



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

Distr.
GENERAL

CAT/C/QAT/CO/1/Add.1
7 April 2009

ENGLISH
Original: ARABIC

COMMITTEE AGAINST TORTURE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

**Comments by the State of Qatar on the conclusions and recommendations
of the Committee against Torture (CAT/C/QAT/CO/1)**

[2 March 2007]

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recommendations of the Committee against Torture**

1. At the outset, I should like to express my sincere gratitude and appreciation to your distinguished Committee for its concluding observations on the initial report of Qatar and to emphasize the importance that Qatar attaches to implementing the Committee's recommendations.
2. Further to your request for written replies to some questions that were not answered during the consideration of the initial report, I am pleased to transmit to you herewith the requested replies.

**Question 1. Right of residents to lodge complaints in connection with the rights
guaranteed to them under articles 34 and 35 of the Constitution of Qatar**

1. The principle of equality before the law and non-discrimination on the basis of sex, origin, language or religion is affirmed in article 35 of the Permanent Constitution of the State of Qatar, which stipulates that "All persons are equal before the law." This provision applies to all nationals and residents living in Qatar.
2. This principle is also affirmed in articles 46 and 52 of the Constitution. Article 46 provides that "Any individual has the right to address the general authorities" while article 52 provides that "Every person residing legally in the State is entitled to protection of his person and property in accordance with the law." Consequently, the Constitution guarantees all persons residing in the State of Qatar the right to lodge complaints with the competent authorities should their guaranteed rights be violated.

Question 2. Domestic violence and protection of the right to privacy

3. The main distinguishing feature of Qatari society over the generations has been its family system, which is the foundation of the country's stability. The Constitution, therefore, focuses on the role of the family and the welfare of youth, stipulating that young persons must be safeguarded from depravity, protected against exploitation and shielded from delinquency and domestic violence, by means that ensure respect for the privacy of Qatari citizens and national customs and traditions.
4. The competent national authorities have taken measures to protect the family and young persons and to tackle domestic violence. These measures include, but are not limited to, the following:
 - The establishment, by Amiri Decree No. 23 of 2002, of the Supreme Council for Family Affairs, to promote family welfare, strengthen family cohesion and consider the problems confronting families
 - The issuance of Decree No. 38 of 2006 vesting certain officers of the Supreme Council for Family Affairs with the power to gather evidence on, and document, offences under the national laws on women, the family and children

- The establishment of a family counselling centre to provide advice and guidance which will help to strengthen family cohesion

Question 3. Appeals to the courts against decisions to renew periods of detention under the Counter-Terrorism Act

5. Appeals may be brought pursuant to article 157 of the Code of Criminal Procedures, which grants accused persons or their representatives the right to appeal against detention orders.

Question 4. Powers of the Minister of the Interior to expel aliens

6. The Minister issues expulsion decisions on the grounds laid down in article 21 of the Alien Entry and Residence Act No. 3 of 1963. These grounds fall into four basic categories, depending on whether the presence of an alien:

- Threatens State security and internal and external territorial integrity
- Threatens public order (public health, public morals)
- Threatens the national economy or
- Is a burden on the State

7. In our view, these are reasonable and legitimate grounds for expelling an alien. The fact that they are broad in scope is no reason to dismiss them. They are at the core of the fundamental and vital interests that no State can afford to disregard. Moreover, they are not inconsistent with the peremptory norms of the law. The fact that they are framed in general terms means that they are not limited in scope and thus take account of the diverse range of activities in which individuals and groups engage in the context of the rapid changes taking place in public life at the international, regional and national levels and which have given rise to many new forms of transnational crime.

Question 5. Imprisonment for financial offences relating to the issuance of worthless cheques

8. Individuals may be imprisoned for committing this type of offence, which is punishable under article 357 (1) of the Criminal Code by a term of from three months to three years' imprisonment and/or a fine of from 3,000 to 10,000 Qatar riyals.

9. It is clear from this article that the legislator grants the courts discretionary powers to determine the type and amount of the penalty, taking into account the gravity of the offence.

Question 6. The situation of juveniles in preventive detention

10. This matter is regulated by articles 22 and 26 of the Qatari Juveniles Act No. 1 of 1994.

11. Article 22 provides that "Where a juvenile is at risk of delinquency in any of the situations listed in article 1 (2) of the present Act, the juvenile police shall place him in a juvenile custody facility, if the circumstances of the case so warrant, pending referral of his case to the juvenile

court. The period of custody shall not exceed 48 hours, unless it is extended by order of the court. Alternatively, the juvenile police may order that the juvenile be entrusted to the care of a parent, guardian or tutor to be presented upon demand.”

12. Under article 1, paragraph 2, of the Juveniles Act, the expression “at risk of delinquency” refers to the following acts by juveniles:

- Engaging in work that is not an appropriate means of subsistence
- Engaging in sexual or immoral offences, offences against public morals or decency, or offences involving alcohol, begging, drugs or hazardous psychotropic substances, or working for those who commit such offences
- Associating with vagrants, persons of dubious character or persons with a reputation for notorious conduct or depravity
- Habitually running away from home or playing truant from school or training colleges
- Being without a legitimate source of income or a trustworthy provider
- Rejecting the authority of a parent or guardian
- Having no fixed abode or sleeping habitually in the streets or other places not intended for living or sleeping

13. Article 26 provides that:

“The juvenile police, in the interests of the investigation or the juvenile, may keep a juvenile offender in custody for up to 48 hours from the date of arrest. Where it is considered necessary to keep the juvenile in custody, his file shall be transmitted to the juvenile court for an extension of the custody period by up to one week, renewable for one or more periods of similar length.”

Question 7. Women’s right to organize and the presence of women in the judiciary

14. Under part III, article 45, of the Permanent Constitution (rights and obligations), the right to organize is guaranteed without any distinction between men and women. The text of the article is written in absolute terms and reads as follows:

“Freedom of association is guaranteed in accordance with the terms and conditions prescribed by law.”

15. With regard to the presence of women in the judiciary, a number of women are at the top of the profession in the Office of the Public Prosecutor.

Question 8. Retaliation (qisas) in domestic law

16. Article 1 of Qatar’s Criminal Code stipulates that “The provisions of the Islamic sharia shall apply to the following offences, where the accused or the victim is a Muslim:

(a) Offences for which the penalty is precisely defined under the sharia (*hudud* offences) and which involve theft, robbery, adultery, slander, drinking alcohol and apostasy;

(b) Offences warranting retaliation (*qisas*) and payment of blood money (*diyha*).

Other offences and penalties are defined in accordance with the present Code or any other Act.”

17. Under article 57 of the Criminal Code, the death penalty is one of the basic penalties that may be imposed for criminal offences. Under article 58 of the Code, the death sentence can be carried out only with the approval of the Amir.

18. Article 342 of the Code of Criminal Procedure defines the penalty as follows:

“The death penalty shall be carried out by hanging or shooting to death, based on the sentence handed down and pursuant to a written request from the public prosecutor setting out the manner in which the procedure provided for in article 342 of the present Code is to be performed.”

19. Executions are carried out in the presence of a senior member of the Office of the Public Prosecutor, a representative of the Prisons Department, the administrator of the prison, the prison doctor and a preacher. Other persons may attend, if they obtain special permission from the Office of the Public Prosecutor. The lawyer of the condemned person must always be permitted to attend, if he so requests.
