principles of Qatari Law (penal code and criminal procedure code). The defendant has a lawyer whom he meets regularly and who attends all interrogation sessions conducted by Public Prosecution, as well as the sessions of prison term extensions. All interrogation sessions where the lawyer is unable to attend were postponed as interrogation records show. The defendant enjoys all rights stipulated by Qatari Law and was not subjected to any kind of torture, and he has visitation rights by the lawyers and family members in accordance with legal procedures observed in Qatar. He meets his lawyer and family. This information was confirmed by Qatar’s National Committee for Human Rights following a visit with the defendant.

All measures of arresting defendant Ahmed Hamad Al-Attiya and transferring him to the competent authorities were conducted lawfully in accordance with Article (422) of Qatar’s Criminal Procedure Code upon official request by his Excellency the Attorney General submitted to the president of the Public Interrogation and Claim Commission in the Kingdom of Saudi Arabia through diplomatic channels. The defendant was handed over to Qatari authorities in accordance with legal procedures followed among the Gulf Cooperation Council States.

Public Prosecution monitors the measures taken by the State Security Agency in cases of arrest and interrogation in accordance with the law. It was confirmed that the defendant, or other defendants, were not subjected to any form of torture in any point in time.

It is worth mentioning that there is no connection between the administrative lawsuit raised by defendant Fawaz Ahmed Al-Attiya against the Ministry of Foreign Affairs and the criminal lawsuit under investigation. The charges against the defendant that are under investigation concern disclosing secret and political information related to the agency he works for, although he knows by virtue of his position that such information may not be disclosed to others under any circumstances. Public Prosecution will take the legally proper measure once the interrogation is completed.

Qatari laws guarantee for all defendants, during the detention period or during the execution of freedom restricting judicial sentence, the right to have a lawyer, visiting rights, and the right to a fair trial compatible with recognized international criteria.

Issue 6: Please provide details on the number of persons detained, prosecuted, and convicted during the reporting period under emergency laws, including Act No. 3 of 2004 on Combating Terrorism, and the average length of their detention. Please provide information on existing measures by which persons detained under emergency laws can challenge the lawfulness or length of detention, as well as data on all such challenges made by persons detained under these laws, and their outcomes. Please describe the role of the National Human Rights Committee in monitoring

Qatar does not have an Emergency Law. If what is intended is to inquire about administrative detention; then the response is that Qatar has a Public Safety Law (no. 17 of 2002) as a permanent law rather than an exceptional or extra-ordinary law, such as extra-ordinary laws that prevail in comparative legislation. The National Committee on Human Rights receives complaints by persons who are arrested and detained under this law. Article (3.3) of the law establishing the National Human Rights Committee empowers this committee to examine any transgressions or violations of human rights, and to work on reports or complaints pertaining to such violations. It is also empowered to coordinate efforts with other competent agencies to take proper action towards such complaints, and to suggest ways for dealing with such violations and preventing their occurrence.

Issue 7: Further to the recommendation of the Committee in the previous concluding observations (para. 12), does the State party envisage abolishing the provisions of the Criminal Code which prescribe flogging and stoning as criminal sanctions (CAT/C/QAT/2, p. 27)? Please clarify why the State party did not accept the universal periodic review recommendations in this regard (A/HRC/14/2, para. 86.12). Please comment on reports that in 2011 at least 21 people, mostly foreign nationals, were sentenced to floggings of between 30 and 100 lashes for offences related to “illicit sexual relations” or alcohol consumption. In this regard, and noting the Committee’s past conclusions concerning the Criminal Code’s sanctions “where the accused or the victim is a Muslim”, please provide information on the number of cases during the reporting period in which individuals were charged with the crimes of adultery, slander, drinking alcohol or apostasy. Please indicate the criminal sanctions imposed in each case in which a determination of guilt was reached.

This matter was discussed in the initial and second report of the State submitted to the committee against torture.

Issue 8: Further to the recommendation of the Committee in the previous concluding observations (para. 22), has the State party introduced measures to prevent and punish violence against women? Please indicate whether domestic violence is a criminal offense, and provide the text of any relevant legislation. Please provide statistical data on the number of complaints of violence against women, including domestic violence, received and investigated during the reporting period, as well as the number of prosecutions and convictions, and penalties applied. Please indicate the standards of proof applied in such cases. Please provide statistical data specifically concerning the prevalence of violence against female migrant workers in the State party. Please indicate whether and how the Supreme Council for Family Affairs plays a role in combating domestic violence (CAT/C/QAT/CO/1/Add.1, para. 4). Please indicate whether women are required to obtain the consent of a guardian in order to file criminal complaints. Please also indicate whether the State party has initiated awareness-raising programmes regarding violence against women, and if so, describe these.

Qatari Law criminalizes violent acts in general, including domestic violence, although it does not single out a specific crime related to domestic violence. Qatari Law criminalizes assaults on persons committed within or outside the family. This includes crimes that endanger a person’s life and safety mentioned in the first part of the criminal code, as well as social crimes listed under part seven of the code as follows:

First// Sexual Abuse Crimes

Article (279) stipulates that “any person, who has intercourse with a female without her consent, whether by using force, threats, or deception, will be punishable by death penalty or a life sentence”. The death penalty is passed against perpetrators who is a relative of the victim or her guardian, or who has power over her, or domestic servant for her or any of those mentioned above.

Article (280) stipulates that “any person, who has intercourse with a female without the use of force, threats, or deception, although he knows that she is mentally ill, mentally incompetent or under the age of sixteen, will be punished with life in prison.” The punishment will be execution if the offender is one of the persons listed in the second paragraph of the previous article.

Article (281) stipulates that “any person who has intercourse with a female without using force, threats, or deception provided that she is sixteen years of age is punishable by no more than seven years in prison.” The female who accepts this intercourse will receive the same punishment. The punishment will be a “life sentence or no more than 15 years if the offender is one of the persons mentioned in paragraph two of Article (279) of this code”.

Article (282) stipulates that “any person who has intercourse with a prohibited female (incestuous) 16 years of age or older without the use of force, threats, or deception, will be punishable with up to 15 years of imprisonment”. The female who accepts to have intercourse with a male who is prohibited (incestuous) will receive the same punishment.

If the offender us one of the persons mentioned in paragraph two of the article (279) of this code, then the punishment will be a life sentence or no more than 15 years of imprisonment.

Article (283) stipulates that “any person who has intercourse with a male without his consent by using force, threats, or deception will be punishable by no more than 15 years imprisonment”. The punishment will be execution if the offender is one of the persons mentioned in paragraph two of Article (279) of this code.

Article (284) stipulates that “any person who has intercourse with a male without using force, threats, or deception although he knows that the male is mentally ill, mentally incomptent, or under the age of 16”. The punishment will be execution if the offender is one of the persons mentioned in paragraph two of Article (279) of this code.

Article (285) stipulates that “any person who has intercourse with a male without using force, threats, or deception provided that the male is over the age of 16 is punishable by 7 years of imprisonment.” The male who accepted the intercourse received the same sentence. If the offender is one of the persons mentioned in paragraph two of Article (279) of this code, the punishment will be a life sentence or no more than 15 years imprisonment.

Article (286) stipulates that “any person who sexually molests another person without his consent, whether by force, threat, or deception is punishable by imprisonment for a period that does not exceed 15 years.” If the offender is one of the persons mentioned in paragraph 2 of Article (279) of this code, the punishment will be a life sentence or no more than 15 years imprisonment.”

Second// Crimes Involving Physical Abuse

Qatari Law criminalizes several forms of physical abuse, including:

Murder that falls within the stipulations of Articles (300), (301), and (302) in the Qatari Penal Code. The provision in Clause (3) of Article (300) stipulates intensifying the punishment to execution if the perpetrator’s victim is a close family member.

Article (300) stipulates that “any person who murders another human being with intent will be punished by execution in any of the following cases:

1. If the killing was premeditated
2. If the killing was committed by using a poisonous material or an explosive devise
3. If the victim is a descendent of the offender
4. If the victim is a public employee and the killing occurs during performing his duty or due to that
5. If the killing is linked to another felony or misdemeanor

If the first degree blood relative of the victim forgives the killer and accepts financial compensation, execution would be replaced with imprisonment that does not exceed 15 years.

Article (301) stipulates that “premeditation means deciding to commit the act in advance while the actor has sufficient time to think calmly about what he intends to do. Ambush means waiting for the victim to be in place of the killer believes is suitable to commit his crime.’ Both premeditation and ambush exist, even if actual execution of the deed is conditional, if the act results in the death of someone who is not the targeted person.”

Article (302) stipulates that “any person who intentionally kills another person in situations other than the situations listed under Article (300) of this code is punishable by the death penalty or life imprisonment.” The offender is punishable by imprisonment that does not exceed seven years if the first degree blood relative pardons the killer and accepts financial compensation (blood money).”

Beatings that result in the death of the victim is defined in Article (306) stipulates that “any person who intentionally assaults the safety of the body of another person by any means without intending to kill him, but the assault led to the victim’s death.” The punishment will be a maximum of 15 years in prison if the assault was premeditated.

In all circumstances the offender “will be punished by imprisonment of no more than three years if the first degree blood relative pardons the offender and accepts financial compensation.”

* Crimes related to women intentionally killing their newborns outside a marital relationship immediately after birth in order to avoid shame and social stigma. Article (303) stipulates that “any woman who kills her newborn conceived out of wedlock will be punishable by imprisonment for a period that does not exceed three years.”
* Crimes that cause a permanent disability. Article (307) stipulates that “any person who intentionally causes a permanent disability to someone else is punishable by imprisonment for no more than seven years.” A permanent disability is defined as any injury that results in amputation or dismemberment of a limb, organ or any part of it, or if the organ lacks or loses its functionality, or if one of the individual experiences permanent complete or partial impairment of the senses. In all circumstances, the imprisonment will not exceed two years if the victim or his guardian pardon the offender and accept financial compensation.
* Intentional assault on the safety of the body that disables the victim to carry out his personal chores. Article (308) stipulates that “any person who intentionally assaults the safety of another person’s body by any means and makes him sick or unable to carry out his personal chores for more than 20 days is punishable by imprisonment that does not exceed two years and a fine of no more than 10,000 Riyals or by one of these two penalties. The punishment will be three years in prison and 15,000 Riyals or one of these two penalties if the assault was premeditated and if more than one perpetuated carried out the assault.”
* Grave bodily assault. Article (309) stipulates that “any person who intentionally assaults the body of another person by any means, but the assault does not reach degree of harm or seriousness of the previous two articles is punishable by imprisonment for no more than one year and a fine of 5,000 Riyals or by one of these two penalties.
* Intentional abortion crimes. Article (315) stipulates that “any person who assaults and beats a pregnant woman although he knows that she is pregnant and if the assault causes her to abort is punishable by imprisonment of no more than ten years.” On the other hand, the Supreme Council for Family Affairs (SCFA) adopts a partial policy for combating the problem of violence against women by encouraging research and studies that aim at identifying the extent of the problem, in addition to having established the Qatar Foundation for the Protection of Women and Children (QFPWC), which strives to protect those who are targeted by violence within the family and in society at large, and to deal with the problems that result from these practices, particularly through:

1. Providing shelters and comprehensive care for violent crime victims.
2. Protecting vulnerable persons against deviant practices within the family and in society.
3. Providing social and legal awareness raising programs to families and society on the rights of targeted individuals and groups as an integral part of human rights.
4. Providing social and legal awareness raising programs to victims of violence in an effort to avoid or reduce violence.
5. Providing legal assistance to poor victims of violence, whether within a family environment or in society.
6. Assisting and Rehabilitating Victims of Violence and Re-integrating them in society.

Moreover, a number of measures were taken to combat violence against women. The most recent measure taken by QFPWC was the launch of a hotline number 919 (called “Aman”) to facilitate communication with targeted persons and to protect them from possible abuse. This center is run by 8 specialists over 24 hours daily who provide legal, psychological and social consultancy to callers. They also coordinate efforts with health and security authorities to provide support to vulnerable groups in society.

QFPWC had received the following complaints related to violence against women:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Total** | **Women's Cases** | | | | **Type of Violence** |
| **2008** | **2009** | **2010** | **2011** |
| 661 | 181 | 128 | 144 | 208 | Physical  Violence |
| 26 | 6 | 6 | 9 | 5 | Psychological  Violence |
| 14 | 0 | 1 | 1 | 12 | Neglect |
| 33 | 8 | 4 | 6 | 15 | Sexual Violence |
| 96 | 21 | 22 | 31 | 22 | Family Disintegration |
| 145 | 23 | 23 | 47 | 52 | Marital Disputes |
| 6 | 0 | 2 | 4 | 0 | Discrimination at work |
| 2 | 1 | 0 | 0 | 1 | Prohibiting Education |
| **983** | **240** | **186** | **242** | **315** |  |

The Role of the Supreme Council for Family Affairs against Family Violence

The Family Cohesion and Women’s Empowerment Strategy (FCWE) is one of 14 sector strategies that compose Qatar’s National Development Strategy 2011-2016 launched in April 2011. The FCWE strategy identified eight development outcomes that will be achieved through 12 projects. One of these projects, “Developing and implementing a comprehensive prevention system against domestic violence and protecting children” includes a set of activities to be implemented by government agencies and civil society institutions. Taken together, these activities aim to reduce family violence and provide more support to these affected by family violence.

SCFA monitors the implementation of this strategy in coordination with stakeholders. It is also responsible for receiving legislation pertaining to domestic violence and developing legal mechanisms for protecting those who report violent incidents and their victims.

Establishing Awareness Raising Programs on Violence against Women

The State has prepared and implemented several plans and strategies related to the family and its members, particularly women. These include:

1. The General Strategy for the Family in the State of Qatar, 2010 that was prepared by SCFA. Its main goal is to protect the family against all forms of exploitation and violence. Its first strategic goals is to eliminate the use of violence within family through:

* Devising the necessary policies to address the phenomenon of violence among family members
* Raising the awareness of family members with regard to the negative impacts of family violence

1. Family Cohesion and Women’s Empowerment Strategy (2011-2016), which includes a training program on gender-related violence, and a societal awareness raising program on family violence.
2. In the context of enhancing efforts to inform women about violence, QFPWC is conducting regular training programs on how to detect and handle cases of abuse, violence and neglect of children and women. These programs target relevant groups, such as the police, health practitioners (physicians and nurses) and those who work in the field of education (public and private schools).

Issue 9: Please provide information on the implementation of relevant domestic legislation which criminalizes trafficking in human beings. Please provide statistical data on the extent of trafficking in the country, including the number of complaints received and investigated during the reporting period, and the number of prosecutions and convictions. Please provide information on any measure taken by the State party to examine data on the trafficking of women and children and ensure that all data are used for the formulation, monitoring and evaluation of policies, programmes and projects; to strengthen its procedures for the early identification of victims of trafficking, including persons arrested for immigration violations or prostitution; and to establish bilateral and multilateral agreements and cooperation programmes with countries of origin and transit to prevent the sale, trafficking and abduction of children (CRC/C/QAT/2, para. 67).

The State of Qatar has promulgated Law no. 15 of 2011 pertaining to trafficking in humans. Article (2) of this law defines human trafficking as “committing the crime of trafficking in persons anyone who makes use in anyway of a natural person, transports, delivers, harbors or receives that person within the State or across its national borders, if that action is accomplished by the use of force or violence, or threatening to use them, or through kidnapping, fraud or deception, or the use of authority or exploiting the person’s weakness or need, or by promising to give or receive payments or other benefits in return for obtaining the consent of one person to traffic in another person under his control to exploit him/her in prostitution or other forms of sexual exploitation, the use children in prostitution and in pornographic materials, begging, forced labor, slavery, servitude or the removal of organs or human or parts of them.” This definition is consistent with international criteria for trafficking in persons.

Moreover, the Law stipulates in the same article the following penalties for trafficking in humans: “Punishable by imprisonment that does not exceed 15 years and a fine of no more than 300,000 Riyals:

1. If the crime results in the victim’s death or causes him permanent impairment or an incurable illness
2. If the act is committed by threats to kill or inflict severe injuries, bodily or psychological torture, or by an offender who carries a weapon

* Penal Code No. (11) of 2004, which is the general rule for criminalizing all criminal acts, including trafficking in humans, stipulates the following:

Sexual exploitation and profiteers from prostituting others. Article (296) of the penal code stipulates that “punishable by imprisonment between one and five years anyone who:

1. Leads a female into practicing prostitution
2. Instigates, tricks, seduces, or tempts a female by any means to engage in prostitution, or reside in or visit a brothel with the purpose of practicing prostitution, whether at home or abroad.
3. Leads, instigates, or tempts by any means a male to engage in sodomy or debauchery
4. Leads or tempts by any means a male or female to engage in immoral or illegal acts
5. Brings over or tempts by any means, delivers or receives a male or a female for the purpose of sexual exploitation.

Article (297) intensifies the punishment if the crime of sexual exploiting is accompanied by coercion, threats, fraud or if it involves a minor. It stipulates that “any person who commits one of the crimes mentioned by Article (296) by coercion, threats, or fraud, or if the victim has not completed 16 years of age is punishable by imprisonment of no more than 15 years.”

Article (299) of the same code concludes that: “In all circumstances and in addition to penalties stipulated by the previous articles listed in this chapter, the place where the crime was committed is closed down and will not be reopened except for a legitimate purpose after receiving approval from Public Prosecution.”

* Exploiting Children through Pornographic Materials

In its fifth chapter, Article (292) of the criminal code stipulates that, “any person who produces, imports, exports, possesses, or transports for the purpose of exploiting, distributing or showing a book, publication, or other writings, paintings, photographs, films, symbols or such obscene materials that offend public morality is punishable by no more than one year imprisonment and a fine of no more than 5,000 Riyals or by one of these two penalties.” Paragraph two stipulates that: “any person who advertises such materials or shows it publicly, sells, rents, puts for sale even illicitly, as well as anyone who disseminates or delivers for distribution by any means is punished by the same penalty.”

Due to the seriousness of pornographic materials and their impacts, the penalty is increased if the victim is a child, the last part of the above article stipulates, “if the act exploits a child under the age of 16 years, the person will be punishable by no more than two years imprisonment and fine of less than 10,000 Riyals or by one these two penalties.”

* Children’s servitude or forced labor Article (322) of Part Two, chapter one pertaining to abduction, arrest and servitude stipulates that, “any person who forces another person to work with or without pay will be punished by imprisonment that does not exceed six months and a fine of no more than 3000 Riyals or by one of these two penalties.”

However, if that act involves children the penalty is increased up to three years imprisonment and a fine of no more than 10,000 Riyals or by one of these two penalties if the victim has not reached 16 years of age. In the same context, Article (278) in part seven, chapter three stipulates that, “any person who begs on the street or in public places or who leads or encourages a minor to do so.

* Abduction, Arrest, or Servitude

Article (318) of the criminal code stipulates that, “Where the act was committed by means of deception or was accompanied by abuse of power, threats, murder or physical or mental torture”

The penalty will be no more than 15 years in prison in the following cases:

1. If the offender wore an official uniform or the symbol of public employee or if he claims a false identity or uses a forged arrest or imprisonment order claiming it is issued by a competent authority.
2. If the act is committed with fraud or the use of force, death threat, bodily or psychological torture.
3. If the action is committed by two persons or by one armed person.
4. If the duration of the abduction, arrest, detention, deprivation of liberty exceeds 15 days.
5. If the purpose of the action is to obtain money in return, to sexually abuse the victim or force him/her to practice prostitution, to take revenge on him or on other, or to force him to commit a crime.
6. If the action is against a public employee or on someone in his status, during or due to carrying out his duty.
7. If the victim is a female, a minor, mentally ill or is mentally incompetent.

Article (321) of the criminal code stipulates that, “any person who brings into or takes out of the State of Qatar a person with the purpose of using him as a slave will be punished by imprisonment of no more than seven years. Any person who purchases, sells, puts for sale, or gives a gift another person or disposes of him a slave receives the same punishment.”

Statistical Data on the Prevalence of Trafficking in Persons in the State of Qatar, 2010-2011

Prosecution

Criminal and civil course, as well as labor departments had heard and settled many pending cases of trafficking in persons, as follows:

1. Criminal Cases:

Incoming statistics from the Supreme Judicial Council show that criminal courts had heard 13 cases of trafficking in persons and passed sentences according to the provisions of Penal Code no. (11) of 2004. The cases are shown in the table below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Classification** | **Victims by Sex** | | **Offender by Sex** | |
|  | Male | Female | Male | Female |
| **Sexual Exploitation** | - | 3 | 11 | 3 |
| **Sexual Exploitation of Children** | 6 | - | 10 | - |
| **Exploitation of Children through begging** | - | - | - | 1 |
| **Exploiting others in pornographic materials and films** | - | - | 2 | - |
| **TOTAL** | **6** | **3** | **23** | **4** |

Labor Cases

Labor cases concerning wages were settled according to Articles (66 and 70) of the Labor Law no. 14 of 2004 as follows:

Partial Lawsuits heard by Partial (Summary) Courts

|  |  |
| --- | --- |
| ***Statement*** | ***No.*** |
| **Number of incoming cases** | 2653 |
| **Number of rulings that ordered employers to pay workers’ dues** | 560 |
| **Number of rulings that rejected workers’ claims or reconciled the parties’ claims** | 2093 |

Lawsuits heard by Total (Complete) Courts

|  |  |
| --- | --- |
| ***Statement*** | ***No.*** |
| **Number of incoming cases** | 448 |
| **Number of rulings that ordered employers to pay workers’ dues** | 114 |
| **Number of rulings that rejected workers’ claims or reconciled the parties’ claims** | 234 |

Cases received by the Qatari Foundation for Combating Human Trafficking, 2010

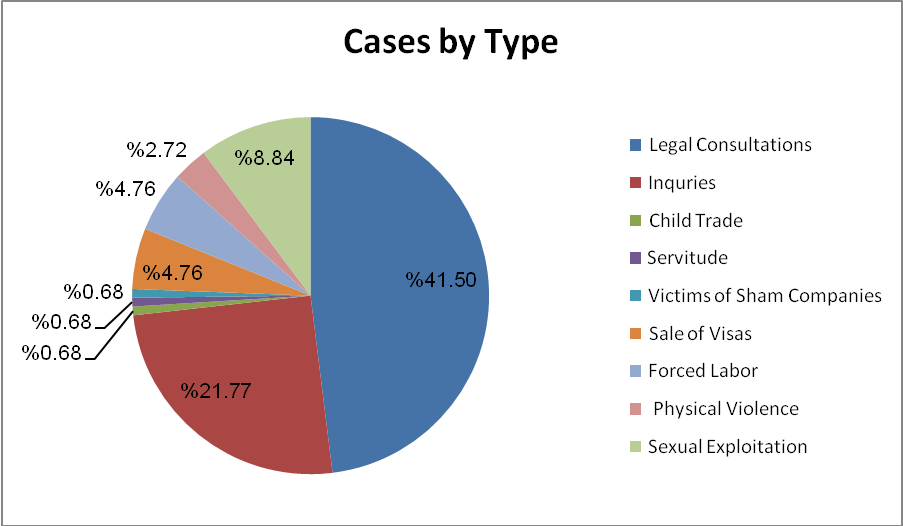
A total of 147 cases were submitted to the Foundation

Table No. 1

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Sex** | **Male** | **%** | **Female** | **%** | **Children** | **%** | **Total** | **%** |
| **Total** | 91 | 61.9 | 51 | 34.96 | 5 | 3.40 | 147 | 100 |

Classification of incoming cases by type of use

Figure No. 3



The above figure shows that:

* Most cases are individuals seeking consultation rather than filing complaints of sale of visas
* Sexual exploitation was the primary complaint received by the Qatari Home for Shelter and Humanitarian Care

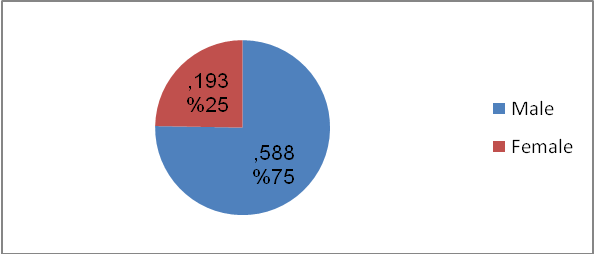
Number of Received Cases by Sex

The Qatari Foundation for Combatting Human Trafficking received between 1/1/2011 and 30/6/2012 a total of 781 cases of which 585 (75%) were males and 193 (25%) were females, including one female child who was sheltered with her mother.

Table Representing Cases by Sex

|  |  |  |
| --- | --- | --- |
| **Sex** | **Number** | **Percentage** |
| **Male** | 588 | 75% |
| **Female** | 193 | 25% |
| **Total** | 781 | 100% |

Chart Representing Cases by Sex



Cases Received by QFCTH by Type of Case

A total of 42 cases were sheltered in the Qatari Home for Shelter and Humanitarian Care. QFTCH also received 541 cases that were offered different services (legal consultation, transfer of sponsorship, enforce payment of financial dues, legal assistance to file a lawsuit including appointing a lawyer, filing a claim, make inquiries with public agencies)>

Moreover, 170 cases were received through the hotline that had inquiries and sought legal consultation. Another 26 cases were received by QFTCH that fall beyond its line of work, but they still were offered financial and legal assistance. Two other cases were received by email.

Received Cases by Type

|  |  |  |
| --- | --- | --- |
| **Case Type** | **Number** | **Percentage (%)** |
| **Sheltered** | 42 | 5.38 |
| **Received** | 541 | 69.27 |
| **Hotline** | 170 | 21.77 |
| **Other** | 26 | 3.33 |
| **Email** | 2 | 0.26 |
| **TOTAL** | 781 | 100% |

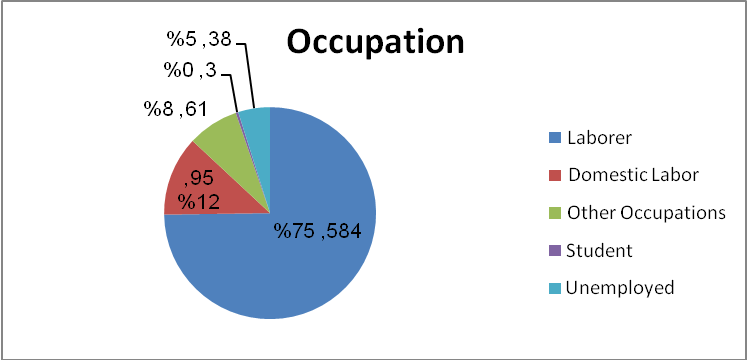
Cases Received by QFCHT by Type

The 781 cases received by QFCHT were distributed as shown in the following table:

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Forced Labor** | | **Case Classification** | | | | | | | |
| Forced Labor | Servitude | Sexual Abuse | Sexual Exploitation | Legal Consultation | Inquiries | Victims of Visa Sales | Victims of Sham Companies | Other Cases | Total |
| 48 | 31 | 36 | 19 | 318 | 62 | 57 | 159 | 51 | 781 |
| 6.15% | 4% | 4.6% | 2.43% | 40.71% | 7.93% | 7.29% | 20.36% | 6.53% | 100% |

Representation of the 781 Cases by Occupation:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Occupation** | **Laborer** | **Domestic Labor** | **Other Occupations** | **Students** | **Unemployed** | **Total** |
| **Number** | 584 | 95 | 61 | 3 | 38 | 781 |
| **Percentage** | 74.78% | 12.16% | 7.81% | 3.8% | 4.87% | 100% |



The following table classifies by the cases by those filing the claim:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Claimant** | **Personal** | **Security** | **Hospitals and Clinics** | **Civic Associations** | **Embassies** | **Other sources** | **Total** |
| **Number** | 670 | 36 | 39 | 25 | 18 | 3 | 781 |
| **Percentage** | 85.80% | 4.61% | 3.71% | 3.20% | 2.30% | 0.38% | 100% |

1. The table below shows the services offered by QFCHT and the number of cases received in each category:

|  |  |  |
| --- | --- | --- |
| **Type of Service** | **Number of Cases** | **Percentage** |
| **Legal Consultations** | 586 | 56% |
| **Inquiries** | 56 | 5.3% |
| **Filing lawsuits** | 41 | 4.0% |
| **Judicial claims and appointing a lawyer** | 14 | 1.3% |
| **Follow-up with public agencies** | 350 | 33.4% |
| **Financial compensation** | 1 | - |
| **Total** | 1048 | 100% |

It is worth nothing that some cases have received multiple services, for instance some persons have received legal consultations, filing a lawsuit, cohabiting with a child, rehabilitation (psychological, physical, or social), in addition to follow-up with public agencies. The cases that were pursued had successfully transferred sponsorship, obtained financial compensation, provided a job, secured departure, or offered financial assistance. Thus, the number of provided services is larger than the number of received cases.

Measures against Trafficking of Women and Children

The State of Qatar initiated its measures for combating human trafficking by guiding steps that helped in preparing the strategy for combating trafficking in persons. The first step was promulgated Law No. (22) of 2005 banning use of children in camel races and punishing violators with by imprisonment of 3-10 years end a fine of 50-100 thousand Riyals. The second step was establishing the Qatar Home for Shelter and Humanitarian Care to provide accommodation for victims of trafficking. Hence, Qatar has identified trafficking victims that include women, children, and domestic servants, most of whom are women.

Article (86) of Labor Law no. (14) of 2004 stipulates that, “it is not permissible to employ individuals, who did not complete 16 years of age in any type of work. Such persons are not allowed to enter work places”.

Article (87) of the same law stipulates that, “it is not permissible to employ a juvenile without the approval of his father or guardian and without a special permit by the Labor Department. If the juvenile is a Qatari student the approval of the Minister of Education must be obtained. Juveniles are not allowed to work in occupations that could harm their or affect their moral standards (ethics). The Minister of Labor issues a decision identifying these occupations.

Article (88) stipulates that, “it is not allowed to employ a juvenile without a medical examination that proves his fitness for the work he will take up. The employers must repeat the medical examination at least once a year.”

Article (89) stipulates that, “juveniles must not work from sunset to sunrise, or on weekends and official holidays more than 6 years per day or 36 hours per week. The juvenile must have a break during daily hours. The Law also obliged the employer to have a special registry for juveniles working for him”.

His Excellency the Minister of Labor issues Decision no. (15) of 2005 specifying the occupations barred to juveniles. Article (1) of the decision states, “juveniles must not be employed in the activities”:

1. Quarrying, sand sifting factories, tile factories, and marble scrubbing.
2. Work that exposes them to radial materials and radiation.
3. Petroleum extraction and refining
4. Petroleum industries
5. Bakeries
6. Fireworks production and storage
7. Glass factories
8. Jobs involving toxic chemical materials or compounds that are poisonous when handled or inhaled. Such jobs are listed in table no. 1 on occupations illnesses in the supplement to the Labor Law.
9. Extraction, fermenting, and refining metals.
10. Welding using oxygen, acetylene, and electricity
11. Using lead-based paint
12. Jobs that expose them to lead and acids used in making and repairing electric batteries
13. Repairing, cleaning, and fixing car motors
14. Working on cranes
15. Working with machine-based carpentry
16. Slaughtering, cutting, and loading livestock
17. Civil engineering works such as demolition and construction in residential buildings; work in seaports, road pavement, digging water channels or tunnels, building bridges, work on sewage systems, wells, electric and telephone poles, electricity generation stations, and desalination plants
18. Filling pressured has cylinders
19. Carrying objects that are more than 20 kilos
20. Work in the refrigeration and cooling industries
21. Partaking in any form of racing
22. Irrigation and agricultural works
23. Work in nightclubs

Measures taken by QFCHT to protect Women and Children

In the context of coordination and cooperation among relevant agencies and in order to activate the referral and identification system, QFCHT has issued conditions and regulations for sheltering trafficking victims at Qatar Home for Shelter and Humanitarian Care. These are:

1. Child victims of sexual exploitation who were used for financial gain fall under Article (296/5), which punishes the perpetrator under Article (297) of the same code.
2. Child victims of exploitation in work banned by the International Convention on the Elimination of Child Labor in its worst forms, and by effective Qatari Laws (article 86 of the Labor Law and its enforcing decisions pertaining to banned employment of children in occupations that may harm their health, endanger their safety, or affect their moral behavior. Additionally, in accordance with Law no. (22) of 2005, which prohibits drawing in, training, or involving children in camel racing.
3. Child victims of sexual exploitation through prostitution and pornographic materials banned by the Convention on the Rights of the Child and its supplementary protocols; The Protocol on the Sale of Children, Child Prostitution, and Child Pornography
4. Involving children in armed conflict (considered one of the worst forms of child labor)
5. Child victims of exploitation through begging (Article 278 of the penal code)
6. Children brought into the State of Qatar for the purpose of subjugating them into slavery (Article 321 of the penal code)
7. Children exploited by promotion of drugs (Article 34 of the Law on Combating Drugs and Substances that Affect Mental Processes)
8. Any situation that coincide with international criteria on trafficking of children

Partnerships with Relevant Stakeholders (Local, Regional, and International)

* At the Local Level

Coordination with Relevant Stakeholders

QFCHT had published a manual that identifies victims of human trafficking to facilitate coordination among stakeholders who provide care and protection for these victims. It had also established a referral system among those stakeholders. This coordination produced the following developments:

* A memorandum of understanding was signed between QFCHT and the administration to search for and locate victims of trafficking among those detained for violation of entry and residency rules in order to refer them to Qatar Home until their status is settled or they depart from the country. An agreement was reached to shelter women who have children at Qatar Home until the completion of their departure proceedings. The two parties coordinate efforts with regards to all matters related to the presence of trafficking victims until they return to their countries. A liaison officer was appointed to facilitate communication between them. In addition, the two parties hold regular meetings to discuss common concerns.
* Coordination with the Department of Preventive Security to monitor and apprehend violators of public morality, especially exploitation of women through prostitution; exploitation of female visitors through sex tourism; tempting and inducing women in general and domestic servants in particular to partake in prostitution or other illicit acts.
* Coordination with the Labor Department to protect housemaids since the latter oversees firms that import expatriate labor. The Minister of Labor had issued an order obliging such firms to administer pregnancy tests to maids before they travel to Qatar as a means of protecting both the women and their children
* QFCHT coordinates efforts with Ministry of Foreign Affairs Department with regards to human trafficking through the participation of appropriate international and regional conferences, responding to questions asked by international and regional organizations, especially for the comprehensive periodic reports on human rights. This includes replies to surveys, to the reports of the United Nations and its affiliate agencies. QCHFT also gives its opinion in views and proposals related to human trafficking conventions. Finally, it provides international and regional organizations with information on Qatar’s efforts in combating human trafficking, as well as giving its opinion on United Nations strategies and mechanisms for combating human trafficking.
* It is worth mentioning that coordination and cooperation is most visible through the Human Rights Office at the Ministry of Foreign Affairs (MOFA)
* QFCHT coordinates efforts with the Department of Criminal Investigation at the Ministry of Interior in many of its competencies, especially exploitation of children by technological means; monitoring internet websites; shutting down websites that show pornographic materials in coordination with Qatar Communications (Qtel)
* QFCHT coordinates efforts with Public Prosecution and plays an effective role in facilitating the procedures of lawsuits concerning trafficking victims through an assistant coordinator, especially at the stage of investigations whereby it facilitates cases to be brought before the courts. Its role also includes identifying those victims and providing care and assistance to them
* QFCHT coordinates efforts with courts (criminal, civil, and labor) in hearing and adjudicating cases of human trafficking to include:
* Sexual Exploitation of Women
* Sexual Exploitation of Children
* Exploitation of Children through Begging
* Exploiting Women and Children through production of pornography
* Cases of forced labor and servitude
* To enhance this integration, QFCHT obtained the approval of his Excellency President of the Supreme Judicial Council to have an office at the Civil Court (Labor Department) to provide support and advice for workers who resort to labor courts. Another aspect of cooperation between the two parties in protecting and assisting victims of human trafficking was the approval of the head of courts’ department of QFCHT request to appoint lawyers who assist these victims in obtaining their rights to compensation
* QFCHT has signed a memorandum of understanding with Qatar University to establish a legal clinic at the College of Law to provide support for trafficking victims.
* QFCHT has signed a memorandum of understanding with the Doha Institute for Family Studies and Development with regards to providing technical support and funding a field study on the condition of domestic labor in Qatar conducted by QFCHT titled, “Household Servants: Conditions, Problems, Impacts, and Solution”.
* In the context of coordination and cooperation with volunteer lawyers, QFCHT established a team of volunteer lawyers to defend victims of trafficking, and to provide advice on legal procedures that help regain their rights
* QFCHT signed a memorandum of cooperation with National Committee for Human Rights that entails supporting joint areas of competence and realizing common goals, especially in terms of assisting victims of trafficking
* QFCHT signed a memorandum of cooperation with the Arab Democracy Institution concerning joint training programs and activities for their employees in the area of democracy enhancement and combating trafficking, in addition to exchange of staff and academic expertise
* Cooperation with the Ministry of Health takes place through the Ministry’s agencies, namely:

1. The Medical Commission in terms of examining victims; especially their medical fitness to ascertain their ability to work and to verify that they are of legal working age
2. Hamad Medical Foundation, which provided a support medical team to provide medical services for female victims sheltered at Qatar Home. The team consists of a psychiatrist and four nurses who work in shifts and secure all needed treatment and monitoring, accompany victims to hospitals for treatment, and oversee aspects of childcare

* Since the medical examination of expatriate workers performed by the Medical Commission does not include pregnancy testing, QFCHT addressed the Labor Department, which is the competent authority by virtue of the Labor Law to oblige labor importing firms to administer pregnancy tests for females in order to protect women and avoid the consequences of jeopardizing the well-being of the mother and child through labor and x-rays that may harm the unborn children. The Labor Department responded positively and circulated a decision to labor importing firms and competent agencies
* In order to secure free of charge preventive and curative medical services for victims of trafficking, QFCHT asked Hamad Foundation to exempt them of fees of some curative services, such as plastic surgery, wheelchairs, teeth beautification, and other such procedures. His Excellency the Minister of Health issued a decision exempting trafficking victims of all medical services fees
* For the sake of providing other curative services, QFCHT gas signed agreements of understanding with:

1. The Department of Social Services at Hamad Medical Foundation concerning rehabilitation of victims of trafficking referred to it.
2. Coordination and cooperation with Hamad Hospital in order to ensure the latter refers all cases of human trafficking to Qatar Home and notifying enforcement agencies.

Coordination and cooperation with similar institutions

* QFCHT coordinates the referral of human trafficking cases to be identified by QFWFE or through its office at Hamad Hospital. The aim is to identify these victims among victims of violence. Then they are referred to QFCHT according to certain established mechanism.
* A memorandum of understanding was signed with the Social Rehabilitation Center to exchange information and expertise. The Center would also rehabilitate victims of sexual exploitation referred by QFCHT, especially women and children.
* QFCHT also seeks the Center’s assistance in areas of its competencies, and the Center refers some cases for shelter at Qatar Home.

Coordination with Embassies in Qatar

* QFCHT had received some resident ambassadors, such as the Indian and Thai ambassadors, in addition to delegations from the Indonesian and Philippines embassies. The meeting discussed difficulties faced by workers and domestic servants from these countries.
* QFCHT held a meeting with representatives of foreign embassies in Qatar that discussed the affairs of expatriate labor in Qatar, especially their citizens.
* A joint workshop was held with the Philippines embassy under the title, “The Condition of Filipina maids in Qatar”. The workshop discussed their rights, difficulties they face upon arrival and services offered to them by QFCHT.
* QFCHT had prepared in coordination with the workers center at the Philippines embassy a program that targeted Filipina maids who seek protection from their embassy. The program included information sessions on human trafficking, QFCHT and its services. The aim of the program was to gauge the reasons which compel domestic workers to seek refuge and protection from their embassies. As result of this program, QFCHT was able to settle the situations of these maids by settling their legal status and re-integrating them in the labor market, sending them back to their country or sheltering them in Qatar Home.
* QFCHT held a consultation session with representatives of foreign communities at its premises in cooperation with the American Center for International Labor Solidarity to discuss and identify issues faced by these communities that are within its expertise.

Coordination and cooperation with civil society organizations and non-governmental agencies

* QFCTH has cooperated with religious institutions and sought the assistance of mosque preachers to enlighten the public about religious teachings that ban human trafficking. It has also reserved pages in the journal issued by the Ministry of Religious Affairs for discussing human trafficking, protecting its victims, caring for them, and reaffirming the sanctity of their rights.
* A memorandum of understanding was signed with Qatar Islamic Cultural Center (Fanar) for producing various publications on combating human trafficking in several languages, and allocating a corner in its center for showing these publications. Both organizations hosted a book fair in cooperation with Naif Academy for Security and Legal Sciences, which showcased scientific publications on human rights, human trafficking, research and studies on detective work, investigations and protecting human trafficking victims. The fair is also included a seminal on, “Human Trafficking and combating it according to Islamic Law/Sharia and International Law”.
* QFCHT cooperated with Fanar Center in providing translators who assist victims while receiving aid, curative, psychological, and social services.
* QFCHT cooperated with Fanar Center in the publication of awareness raising pamphlets and banners in several languages, such as Tamil, Tulu, Urdu, and other languages spoken by most expatriate workers.
* A memorandum of understanding was signed with Qatar Red Crescent Society pertaining to organizing seminars and conferences on relevant issues. Both sides also agreed to cooperate in advancing the rights of expatriate workers and protecting them.
* At the time of translation of this memo, QFCHT established a branch at Qatar’s Red Crescent Workers’ Hospital. The aims of this branch are to be monitor violations against workers receiving treatment, and to inform workers of their rights. Moreover, QRC offers financial assistance to some victims.
* A memorandum of understanding was signed with Qatar Charity Society. One item in this memo states that QCS would fund a study on the condition of domestic labor in Qatar. The study was funded by QCS and conducted by QFCHT in cooperation with several organizations.
* QFCHT had also cooperated with QCS in rehabilitating and reintegrating children engaged in camel races in their original societies. QCS implemented and supervised such programs in Sudan.

Regional Cooperation

* The State of Qatar made several regional contributions to combating human trafficking, most notable of which is its participation in the preparation of the Arab Comprehensive Strategy for combating human trafficking under the sponsorship of the Arab League. It has cooperated and coordinated efforts with several Gulf and Arab countries, in addition to its partnership in regional United Nations offices, including:
* UNESCO Office in Doha. Qatar had participated in the first academic conference, which was titled, “Human Trafficking between Theory and Implementation” under the banner. “Towards increasing awareness of the problem of human trafficking”. The conference was held in cooperation with Qatar University and attended by Arab University professors, directors of police training academies, President of Johns-Hopkins University (USA), United Nations Office on Drugs and Crime for the Middle East, North Africa, and the Arab League. The goal of the conference was to introduce was to introduce the subject of combating human trafficking in the curricula of Arab universities, police training academies, legal and judicial institutions and schools.
* Cooperation with UNICEF’s Dubai office for Arab countries and Gulf States in organizing workshops on the protection of women and children who were victims of human trafficking during wars and disasters. Moreover, UNICEF office participated in QFCHT conferences and presented many working papers.
* QFCHT also cooperates with human rights organizations. QFCHT hosted the regional consultancy meeting on combating human trafficking in coordination with the UN Human Rights Center for Southwest Asia and the Arab region.
* Doha first and second forums on capacity building in the Arab countries were held in coordination with the Arab League and UN office for the Middle East and North Africa. The State of Qatar funded the Arab Initiative for Building National Capacities for Combating Human Trafficking in the Arab States, while QFCHT assumes the executive part of the initiatives training programs.
* The State of Qatar also concluded several bilateral agreements with labor exporting countries for the purpose of organizing the presence of expatriate labor and preserving their rights. Thus, Qatar has ratified the additional protocol of the Labor Force Employment Convention with the Turkish Republic by Emiri Decree no. (16) of 2010 issued on 19/10/2010. It had also ratified the same protocol with the government of Nepal by Emir; Decree no (21) of 2010 issued on 23/3/2010, and the government of Bangladesh by Emiri Decree no. (23) of 2010 issued on 20/4/2010. Similar agreements were signed with India, Sudan, Egypt, Morocco, Somalia, and other countries.

Cooperation at the International Level

* QFCHT participates in several activities and training programs organized by UN office on Drugs and Crime. Its assistance was also sought as a partner in implementing the Arab Initiative for Building National Capacities of those who work in the field of combating human trafficking in the Arab countries, which is one of Qatar’s most important efforts at the Arab and international levels in combating human trafficking.
* QFCHT is in constant cooperation with Johns Hopkins University (USA), which participated in many conferences, workshops and seminar organized by QFCHT. In turn, QFCHT requests the advice and guidance of Johns Hopkins on the best practices for combating human trafficking. Currently, QFCHT is preparing a project with Johns Hopkins to prepare a national strategy for combating human trafficking in accordance with Qatar’s National Vision 2030.
* QFCHT cooperates with the International Organization on Migration in preparing programs of care for victim of human trafficking, including a manual for identifying human trafficking victims.

Programs of Cooperation for Preventing Human Trafficking

The Arab Initiative for Building National Capacities of those who work in the field of Human Trafficking in Arab countries:

To affirm its interest in Arab and international cooperation in combating the phenomenon of human trafficking, which is an international, regional, and national efforts for combating it and eliminating its devastating impacts, the State of Qatar represented by QFCHT cooperated with the Arab League, the UN office on Drugs and Crime in the Middle East and North Africa in preparing and funding, “the Arab initiative for building national capacities of those who work in the field of human trafficking in Arab countries”. The Arab Initiative Project is summarized in:

* Building and enhancing national capacities of those who work in the field of human trafficking in the Arab States in the pursuit of effective containment of this phenomenon and limiting its negative repercussions, protecting and supporting its victims.
* The Arab Initiative Project aims to build and develop national capacities of leading cadres who work in all areas of combating human trafficking in the Arab region, including: law enforcement officer associated with criminal justice agencies and systems, judicial pursuit, public prosecution, migration and borders department, international cooperation, officials responsible for organizing labor affairs and managing problems of employment, officers from Qatar Home and other centers that tend to victims of human trafficking, and finally officials in government agencies, ministries, and civil society associations. These trainees are supposed to acquire the skills needed for handling various of cases of human trafficking, each in their area of expertise, including identifying victims, managing their affairs with regards to legal status, residence permits, return home, resettlement, and protection. Also, these trainees are prepared to master techniques of gently questioning these individuals, since they are vulnerable and additional attention must be paid to their age, sex, special needs, and status as women and children.
* The initiative also aims at building national, semi-regional, regional alliances. This project is implemented in three stages. Its activities were launched at Doha Forum of March 2010:
* Stage One: The first year will focus on initiative implementation activities in the State of Qatar.
* Stage Two: Activities devised on this initiative will be equally implemented by the State of Qatar and Gulf Cooperation Council countries based on agreements among defined by the implementing parties.
* Stage Three: The group of experts that were trained will be placed in charge of implementing these activities in various Arab countries. In fact, the first stage of the initiative has already been implemented.

Issue 10: Please provide information on the measures taken to provide an alternative to the sponsorship (*kafeel*) system, which ties a migrant worker’s legal residence to his or her employer or sponsor and to avoid the withdrawal of the passports of migrant workers by their sponsors in violation of the domestic law. Further to the recommendation by the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23/Add.2 and Corr.1, paras. 95 (a) and (d)), what measures have been taken by the State party to abolish the sponsorship system? Please describe examples of any cases where sponsors were punished for violating the rights of migrant workers protected under the sponsorship act.

The State of Qatar has exerted intensive efforts at both the legislative and institutional levels to enhance and protect the rights of expatriate labor. In addition to constitutional protection of the rights of expatriate labor contained in Qatar’s permanent constitution, the labor law no. (14) of 2004 secures a number of rights and benefits for the worker, such as protection against occupational hazards, work injury compensation, the right to resignation and end of service remuneration. These rights constitute worker rights. Any measure, compromise or relinquishment of these established rights is void by virtue of this law. The Ministry of Labor has issued a number of ministerial decisions enforcing the labor law that provide additional protection for workers’ rights, most significant of which are:

* Decision no. (5) of 2005 defining the work of the two committees of reconciliation and arbitration in collective labor disputes.
* Decision no. (6) of 2005 on defining the work regulation form.
* Decision no. (13) of 2005 defining labor inspection procedures.
* Decision no. (15) of 2005 defining occupations barred to minors.
* Decision no. (16) of 2005 defining medical care for workers at the workplace.
* Decision no. (17) identifying the conditions and specifications of suitable housing for workers.
* Decision no. (18) on forms for recording statistics on work-related injuries, occupation-related illnesses, and procedures for recording these incidents.
* Decision no. (19) on periodic medical examination of workers working in conditions that make them susceptible to occupational illness.
* Decision no. (20) on precautions and requirements that should be available in work sites and areas to protect workers and visitors from workplace dangers.
* Decision no. (16) identifying working hours in open places during the summer.

The legislative structure was strengthened and enhanced by the State’s ratification of several international labor conventions, such as the Labor Inspection Convention, Convention on Discrimination in Employment and Occupation, Convention on Forced Labor, Protocol on Worst forms of Child Labor, Convention on Minimum Working Age, and the Convention on the Elimination of Forced Labor.

In striving to advance the labor force, enhance its rights, and protect its members from exploitation, the State of Qatar has signed several bilateral agreements with labor exporting countries meant to better manage the process of recruitment, hiring, and safeguarding the rights and obligations of both employers and employees.

The State of Qatar has also adopted several measures that provide legal protection to domestic workers that include monitoring the recruitment of domestic labor and preparing a draft law on domestic labor that is under legislative review. In addition, QFCHT has organized awareness raising campaigns for families through audio-visual mediums and newspapers. The Qatar Home for Shelter and Humanitarian Care provides all care and protection for this category of workers.

Legislative development concerning the enhancement of expatriate labor’s rights was accompanied by institutional development. The Labor Inspection Unit at the Ministry of Labor was expanded into an independent department heavily involved in managing all aspects of discrimination against expatriate labor. Inspectors in this department are carefully selected from a pool of qualified individuals. They are equipped with the capacity of law enforcement officer by virtue of an agreement between the Attorney General and the Minister of Labor. The assistance of experts in various specializations is sought as needed. This department is responsible for preparation of annual reports on their operations to include the frequency of inspections, the apprehension of violators, and the penalties meted against violators.

The Department of Labor Public Relations was established by Emiri Decision no. (35) of 2009 to accelerate the settlement of labor disputes between workers and employers within one week at most. Upon completion of its investigation, the Department may refer the case to the competent court within one week. The department of labor relations prepares and distributes awareness raising materials to workers in coordination with the embassies of countries in question. The department also provides consultations and guidance to workers. In 2011, a National Committee for Safety and Health established decision of the Council of Ministers no. (16) of 2011.

In the context of strengthening the institutional structure for protecting and enhancing workers’ rights, the Supreme Judicial Council had established special courts to hear worker lawsuits and expedite their settlement. Four departments at the partial and total courts were established for this purpose. It is worth mentioning that worker lawsuits are exempt from litigation fees. In addition, the Ministry of Labor has established an office at the preliminary court that:

* Receives and advises workers on legal procedures and the most efficient way to pursue them
* Guides claimants to court session halls
* Assists in notarized translation of worker documents into Arabic
* Providing counsel to claimants
* Provides advice on means and procedures for executing courts’ sentences

It is worth mentioning that Law no. (4) of 2009 pertaining to entry/exit of expatriates, their residence permits and their sponsorship has allowed for the transfer of sponsorship from one employer to another, effectively giving the expatriate employee greater autonomy in changing their employment. Article (22) permits the competent agency at the Ministry of Interior to transfer the sponsorship of an expatriate to another employer upon a written agreement between the old and the new employers that is approved by the competent department at the Ministry of Labor. This power concerns workers to whom the labor law applies. Moreover, Article (12) permitted the transfer of sponsorship without the approval of the sponsor in certain cases in order to protect the worker’s rights. This article enables the Minister of Interior or whoever represents him to transfer the sponsorship of an expatriate worker who is covered by the Labor Law if abuse by the previous sponsor is proved, or if public interest requires it. For the same reasons, the Minister of Interior or whoever is in his place may upon a worker’s request and approval of the Ministry of Labor transfer the sponsorship of a worker covered by the Labor Law. Article (52) of the same law stipulates a financial penalty of 10,000 Riyals for violation of the provisions of Article (9), which obliges the employer to release the worker’s passport at the expiration of the residence permit.

In cases where the rights of migrant workers are violated by their sponsors, the sponsor’s name is added to a list of individuals prohibited from hiring foreign labor. The violations could be of the laws pertaining to entry/exit, residency and sponsorship, or the provisions of the Labor Law without prejudice to criminal culpability if the employer has assaulted the sponsored employee, violated Article (15/5) that bans trafficking in visas or Article (9) that obliges the sponsor not to hold the travel document of the sponsored person. These two articles are listed in the laws defining expatriate entry/exit, residence permits and sponsorship.

Issue 11: Further to the recommendation of the Committee in the previous concluding observations (para. 14), please provide information on measures taken by the State party to ensure that the Convention and its protections are applicable to all acts that are in violation of the Convention and that occur within its jurisdiction, from which it follows that all persons are entitled, in equal.

This question was answered in previous sections of this report.

Issue 12: With regard to the recommendation of the Committee in the previous concluding observations (para. 17) regarding efforts to ensure that the activities of the National Human Rights Committee (NHRC) are brought into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), including with regard to its independence and the appointment of its members, please provide additional information on the appointment process and any dismissals to date. Please provide information on the mandate and financial resources of the NHRC under the amended Act (Decree-Act No. 17 of 2010) (CAT/C/QAT/2, p. 26). Furthermore, please indicate the number of complaints received relating to violations of the provisions of the Convention, and the actions taken in response as well as their outcome.

According to the law that recognizes the National Human Rights Committee (NHRC), the Committee has discretion over its budget. The Committee’s founding law states that its financial resources are composed of 1. Funds allocated by the State and 2. Contributions, grants, donations, and wills offered by the national agencies or organizations.

In terms of the number of complaints received by NHRC pertaining to violations of the convention’s provisions, the following is worth mentioning:

* In 2009, NHRC did not receive or was aware of any allegations of torture under interrogation. However, it received a few reports about ill-treatment of some persons at the Deportation Detention Centre.
* In 2010, NHRC observed that some female detainees at the detention centre were beaten by security guards. An investigation was launched.
* In 2011, NHRC received a report that two detainees were assaulted by State Security officers. The perpetrator was charged and dismissed from his position.

Issue 13: Further to the recommendation of the Committee in the previous concluding observations (para. 11), please provide information on any measure taken by the State party, other than those legal provisions referred to in the State party’s report (CAT/C/QAT/2, pp. 24–25), to fully ensure the independence of the judiciary in accordance with the Basic Principles on the Independence of the Judiciary. Please provide details on the procedure for the appointment of judges, the duration of their mandate, the rules governing their removability and the manner in which they may be removed from office. Please indicate measures taken to ensure that female judges may serve and address the same jurisdictions as male judges, and provide data concerning the number of female judges and judges who are members of racial, ethnic or religious minority groups (CAT/C/QAT/CO/1/Add.1, para. 15).

This question was answered in previous sections of this report.

Article 3

Issue 14: Further to the recommendation of the Committee in the previous concluding observations (para. 13), please provide detailed information on measures taken, other than the legal provisions referred in the State party’s periodic report (CAT/C/QAT/2, pp. 14–15), to respect the absolute prohibition on expelling, returning or extraditing a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture and to fully incorporate the provisions of article 3 into the State party’s domestic law.

Issue 15: Please provide information on cases during the reporting period, if any, where the Minister of the Interior issued expulsion decisions on the grounds that the presence of the person concerned in Qatar was found to threaten public order or the national economy, or to place a burden on the State, as provided in article 21 of the Alien Entry and Residence Act (No. 3 of 1963). Please indicate the State(s) to which any persons expelled pursuant to this provision were sent (CAT/C/QAT/CO/1/Add.1, para. 6).

Article (37) of the law that defined the entry/exit, residence permits and sponsorship of expatriates addresses this matter. It stipulates that, : “Except where another law applies, the Minister may issue a deportation order for any migrant worker whose presence in the State is shown to pose a threat to the internal or external security of the State or to the national economy, public health or public morals.” The deportee is free to choose the destination of his deportation, whether it is his country of origin or any other country, and the State secures deportation to that chosen country.

Issue 16: Has the State party relied on diplomatic assurances? Please provide detailed information on what the State party’s requirements are for such assurances and whether there are post-return monitoring mechanisms. Also, please provide information on all cases where diplomatic assurances have been provided since the consideration of the previous report. Has the State party signed any regional or bilateral agreements relating to the return of asylum seekers?

The State of Qatar does not honour “Diplomatic Guarantees” against torture because these safeguards cannot protect individuals from being subjected to torture on their return to their country. Although Qatar has not signed any bilateral, regional, or international agreements with regards to sending back asylum seekers to their countries, it remained committed to general to the provisions of Article (3) of the convention that bans the expulsion, return, or extradition of any person to another state if there are solid grounds to believe that the person could be subjected to torture.

Issue 17: Please provide data, disaggregated by age, sex and nationality on:

(a) The number of asylum requests registered and approved;

(b) The number of asylum seekers whose requests were granted because they had been tortured or might be tortured if they were returned to their country of origin;

(c) The number of forcible deportations or expulsions (please indicate how many of them involved rejected asylum seekers), and the countries to which these persons were expelled.

Issue 18: Please provide the information about the case of the reportedly forced return to Libya of Eman al-Obeidi, a Libyan national who publicly accused Libyan soldiers of rape, even though she had been recognized as a refugee by the Office of the United Nations High Commissioner for Refugees (UNHCR). Please explain how this case of refoulement is compatible with article 3 of the Convention as well as with the relevant Qatari legal provisions, including article 410 of the Criminal Procedure Code.

**Articles 5 and 7**

Issue 19: Please provide detailed information on how the State party has exercised its jurisdiction over cases of torture referred to in articles 4 and 5 of the Convention. Please provide examples of current practices in this respect, in particular cases where the provisions of the Criminal Code, including its articles 17 and 18, have been applied in cases of extradition and/or international judicial cooperation (CAT/C/QAT/2, pp. 16–17).

Issue 20: Please indicate whether the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

**Article 10**

Issue 21: Please provide information on training and awareness-raising for public officials on the absolute prohibition of torture in accordance with the Convention and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol of 1999), including any such programmes provided to medical personnel (CAT/C/QAT/2, p. 26) or persons engaged in rehabilitation. With regard to the various training sessions on the prohibition of torture referred to in the State party’s report (CAT/C/QAT/2, p. 18), please provide information on the subjects of such training programmes, how many persons have been trained, the outcomes of such trainings and how they are evaluated.

The department of Human Rights at the Ministry of Interior organized high quality workshops for the training of police officers. Members of Public Prosecution and medical doctors participated in these workshops as a means of widening the circle of beneficiaries:

* Specialized training workshops for law enforcement officer (police officers, members of Public Prosecution, physicians and female researchers) on renouncing and combating torture in international and national laws that was organized in cooperation with the Human Rights office at the Ministry of Foreign Affairs and the Human Rights Commission on 12-15 April 2009. The workshop was attended by 24 participants distributed as follows:
* 17 Police Officers
* 2 Public Prosecution Members
* 3 Physicians
* 2 Female researchers
* First specialized training workshop for police officers on “Human Rights and Security Work” organized in cooperation between the Department and the police training institute took place on 21-25 March 2010 and was attended by 27 participants.
* Second specialized training workshop for police officers on the same topic was held on 12-16 December 2010 and was attended by 21 participants.
* First training workshop for officers on international humanitarian law organized in cooperation between the Department, the International Red Cross, and the Qatari Red Crescent Society took place on 10-14 October 2010 and was attended by 26 participants.
* Specialized training workshop on the international criteria for prisoners and detainees was conducted in cooperation with the Qatari Red Crescent Society in December 2007 and was attended by 20 police officers, 2 female researchers, and one physician.
* First training portfolio for persons working in penal and corrective institutions on international criteria for the rights of prisoners and detainees and their applications in these institutions. The training was held on 23-25 October 2010 and attended by 5 police officers, 4 corporals, one physician and 3 female social researchers (total of 13).
* Second training portfolio for females working in penal and corrective institutions on empowerment of women who work in these institutions. The training focused on basic methods of dealing with female prisoners. 8 police officers and one social researcher attended the training workshop on 27-28 June 2012.

The issue of observing human rights in the context of criminal proceedings in general, and banning torture of prisoners in particular, was emphasized throughout training. The topics covered in the sessions targeting police officers were: combating drugs, criminal investigations, dealing with detainees, combating forgery and fraud. These courses were offered at the police training academies.

In terms of evaluating the workshops and training portfolios, three questionnaires were distributed to participants. The first assesses performance, the second measures impact of the courses on participants and their attitude towards such courses, and the final questionnaire requested suggestions for improvement.

Issue 22: Please provide information on the training for police in handling cases of domestic and sexual violence, including how many officers have undergone such training, the results of these trainings, and how the effectiveness of the trainings is evaluated. Please provide updated information on specific training and sensitization programmes developed by the State party for law enforcement officer on human trafficking as well as on the impact of such programmes.

In the framework of coordination between the Ministry of Interior and QFCWP, the latter has organized a number of training workshops on dealing with children and female victims of abuse and violence. These workshops were designed for police officers working in relevant departments. Some of these workshops were:

* Training and qualifying police officers program in skills required in dealing with women and child victims of abuse and exploitation (25-27 June 2007). No. of Trainees: 25
* Training program for policewomen on the skills required in dealing with women and child victims of abuse and violence (12-14 October 2009). No. of Trainees: 45
* Training program for police officers on the skills required in dealing with women and child victims of abuse and violence (27-29 October 2009). No. of Trainees: 45

These workshops included lectures on the legal, psychological, social and medical aspects of their problem. The lectures were given by security and legal experts, physicians, and a representative of competent judicial agencies.

**Article 11**

Issue 23: While the Committee notes that the Public Prosecutor has the obligation to conduct surprise visits to places of detention (CAT/C/QAT/2, pp. 20-21) and to receive complaints from prisoners, the State party’s report does not provide details on the number and type of visits actually made, nor the places visited, or the number of complaints received. Please provide the Committee with this information, along with additional detailed information about unannounced visits by other existing monitoring mechanisms to places of detention, and any available data on steps taken by these mechanisms in response to the visits. Please explain whether independent international and national non-governmental organizations (NGOs), including the International Committee of the Red Cross and civil society groups, have been given unrestricted access to places of deprivation of liberty (in addition to the visits cited in the report), and indicate the dates on which visits have taken place and the places of detention visited. In particular, please indicate whether the NHRC is empowered to undertake unrestricted monitoring of all places of detention, and describe any other existing mechanisms which monitor places of detention and the scope of their authority to do so. Please provide data indicating the number of visits members of the NHRC have made to places of detention, as well as the name and type of place of detention, during the reporting period. Please indicate what measures the NHRC has taken as a result of these visits, and whether any procedures or practices were changed or investigations into potential misconduct initiated in response to actions taken by the Human Rights Commissioner or the special procedures of the Office of the United Nations High Commissioner for Human Rights.

The Criminal Procedure Code gives members of Public Prosecution the right to enter detention centers and prisons that fall under their jurisdiction to inspect the legality of all detentions. Instructions by the Attorney General charged the oldest members of Public Prosecution, each within his area of expertise, to visit detention centers and prisons for inspection to ensure that all registries are current and no one is being held illegal in these places. In addition, the inspectors are expected to documents any complaints they receive from prisoners/detainees during their visits. These inspections are to be performed on a regular basis and the produced reports are to be submitted to the Attorney General.

The inspector should check the classification of prisoners into categories on the basis of age, type of crime, degree of their danger, recidivism, and length of sentence. In addition, first time offenders must be separated from repeaters, and those in precautionary detention must have their own quarters. No person is to be detained without a written order by Public Prosecution or the detention agency on the appropriate form.

In addition to unannounced regular inspections, the law gives every prisoner in an official detention facility the right to submit at any time a written or oral complaint to the person in charge of the facility and ask him/her to report it to Public Prosecution.

Public Prosecution regularly conducts inspection rounds, such as the rounds on 30/11/2003, 30/9/2004, and 21/10/2009 that inspected penal institutions, the 7 prisons of security departments and the central prison. The inspection committees did not find any violations and no prisoner submitted an oral or written complaint.

The Law of the National Human Rights Committee empowers it to visit detention facilities. All 4 members of NHRC repeatedly visit all imprisonment and detention facilities. Moreover, NHRC had established subsidiary committees, such as monitoring and visits committee composed of 7 members including the Deputy President of NHRC. This committee pays field visits to detention facilities and prisons.

Between 2009 and 2011, the committee had mentioned 14 detentions facilities run by the Ministry of Interior and the Capital Security Station, which is the largest police station in Qatar. The monitoring covered interrogation places, visitors’ halls, and detention cells to evaluate the conditions of detainees in terms of treatment and residence, and to make sure that none of their rights are violated.

Monitored detentions centers include:

* Department of Search and Pursuance at the Ministry of Interior on 26/1/2010
* Deportation Detention Center, 30/8/2009
* Temporary Detention Division at the Ministry of Interior to assess the condition of some detainees on 7/1/2010
* Department of Search and Pursuance at the Ministry of Interior to monitor the condition of the female detainees on 18/2/2010
* Psychiatric Unit at Hamad Medical Foundation on 8/4/2010
* Dukham Police Station on 9/6/2010
* Capital’s Security Center on 13/6/2010
* Capital’s Security Center upon request of Amnesty International to assess the condition of a particular detainee on 28/9/2010
* General Department of Security in the Northern District- Ministry of Foreign Affairs on 26/1/2011
* Social Protection Department- Ministry of Social Affairs- Juveniles Department on 23/2/2011 to assess the conditions and rights of minors in this facility
* Psychiatric Unit at Hamad Medical Foundation on 31/1/2011
* Department of Search and Pursuance at the Ministry of Interior to monitor the condition of the female detainees on 19/10/2011
* The Central Prison to inspect the condition of two detainees after receiving a complaint on 20/11/2011

The committee had prepared a comprehensive report detailing every visit and the names of the teams who conducted the inspections, the visit’s purpose, and the person(s) to be assessed. This is followed by a monitoring of the agency in question through its procedures, services, and challenges it faces.

The report reviews a number of steps and procedures adopted by the committee to monitor individual cases, such as interviews, questions, inquiries, and discussions. Finally, the report includes the Committee’s recommendations for advancing human rights at the agency in question.

On the basis of its monitoring work, the “monitoring and reports committee” composed a guiding manual on the rules treating prisoners according to international criteria.

It is noteworthy that the International Red Cross visited in 2008 the penal and correctional institutions in Qatar. This visit was referred to in previous national reports by the State of Qatar on implementing the provisions of the Convention against Torture.

Issue 24: Please provide the Committee with all the interrogation rules, instructions, methods and practices, as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment aimed at preventing cases of torture, that may have been introduced since the consideration of the last periodic report. Please also provide information as to how the implementation of these rules is monitored, in particular by what institution. Does the State party provide law enforcement officials with manuals on interrogation techniques?

Members of the police force in their capacity as law enforcement officers do not assume the tasks of interrogation and investigation. They conduct the procedures of detection and formal questioning of the defendant in accordance with the Criminal Procedure Code, hence they adhere to safeguards provided by this code for defendants in part two, which manages evidence gathering in Articles (27) and (60).

Issue 25: Please provide information on the measures taken to improve the conditions of all places of detention and imprisonment and to ensure the separation of male and female detainees as well as the separation of those convicted and those remanded in custody. Please indicate whether female medical personnel and officers are available to female prisoners. Please indicate whether detention facilities are accessible for detainees with disabilities. Also, provide information on inter-prisoner violence, including the number of complaints, any action taken by the State and the result of such action. Also, please provide statistical data on the number of prisoners in prison facilities, as well as the degree to which the number of prisoners in each facility exceeds design capacities.

On this issue, the following is worth mentioning:

* + Defendants are separated from the prisoners in penal and correctional institutions. Article (24) of the 2009 Law organizing penal and correctional institutions deals with this matter. Detained defendants (those in precautionary detention pending investigation) are separated from those imprisoned through judicial orders. They are distributed according to type of seriousness of their crimes, recidivism, length of sentence, and other criteria that facilitate the way they are treated and assessed.
  + Article (4) of the same code stipulates that penal and correctional institutions are of two types, one for males and the other for females. All officers dealing with female prisoners are members of the female police force.
  + As to the question on statistics pertaining to the number of prisoners, the management of these institutions says that these numbers are not constant due to daily admissions and releases. However, the number approximately ranges between 400 and 600 prisoners.
  + Currently. Penal and correctional institutions are not overcrowded. The Ministry of Interior is preparing plans to avoid crowdedness in prisons in the future.
  + These institutions have a women’s specialized health team composed of one physician and a number of nurses who provide needed medical care for women imprisoned under precautionary and judicial terms.
  + Cases of violence among prisoners are dealt with according to the rules of order and disciplinary regulations advertised in each institution, without any prejudice to the right of assaulted prisoners to file complaints in accordance with the law that organizes penal and correctional institutions and to the penal code.

**Articles 12 and 13**

Issue 26: In the light of the information provided by the State party (CAT/C/QAT/2, p. 21) and the recommendation of the Committee in the previous concluding observations (para. 19), please update statistical data, disaggregated by crimes, nationality, age and gender, on complaints relating to torture and ill-treatment and on any related investigations, prosecutions, penal and disciplinary sanctions.

The Disciplinary Council and the Department of Legal Affairs at the Ministry of Interior did not record any case of ill-treatment or torture during the period documented in this report.

Issue 27: Regarding the statistics provided in the State party’s report (CAT/C/QAT/2, p. 16), please provide detailed information on the length of imprisonment and any other penalties applied for the offences of torture or degrading treatment.

According to legal provisions previously mentioned in the report of the State of Qatar pertaining to penalties applied to violations relating to torture and other forms or degrading treatment, penalties ranging from fines and imprisonment that may amount to life sentence or execution in extreme cases according to the seriousness of the offence as set forth by law[[20]](#footnote-20), including dismissal from employment[[21]](#footnote-21).

Issue 28: Please provide detailed information on measures taken to protect domestic workers from violence and ill-treatment, including sexual violence, and to ensure access to justice (A/HRC/4/23/Add.2 and Corr.1, paras. 70–75), including measures that facilitate their ability to lodge complaints, such as those to alleviate the cost of going to court or language barriers. Also, please provide updated data on the number of complaints of ill-treatment of migrant workers that were received during the reporting period, how many were investigated, how long the investigations took and the outcomes of the investigations. Specifically, please indicate the number of complaints received by the NHRC alleging torture or ill-treatment, including sexual violence, and the actions taken by the NHRC in response to these complaints. Also, please comment on reports that in 2010, a safe house run by the Philippines Overseas Labour Office in Doha received 291 reports from domestic workers alleging physical abuse, 59 reports alleging sexual abuse or harassment, and 16 reports alleging rape or attempted rape. Specifically, please indicate what measures the State party has put in place to investigate these allegations and the status of any investigations into the above-mentioned claims. Please also provide data on the extent to which the NHRC monitors places of employment, and any results of such monitoring.

The provisions of the Penal Code which punishes assault crimes and offenses against human life, also provides protections for domestic labor from abuse and violence. This protection is stipulated in the anti-trafficking law no. (15) for the year 2011, which authorized the Qatar Foundation for Combating Human Trafficking to receive such complaints without affecting the jurisdiction of the National Commission for Human Rights. Victims are then referred to NCHR as well as Qatar Foundation for the Protection of Women and Children, which also receive such communications.

NCHR received one complaint in 2011 about a Filipina worker who was sexually abused and the Commission took all necessary measures to address the abuse by calling the place of employment where the abuse took place, following up with the police station where the original complaint was filed, and securing accommodation for the victim at the Qatar Home for Shelter and Humanitarian Care. Qatar Home offers numerous rehabilitative services. The Committee also received several phone calls, which it investigated and referred to the appropriate authorities.

The Committee also periodically visits places of employment in the private sector and workers’ housing provided by businesses to monitor the situation and take appropriate measures in the event of any irregularities. The State of Qatar has also implemented several measures to provide legal protection for domestic workers, which included the rules for recruitment of domestic labor and drafting a proposal for rules over employment of domestic workers that will become part of legislative procedures. In addition, Qatar Foundation for Combating Human Trafficking has launched awareness campaigns via visual media, radio, and the press. Also, the Qatar Home for Shelter and Humanitarian Care provides care and protection services for this category of individuals.

**Article 14**

Issue 29: Further to the information provided by the State party (CAT/C/QAT/2, pp. 22–23) and the recommendation of the Committee in the previous concluding observations (para. 18), what has been done by the State party to ensure that all persons who have been victims of acts of torture are provided with fair and adequate compensation, including the means for a full rehabilitation? Are migrant workers and persons subjected to trafficking in persons included in programmes of compensation and provided with appropriate rehabilitation assistance? Please include the number of instances during the reporting period in which the State party ensured that a victim of torture or ill-treatment obtained compensation, and the amount received in each case. Please clarify whether a victim of torture is entitled to compensation only if he or she receives a court order, and whether victims of torture are able to obtain redress even if the perpetrator has not been found guilty in a criminal proceeding.

Article (199) of the Penal Code no. (23) of 2004 stipulates that “any persons who suffers direct personal harm as a result of crime may file a lawsuit under the civil rights provision against the offender during interrogation or before the court that is hearing the lawsuit. The Civil Law code guarantees full compensation and complete restitution according to the stipulation IN Article (201): “The harm resulting from illegal action is determined by restitution of any incurred loss”.

Article (200) of the Civil Law stipulates that “a person is responsible for his responsible for illegal actions as long as he is capable of discretion. If he is not capable of discretion and he has no guardian, or compensation was not obtained from the guardian, the judge may oblige the person who inflicted the harm to pay a fair compensation, while observing the position of adversaries.

According to this stipulation any person is who harmed by the crime of torture may file a lawsuit. Expatriates may demand compensation according to the Civil Law in addition to the compensation mentioned by Law no. (14) of 2004 Article (110), which stipulates that “the inheritors of a worker whose death is due to his work, and the worker who suffers work injury that results in total or partial disability. Have the right to compensation. Total permanent disability is equivalent to death”.

In this case the compensation is paid without resorting to the judiciary unless the worker is unable to obtain his compensation then he has the right to go court. Article (214) of the same law states that “if the parties do not agree on the amount of compensation for the harm resulting from an illegitimate action, the judges determines that amount”.

With regards to victims of human trafficking, Article (10) of Law no. (15) of 2011 pertaining to human trafficking stipulates that “the competent criminal court that hears the criminal lawsuit arising from crimes listed in this law must also determine the civil lawsuit arising from these crimes”.

In the case of compensating victims even if the offender is guilty, QFCHT will compensate them from a special fund. Also, some charitable organizations, such as the Qatar Charitable Society and EED charity, compensate such victims from funds allocated to expatriate labor, children or women in coordination with QFCHT.

Number of Rehabilitated by QFCHT in Coordination with Hamad Medical Foundation

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Name** | **Nationality** | **Occupation** | **Procedure** | **Year** |
| **1** | Shuwa Nish | Ethiopian | Domestic worker | Medical and Psychological Rehabilitation | 2007 |
| **2** | Torida Bint Warlaya | Indonesian | Domestic worker | Medical and Psychological Rehabilitation | 2008 |
| **3** | Esnaya Bint Sowya | Indonesian | Domestic Worker | Medical and Psychological Rehabilitation | 2009 |
| **4** | Sylbia Bint Diwan | Indonesian | Domestic Worker | Medical and Psychological Rehabilitation | 2009 |
| **5** | Fayrouza Sayed | Ethiopian | Domestic Worker | Medical and Psychological Rehabilitation | 2010 |
| **6** | Dabia Zayed | Qatari | Student | Medical and Psychological Rehabilitation | 2010 |
| **7** | Jersia | Filipina | Cleaner | Medical and Psychological Rehabilitation | 2010 |
| **8** | Kissy Bemanokan | Indonesian | Domestic Worker | Medical and Psychological Rehabilitation | 2011 |
| **9** | Jomani Bint Kassad | Filipina | Domestic Worker | Medical and Psychological Rehabilitation | 2011 |
| **10** | Tina Bit Kasmadi | Indonesian | Domestic worker | Medical and Psychological Rehabilitation | 2011 |
| **11** | Suzy Bit Amad | Indonesian | Domestic worker | Medical and Psychological Rehabilitation | 2011 |
| **12** | Basriya Bint Jasrine | Indonesian | Domestic Worker | Medical and Psychological Rehabilitation | 2012 |

Number of cases compensated by the State and the amount for each case

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Name** | **Nationality** | **Occupation** | **Compensation** | **Year** |
| **1** | Fatima Damalani | Filipina | Domestic worker | 10,000 Riyals | 2007 |
| **2** | Emilya Baster | Filipina | Domestic worker | 10,000 Riyals | 2007 |
| **3** | Brim Behdar | Nepali | Construction worker | Received compensation from the company in addition to his entitlements | 2007 |
| **4** | Torida Bit Warlya | Indonesian | Domestic Worker | 200,000 Riyals | 2008 |
| **5** | Shuwa Nish | Ethiopian | Domestic Worker | 60,000 Riyals | 2010 |
| **6** | Farida Hassan | Filipina | Domestic worker | 1,000 Riyals | 2011 |
| **7** | Janline | Filipina | Cleaner | 2,500 Riyals | 2012 |
| **8** | Mariza | Filipina | Cleaner | 2,500 Riyals | 2012 |

**Article 15**

Issue 30: Please provide information on measures taken to ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made. How does the State party guarantee the effective implementation of article 232 of the Criminal Procedure Code? Have any public officials been punished under article 159 of the Criminal Code (CAT/C/QAT/2, p. 23)? Please indicate whether, during the reporting period, any court has excluded from evidence testimony found to have been compelled through torture.

**Article 16**

Issue 31: Please indicate the measures the State party is taking to conduct prevent harassment and arbitrary arrest of human rights defenders and journalists, and to prosecute and punish perpetrators. Please comment on the March 2011 arrest of Sultan al-Khalaifi, a blogger and former secretary-general of the NGO Alkarama, and his nearly one-month detention. Please also comment on the April 2011 arrest and prosecution of two Radio Télévision Suisse journalists.

The Qatari Constitution guarantees the freedom of expression and research according to conditions determined by law. Article (47) states that “freedom of expression and academic research are guaranteed according to conditions and situations determined by the law”. Article (48) state, “freedom of the press and publishing is guaranteed according to the law”.

Publications and Publishing Law no. (9) of 1979 determines the conditions for publishing a newspaper. It bans publishing material that affects state safety, any sarcastic or demeaning remarks about Holy religion or any of its sects, contributes to instigating sectarianism, racial or religious strife, immoral opinions or that harms public morality, affects the dignity of others or their personal freedoms, or distorts another person’s reputation, harms his wealth or his commercial name, or to slander that person.

On the procedural side and in affirming the role of the media as an essential component in the State’s orientation since the freedom of opinion and expression guaranteed by the constitution in one of the pillars of a democratic and modern society, in addition to emphasizing the role of the media in enhancing dialogue, understanding, encouraging tolerance and coexistence, and establishing an environment that does not promote terrorism and hatred, His Highness the Emir issued an Emiri Decision in December 2007 approving the establishment Doha Center for Media Freedom as a private institution for public benefit that maintain the principles of freedom, credibility, independence, responsibility and transparency. These principles constitute the strategic foundations for the institution’s goals that include protecting the media system in accordance with international criteria, conducting media research, and building a database that serves media sectors. The foundations will also include erecting a memorial in recognition of the international pioneers and victims of the free media, and providing assistance to media personnel who are assaulted while performing their occupational roles, especially during crises. It is worth mentioning that Doha Center for Media Freedom has signed in January 2008 a protocol of cooperation with Correspondents without Borders.

Issue 32: Further to the recommendation of the Committee in its previous concluding observations (para. 21), has the State party taken immediate measures to guarantee respect for the human rights of all persons during any body searches, and to ensure that such searches are conducted in full compliance with international standards, including the Convention?

The Qatari Criminal Procedure Code delineates in chapter 4 the procedures to be followed by Law Enforcement officers while searching persons and homes. Article (47) of the Criminal Procedure Code stipulates that “in situations where the arrest is necessary, a law enforcement officer may search the defendant to find out there are any objects connected to the crime on his person, clothing, or luggage. The same applies to the defendant’s car”.

Article (48) of the same code stipulates that if the defendant is a female, she must be searched, by a female delegated by a law enforcement officer or a member of Pubic Prosecution after she takes oath to fulfill the task with sincerity and honesty, if she is not a law enforcement officer.

Qatari Law superseded the human rights criteria by being stricter in this context as an observance of social and religious considerations and traditions. Article (53) of the same code stipulates that “homes are to be searched only during daytime. Night searches are permitted only in when the offender is caught in the criminal act or if the investigates necessitates it. Article (55) of the same code stipulates that “if there are women in the house where the search or arrest is taking place, the law enforcement officer must observe traditions while dealing with them and enable to them adorn the veil or leave the house as long as that does not hamper the results of the search”[[22]](#footnote-22). These articles and the legal rules stipulated in the Qatari Criminal Procedure Code have set conditions for inspection, including:

1. Inspection is to be conducted by a judicial arrest official or his delegate
2. Inspection is done in circumstances that permit the arrest of the suspect
3. If the suspect is a female she must be searched in the presence of female
4. Public Officers may not enter homes except when someone in the house calls for assistance
5. Inspection is to be conducted only during day time. Searches at night are contingent on necessity
6. If there are women in the house, traditions must be observed in treating them without jeopardizing the interest of the search and its results

Qatar’s Constitution affirmed this right in Article (36), which stipulates that   
personal freedom is guaranteed and no person may be arrested or searched except in line with the law”. Moreover, Article (20) of the Law no. (3) of 2009 pertaining to organizing penal and correctional institutions states that a prisoner must be searched before he is admitted and all his belongings are to be kept by the deposits office (Article 7). If after the inspection, the prisoner is found to be hiding prohibited materials, they will be seized and the prisoner will face disciplinary action, and if the incident constitutes a criminal offense then a report will be filed and referred to the criminal courts to adjudicate the matter.

Issue 33: Please indicate to what extent the State party uses solitary confinement in detention, including the number of persons placed in solitary confinement and the duration of such confinement during the reporting period. Please describe steps taken by the State party to limit the use of solitary confinement as a measure of last resort, for as short a time as possible under strict supervision and with a possibility of judicial review (A/HRC/16/52/Add.1, para. 174).

Each prisoner who violates the regulations of the penal institution is punished by disciplinary action[[23]](#footnote-23). The law identifies disciplinary penalties that may be applied to the prisoner:

1. Warning
2. Suspension of all or some privileges for no longer than one month
3. Deduction of his reward for no longer than seven days
4. Lowering the judicial prisoner by one rank
5. Solitary confinement for no longer than 15 days[[24]](#footnote-24)

The law stipulates as a condition that none of the penalties listed under the previous article is to be applied except following a written interrogation that informs the prisoner of what he is charged with, taking his statement and hearing his defense. The investigation is conducted by a committee established by the Director of Penal and Correctional Institutions at the Ministry of Interior. The committee submits its recommendations to the competent authority that will determine the length of the sentence and when the prisoner will be released[[25]](#footnote-25).

Solitary confinement requires the signature of the Director of the Department of Penal and Correctional Institutions at the Ministry of Interior[[26]](#footnote-26) and the decision must include the reasons[[27]](#footnote-27) for meting such a punishment. In addition, the signing of such an order must be in accordance with the executive regulations and ratified according to legal procedures[[28]](#footnote-28). It is not permitted to sign more than one penalty for a single violation, and the prisoners is still entitled to file a verbal or written complaint, which the officer is required to record and relay to the director. The complaint must be taken seriously, and all appropriate measures must be undertaken to notify the public prosecutor or the competent authority, and registered in official records.

Thus, the law has set several safeguards for solitary confinement, including its terminal period of no more than 15 days, its approval by the Director of Penal and Correctional Institutions and specifying the reason for ordering that penalty.

Finally, every prisoner has the right to submit a grievance against the decision and the director should review it and inform Public Prosecution in order to seek judicial recourse for his complaint[[29]](#footnote-29).

In addition to permitting prisoners to submit complaints to Public Prosecution, Article (23) of this code gives members of Public Prosecution the right to enter penal institutions and contact any prisoner to hear his complaints and to receive all needed assistance to obtain the required information. This provides for close judicial supervision of how prisoners are treated in such institutions, especially in terms of applying sanctions against violators.

Issue 34: Please provide information on the steps taken to improve the conditions of detention of persons on death row, and to ensure they are afforded all the protections provided by the Convention. Please provide information on what crimes receive the death penalty, the number of people who have been executed and the number of people on death row. Has the State party considered establishing a moratorium on the death penalty (CAT/C/QAT/CO/1/Add.1, paras. 17–19)?

Penal and Correctional institutions abide by the classification of prisoners, including allocating separate detention rooms for prisoners on death row, while reserving all right rights. It is noteworthy that several rules adopted by the Qatari legislature regarding charges punished by execution. These rules are:

* There is no crime or punishment except by a stipulation in the law issued by a competent body. The judge may not pass a sentence of his own judgment even if he believes that it is better than the sentence specified by the courts. This sentence is only personal to the extent that it was given to this individual however it is not based on any prejudice against one’s personhood according to their race, color, or origin.
* The death penalty is the gravest of penalty that is treated with great care and taken very seriously and it only resorted to under stringent conditions and extended and intricate court proceedings. The defendant is entitled to speak in his own defense or to seek a lawyer to fulfill that task. For defendants who cannot afford a lawyer, the law obliges the court to appoint a lawyer for him who would do his best to prove his defendant’s innocence. Otherwise all court proceeding are nullified. In addition, the trail is conducted by judges who are known for their knowledge, honesty, impartiality, and who enjoy full autonomy granted under the constitution.
* The law stipulates that a death sentence is to be passed by consensus of the judges who are conducting the trial, in exception to the general rule, which states that sentences are passed by a majority of members. The law also obliges Public Prosecution to submit the death sentence to the Court of Appeal and Cassation to be sure of the validity of procedures and the existence of definite evidence that the defendant has committed the crime that deserves such a serious sentence. After checking all safeguards that prevent any mistakes or errors in procedures, the sentence is submitted to the head of the State (the Emir) for validation to pardon or reduce the sentence, since only the Emir has the authority to make such decisions when the crime of one of premeditated murder.
* Penalties are determined by the group interest in order that there is restitution and the offender is reformed, except in the case of the death penalty where the offender losses his life and the interest in this penalty is only that of the group. For this reason, the law allows it for very specific crimes. It is worth noting that there have not been any executions in the State of Qatar in the past six years.
* There is no excess in passing the death sentence, but it is still included in our legislature for grave crimes that have equivalent punishment other than execution, especially in homicides that endanger the safety of members of society. This punishment constitutes a legitimate self-defense of society against deviant and dangerous behavior that cannot be allowed to persist. Despite that reducing the sentence remains a legitimate decision in the hand of the blood guardian (the aggrieved) through bestowing amnesty.
* Abolishing the death penalty does not resolve the harm done the very notion of justice, which would lead to unruliness in society. The penalty is appropriate for very specific crimes and is commensurate to such crimes. Moreover, this penalty should be surrounded by many safeguards noted previously.
* The above discussion is proved by the very small number of cases that received a death sentence and the seriousness of the crimes committed by the offenders. Moreover, none of the death sentences were executed during the period specified by the report. The two crimes that received death sentence were murder and drug smuggling. There are four persons in the death row who sentenced for premeditated murders.[[30]](#footnote-30)

Issue 35: In the light of the commitment made by the State party in the context of the universal periodic review (A/HRC/14/2, para. 83.39) and the recommendations made by the Committee on the Rights of Child (CRC/C/QAT/CO/2, para. 71 (a)), what measures have been taken to raise the minimum age of criminal responsibility from 7 years of age to an internationally acceptable level?

This issue covered by the “The Children’s Rights Draft Law”, which determines that a child is not to be criminally charged before he reached the age of 15. The draft law was submitted to the General Secretariat of the Council of Ministers as the initiative to taking legislative measures for promulgation.

Issue 36: What measures have been taken by the State party to review its current legislation with a view to prevent and end the use of corporal punishment of children as a method of discipline, and to introduce explicit legislation prohibiting all forms of corporal punishment of children in all settings, including in the family, schools, penal system and alternative care settings?

1. Within the Family

The criminal code has criminalized all forms of violence against children whether it occurs within or outside the family. It was pointed out previously that the Family Cohesion and Empowerment of Women Strategy has adopted a sect of activities for reducing family violence and providing greater support for those affected by it. Most important is the review of legislation that criminalizes domestic violence and the development of laws to protect victims of domestic, especially when they come forward to report it.

1. In Schools

A resolution was issued in 1993 by the Minister of Education No. (3), which banned the use of corporal punishment against students or unacceptable pedagogic methods. Additionally, Decision no. (57) of 26/12/2001, which referred to the move away from psychological abuse and defamation and personal humiliation towards guidance and counseling students.

The Supreme Education Council (SEC) has prepared a policy for behavioral reform of students in independent schools. This policy is a framework that enables schools to achieve their goals and realize their mission in a correct educational manner that observes the interest and future of the students.

This general framework emphasizes a school policy that encourages positive behavior among students and treats negative behavior. Basic principles of behavioral reform policy, which considers behavior focused reform an essential part of the schools curricula and programs that teaches disciplinary methods and encourages self-discipline and respect of others. This policy has also explicitly identified the rights and responsibilities all the invested groups (school administrations, teachers, parents, and students), as well as the roles and responsibilities of all sectors of educational process, including (the Board of Trustees, and the Director, staff, students, parents, and other members who are involved with the community of the school).

The policy addressed all aspects of misbehavior, preventive and disciplinary measures. It has introduced a proposed model for enhancing positive behavior and dealing with erroneous behaviors. It also includes mechanisms for implementation with student and employee support. It also has mechanisms for monitoring and assessing any implementation.

Disciplinary measures range from verbal warning to individual guidance and counseling, followed by written warning, ultimatums, suspension, reassignment to a different school, to the final recourse which is expulsion from school.

The policy for reforming student behavior contains a set of mandatory controls on employees, such as prohibiting corporal punishment, insults, use verbal abuse or slander. The school’s administration will include a social worker, a psychologist, and an administrative supervisor. These individuals are entrusted with overseeing the policy implementation in a constant and just manner. They also monitor students who demonstrate behavioral problems and work alongside the parents to assistant these students. Any employee who abuses students verbally or physically is held accountable legally and administratively. The teacher’s salary could be docked or they could lose their job if the violation is serious.

1. Disciplinary System
2. Article (53) of Law no. (11) of 2004 promulgating the Penal Code stipulates that “any person under the age of seven years at the time the crime was committed is not criminally accountable.”

Laws applicable to juveniles apply to children aged 7 to 14 years of age. Article (8) of Law no. (1) of 2004 pertaining to juveniles stipulates, “if a minor who is under 14 years of age commits a felony or a misdemeanor he would be sentenced by the punishments and measures stipulated for these crimes, except in the case of seizure or shutting down of an area, a minor receives the following penalties:

* Rebuke
* Handing over to parents or guardians
* Send to vocational training
* Assign chores and duties
* Judicial probation
* Admission to a home for social reform
* Admission to a healthcare institution

1. Article (19) of the same law stipulates that, “if a minor who is over 14 years of age but under 16 years old commits a felony or a misdemeanor he would not be sentenced to death or to hard-labor imprisonment or flogging. In fact, he will receive one of the following sentences:

* If he commits a crime punishable by execution or life sentence, he would be imprisoned for no more than 10 years
* If he commits a crime punishable by improvement and a fine or one of the two penalties, he would be imprisoned for half the legally determined period

The Juvenile Court may, in case of crimes not punishable by execution or life in prison, substitute the penalties under this article by one of the measures under Article (8) of this law, such ask rebuke or handing over to parents or guardians.

1. Arrangements for Alternative Care

Article (14) of Law no. (1) of 1994 pertaining to juveniles stipulates that, “admission will be a social preparedness home for minors care and reform for deviants. That Home should submit a report to the court on the condition and behavior of the juvenile every six months so that the court may determine appropriate action. Placement in that Home should not exceed 10 years for felonies and 5 years for misdemeanors.

The juvenile will not remain in the reform home when he reaches 18 years of age, and should be transferred to an adult person.”

Issue 37: Please provide updated information on measures taken by the State party to respond to any threats of terrorism, and please describe if, and how, these anti-terrorism measures, in particular the Counter-Terrorism Act (Act No. 3 of 2004), have affected human rights safeguards in law and practice; the number and types of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.

Other Matters

The State of Qatar has occupied in 2012 an advanced rank among Middle East and North African countries on the Annual International Peace Index. For the fourth consecutive year, Qatar has ranked number one among Arab countries and twelfth internationally. Hence Qatar, thank God, does not suffer of any terrorist threats or crimes. Despite that, Qatar gas established a national committee for combating terrorism for the sake of strengthening international cooperation in combating terrorism, as well as to inform its police force about observing or respecting human rights in the context of applying criminal procedures while combating terrorist crimes, if they occur. Moreover, Qatari legislation granted legal safeguards to those accused of terrorist crimes that secure their rights within the framework of criminal procedures:

* The Criminal Procedure Code bestows Human Rights safeguards to those accused of committing terrorist crimes, just like another defendants, in terms of judicial arrest procedures (arrest, search and detention) both at the stages of interrogation and trial. All internationally recognized legal and judicial rights of defendants are respected. These include a defendant’s rights to seek the assistance of a lawyer at all stages of criminal procedures; there should be no unjustified postponement of interrogation procedures; the defendant must be tortured; the defendant has the right to a public and fair trial.
* Public Prosecution Law no. (10) of 2004 granted Public Prosecution, which is an independent judicial authority, the power to investigate terrorist crimes by virtue of Article (1) of that law.
* Public Prosecution Law no. (3) of 2004 contains many human rights guarantees within the context of combating terrorism, such as:
* A defendant accused of terrorism may not be precautionary imprisoned except after extensive interrogation about the incident he is accused of committing
* Public Prosecution is the only authority that has the right to obtain evidence and information related to the defendant’s accounts, deposits or safety deposit boxes in banks or other financial institutions, if that information contributes to linking the defendant to terrorist acts
* Public Prosecution has the right to confiscate all letters, packages and telegrams, as well as to monitor record all means of communication in public and private spaces. However, the legislature imposed controls on these procedures to avoid violation of personal freedoms. These controls are:

1. The arrest, surveillance, or recording orders must be obtained in advance
2. The validity of the order must not exceed 90 days, and may not be extended without an order by the competent court

1. According to Article (1) of law no. 10 (2002), Public Prosecution is an independent judicial body. [↑](#footnote-ref-1)
2. See Article 326/2 of the Criminal Procedure Code. [↑](#footnote-ref-2)
3. Advocates Law no. 23 of 2006 stipulates that the parties or agencies before, which a lawyer practices his profession must provide all facilities that enable him to carry out his duty and allow him to attend the interrogation and read the lawsuit file or papers. Anyone who assaults a lawyer or insults him verbally, symbolically, or threatens him while practicing his profession or due to his profession receives the same punishment specified for such a crime against a member of the Court (see Article 31 and 34 of the advocates Law no. 23 of 2006). [↑](#footnote-ref-3)
4. Article 101 of the Criminal Procedure Code stipulates that the member of Public Prosecution may not interrogate a defendant or let other defendants or witnesses confront him before he invites the defendant’s lawyer to attend if the defendant states that he has a lawyer. A defendant should give his lawyer’s name to the investigator, register it with the desk of Public Prosecution where the interrogation is taking place, or give it to the person in charge of the place where he is detained. A defendant’s lawyer may also provide such information. [↑](#footnote-ref-4)
5. Article 1 of Law no. 3 of 2009 organizing penal and correctional institutions. [↑](#footnote-ref-5)
6. Article 110 of the Criminal Procedure. [↑](#footnote-ref-6)
7. Article 15 of Law no. 3 of 2009. [↑](#footnote-ref-7)
8. Article 16/1 of Law no. 3 of 2009. [↑](#footnote-ref-8)
9. Article 16/2 of Law no. 3 of 2009. [↑](#footnote-ref-9)
10. Article 17 of Law no. 3 of 2009. [↑](#footnote-ref-10)
11. Article 18 of Law no. 3 of 2009. [↑](#footnote-ref-11)
12. Article 395 of the Criminal Procedure. [↑](#footnote-ref-12)
13. Article 396 of the Criminal Procedure. [↑](#footnote-ref-13)
14. A terrorist crime whose purpose is a terrorist action, whose motive for the use of force, violence, threats and panic is to disrupt the provisions of the Constitution and the law, or to disturb public order or endanger society’s safety and security. [↑](#footnote-ref-14)
15. Article 119 of the Criminal Procedure Code. [↑](#footnote-ref-15)
16. Article 157/3 of the Criminal Procedure Code. [↑](#footnote-ref-16)
17. Article 3 of Law no. 17 of 2002. [↑](#footnote-ref-17)
18. Amended by Law no. 20 of 2008. [↑](#footnote-ref-18)
19. The Agency is responsible for: 1. Preserving the system of governance in the state and its constitutional institutions. 2. Preserving the State Security and Safety and protecting national unity against any destructive activities within the country and abroad. 3. Combating activities that harm the security of the state, its stability, status, and relations with other countries. 4. Protecting the State’s political, economic, social, and religious values. 5. Combating activities that harm the state and its resources. 6. Combating espionage. [↑](#footnote-ref-19)
20. When the decision is based on Article (159) which stipulations: “Any public employee who uses force or the threat of force against a defendant, witness, or expert, or any public employee who commands such actions to obtain a confession, statement or information about a crime or to force them to conceal such information will be punishable with imprisonment of up to 5 years. If the employee’s actions cause permanent disability to the defendant, he will be imprisoned for a period not to exceed 10 years. If the actions result in the defendant’s death, the perpetrator will be sentenced with the death penalty or life in prison.”

    It is important to include a new article no. (159 repeated) was added. It stipulates that: “Any public employee or any other person who acts in his official capacity and uses, instigates, approves or conceals the torture of an individual will be punishable with imprisonment for a period not to exceed 5 years. If the victim suffers permanent disability, the perpetrator would receive the death penalty or life in prison. Torture is considered any action that causes severe bodily or moral pain or suffering intentionally inflicted on a person with the purpose of obtaining from him or from others information or confession. It is also considered torture when the actions that inflict harm are imposed to simply punish the person for something he did, is suspected of having done, was done by someone else, or to terrify him, force him or someone else to provide information or make a confession. When the motivation for inflicting pain or suffering is discrimination, the actions are also considered torture. Torture does not include the pain or suffering ensuing only from legal sanctions or attached to these sanctions, or which is an accidental result of legal actions.

    Additional Article (161) from the Criminal Code stipulates, "any employee who uses cruelty with anyone during the performance of his duties will receive punishment of imprisonment not exceeding three years, and a fine not exceeding ten thousand riyals, or either of them”.   
    With the same intent, Article (163) stipulates “that any public employee who arrests, imprisons, or detains a person out of the conditions specified by law will be imprisoned for a period that does not exceed 5 years.

    Thus anyone in relation with the detainee is able to file a complaint with Public Prosecution who should go to the place of detention to verify the claim. If a violation of the law is proved a crime is registered and the actor is punished under the law.” [↑](#footnote-ref-20)
21. In addition, Article (165) stipulates “that the offender, in addition to receiving the punishments in this chapter, will also be dismissed from his occupation. [↑](#footnote-ref-21)
22. In addition, Article ( 75) of the Criminal Procedure Code stipulates that "home searches are only permissible with written permission (warrant) from Public Prosecution or when the suspect is caught in the act of violating the law and it is deemed necessary to seize evidence for the criminal investigation. Inspection is conducted by a law enforcement officer or his delegate. The home is only inspected if there is evidence that there are objects in the dwelling that are connected to the criminal activity. Article (76) taking into account the provisions of housing inspections stipulated in this law to be subject to the following conditions:  
    1 - The public prosecutor in the search warrant parts of the house that he finishes them permission and whether it includes the entire housing and its accessories or specific parts of it.  
    2 – A female inspector must conduct the search in cases that involve women according to the stipulations in the Articles (48) and (55) of this Law.  
    3 – Adherence to respect for religious values​​, customs and traditions prevailing in the society [↑](#footnote-ref-22)
23. Article (51) of Law No. (3) for the year 2009 on the organization of penal and correctional institutions. [↑](#footnote-ref-23)
24. Article (53) of the above law. [↑](#footnote-ref-24)
25. Article (54) of the above law [↑](#footnote-ref-25)
26. Article (55/1) of the above law [↑](#footnote-ref-26)
27. Article (55/2) of the above law [↑](#footnote-ref-27)
28. Article (56) of the above law [↑](#footnote-ref-28)
29. It is important to note that the public prosecutor in every case access to the prisoner even if the latter is forbidden contact with other prisoners or is in solitary confinement. The accused always has a right to meet with his lawyer. [↑](#footnote-ref-29)
30. Article (300) stipulates that “any person who murders another human being with intent will be punished by execution in any of the following cases:

    If the killing was premeditated

    If the killing was committed by using a poisonous material or an explosive devise

    If the victim is a descendent of the offender

    If the victim is a public employee and the killing occurs during performing his duty or due to that

    If the killing is linked to another felony or misdemeanor

    If the first degree blood relative of the victim pardons the killer and accepts financial compensation, execution would be replaced with imprisonment that does not exceed 15 years.

    Article (301) stipulates that “premeditation means deciding to commit the act in advance while the actor has sufficient time to think calmly about what he intends to do. Ambush means waiting for the victim to be in place of the killer believes is suitable to commit his crime.’ Both premeditation and ambush exist, even if actual execution of the deed is conditional, if the act results in the death of someone who is not the targeted person.”

    Article (302) stipulates that “any person who intentionally kills another person in situations other than the situations listed under Article (300) of this code is punishable by the death penalty or life imprisonment.” The offender is punishable by imprisonment that does not exceed seven years if the first degree blood relative pardons the killer and accepts financial compensation (blood money).” [↑](#footnote-ref-30)