



QATAR
Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status
and
The World Coalition Against the Death Penalty

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Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. . In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 150 NGOs, bar associations, local authorities and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. Qatar has maintained a de facto moratorium on the imposition of the death penalty since its last reported execution in 2003, but courts in Qatar have continued to sentence people to death, as recently as June 2018. In the last UPR, Qatar received recommendations from several countries regarding the death penalty, including suggestions to consider adopting a formal moratorium, to initiate a public debate concerning abolition of the death penalty, to commute all death sentences, and to abolish the death penalty. Qatar did not accept these recommendations. However, Qatar has recently implemented recommendations to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

I. BACKGROUND AND FRAMEWORK

A. 2014 Universal Periodic Review

1. *Qatar's Response to UPR Recommendations*
2. During its second UPR, Qatar received 6 recommendations regarding the death penalty. While commending Qatar for its de facto moratorium since 2003,¹ countries recommended that Qatar establish a formal moratorium as an initial step toward abolition. Countries also recommended that Qatar commute all existing death sentences, and that it ratify the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, and the International Convention on Economic, Social and Cultural Rights.
3. The Qatari government responded to these recommendations by indicating that it was experiencing some temporary difficulties in acceding to some international conventions, but was considering acceding to the ICCPR and ICESCR.²
 2. *Qatar's Implementation of UPR Recommendations.*
 - a. Ratification of the International Covenant on Civil and Political Rights

Status of Implementation: Noted, Implemented

4. Qatar noted but later accepted recommendations from 17 countries to ratify the International Covenant on Civil and Political Rights.³
 - b. Ratification of the International Covenant on Economic, Social and Cultural Rights

Status of Implementation: Noted, Implemented

5. Qatar noted but later accepted recommendations from 11 countries to ratify the International Covenant on Economic, Social and Cultural Rights.⁴
 - c. Moratorium on and Abolition of the Death Penalty

Status of Implementation: Not Accepted, Not Implemented

6. Qatar did not support recommendations from four countries urging it to officially establish a formal moratorium on the death penalty, with a view toward abolition.⁵

7. Qatar did not support the recommendations of Australia and Uruguay that it ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.⁶
8. Qatar did not support the recommendation of Norway that it commute all death sentences.⁷
9. Qatar did not support the recommendation of Portugal that it abolish the death penalty.⁸
10. Qatar did not support the recommendation of France that it initiate a public debate with a view to abolishing the death penalty.⁹

B. Domestic Legal Framework

1. Legal Basis for the Death Penalty

11. Qatar is a constitutional monarchy in which Emir Sheikh Hamad bin Khalifa al-Thani exercises full executive power. Sharia or Islamic law is a primary source of legislation. The Qatari penal code, contained in Law No. 11 of 2004, as amended, stipulates that crimes punishable by the death penalty include murder,¹⁰ abduction leading to death,¹¹ terrorism-related offenses,¹² rape,¹³ incest,¹⁴ repeat drug trafficking offenses, treason,¹⁵ espionage,¹⁶ extortion by threat of accusation of a crime of honor, such as adultery or fornication, and giving false witness with the consequence of inflicting capital punishment on the accused.¹⁷ The penal code also adopts the provisions of Sharia law for certain *hudud* offenses, ranging from theft and drinking alcohol to apostasy.¹⁸ Such offenses are punishable by death. Death sentences are to be carried out by hanging or firing squad.¹⁹
12. A death sentence may not be carried out unless ratified by the Emir.²⁰ The death penalty may be reduced to life imprisonment, or to a term of no less than five years, if a court reviewing the sentence determines that mercy is warranted.²¹ The death penalty for the crime of murder may be commuted to a term of imprisonment if the “avenger of blood heir” forgives or accepts blood money from the offender.²² Death sentences may not be imposed on persons who were under the age of 18 at the time of the offense.²³

2. Use of the Death Penalty in Practice

13. The last execution in Qatar occurred in 2003, constituting a de facto moratorium of 15 years on the imposition of the death penalty. Prior to the start of the de facto moratorium, executions had been carried out by hanging and firing squad. Despite the de facto moratorium, Qatari courts continue to sentence persons to death. As of 2010, approximately 20 persons were believed to be under sentence of death in Qatar.²⁴ New death sentences are known to have been imposed for crimes of murder as recently as 2018. Qatar does not appear to have imposed a death sentence pursuant to Sharia law, as provided in Article 1 of the penal code, since its independence in 1971.²⁵

II. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

14. Qatar is commended for not carrying out an execution since 2003 and for ratifying the ICCPR and ICESCR.
15. Nonetheless, Qatari courts continue to impose and uphold new death sentences. In 2013, a Qatari citizen was sentenced to death for the murder of a British teacher. His death

sentence was upheld by Qatar’s highest court, the Court of Cassation, in April 2017.²⁶ In January 2016, a Qatar criminal court sentenced four Bengalis and one Nepali to death in the murder of their employer. The men were sentenced in absentia.²⁷ They reportedly committed the crime because their employer had refused to grant them permission to leave Qatar, which was required by the law in force at the time. Qatar subsequently amended that law in September 2018, lifting the requirement that foreign workers obtain employer permission in order to leave the country.²⁸ In June 2018, a Nepali worker was sentenced to death for the murder of a Qatari citizen.²⁹

16. Qatar is to be commended for eliminating the legal requirement that foreign workers obtain permission from their employer in order to leave the country.

Right or area 12.4. Death penalty

A. Qatar does not limit the death penalty to the most serious crimes.

17. The laws of Qatar do not limit the death penalty to the “most serious crimes” as required by Article 6(2) of the International Covenant on Civil and Political Rights. For example, many crimes are eligible for the death penalty if they result in death, regardless of whether the death was an intentional killing. Moreover, crimes that do not result in death are eligible for the death penalty, including broadly defined crimes against the State and “honor” crimes, among others.

B. Qatar has not promoted public discourse on the death penalty and alternative punishments.

18. There is little evidence of government efforts to initiate public discourse, informed by international human rights standards, concerning the death penalty or to promulgate informational materials on the death penalty. Qatar did not accept the recommendation by France to initiate such public dialogue.

III.RECOMMENDATIONS

19. This stakeholder report suggests the following recommendations for the Government of Qatar:

- Immediately adopt a formal moratorium on the death penalty.
- Commute all existing death sentences.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
- Prohibit imposition of the death penalty for any crime that does not involve an intentional killing, consistent with Qatar’s obligations under Article 6 of the ICCPR.
- Initiate a public dialogue regarding the death penalty, with a view toward its abolition.

¹ *Report of the Human Rights Council on its twenty-seventh session*, (Dec. 22, 2014), U.N. Doc. A/HRC/27/2, ¶ 21 (Spain).

² *Report of the Human Rights Council on its twenty-seventh session*, (Dec. 22, 2014), U.N. Doc. A/HRC/27/2, ¶¶ 818.

³ *Report of the Working Group on the Universal Periodic Review: Qatar*, (June 27, 2014), U.N. Doc. A/HRC/27/15, ¶¶ 124.1 (France); 124.2 (Nicaragua); 124.4 (United States of America); 124.5 (Rwanda); 124.6 (Slovenia); 124.7 (Japan); 124.8 (Montenegro); 124.9 (Tunisia); 124.10 (Russian Federation); 124.11 (Germany); 124.12 (Australia); 124.13 (Portugal); 124.14 (Austria); 124.15 (Maldives); 124.16 (Uruguay); 124.17 (Ghana). Qatar acceded to the ICCPR in May 2018.

⁴ *Report of the Working Group on the Universal Periodic Review: Qatar*, (June 27, 2014), U.N. Doc. A/HRC/27/15, ¶¶ 124.1 (France); 124.2 (Nicaragua); 124.3 (Turkmenistan); 124.6 (Slovenia); 124.7 (Japan); 124.9 (Tunisia); 124.10 (Russian Federation); 124.11 (Germany); 124.12 (Australia); 124.13 (Portugal); 124.14 (Austria); 124.15 (Maldives); 124.17 (Ghana). Qatar acceded to the ICESCR in May 2018.

⁵ *Report of the Working Group on the Universal Periodic Review: Qatar*, (June 27, 2014), U.N. Doc. A/HRC/27/15, ¶¶ 125.1 (Switzerland); 125.2 (Australia); 125.3 (Italy); 125.4 (Norway).

⁶ *Report of the Working Group on the Universal Periodic Review: Qatar*, (June 27, 2014), U.N. Doc. A/HRC/27/15, ¶¶ 124.12 and 125.2 (Australia); 124.16 Uruguay.

⁷ *Report of the Working Group on the Universal Periodic Review: Qatar*, (June 27, 2014), U.N. Doc. A/HRC/27/15, ¶ 125.4 (Norway).

⁸ *Report of the Working Group on the Universal Periodic Review: Qatar*, (June 27, 2014), U.N. Doc. A/HRC/27/15, ¶ 125.5 (Portugal).

⁹ *Report of the Working Group on the Universal Periodic Review: Qatar*, (June 27, 2014), U.N. Doc. A/HRC/27/15, ¶ 125.6 (France).

¹⁰ Law No. 11 of 2004, Articles 300, 301, 302.

¹¹ Law No. 11 of 2004, Article 318.

¹² Law No. 11 of 2004, Articles 250, 252

¹³ Law No. 11 of 2004, Article 279.

¹⁴ Law No. 11 of 2004, Articles 279, 280, 284.

¹⁵ Law No. 11 of 2004, Articles 98, 99, 100, 101, 103, 105, 114, 118, 130, 131, 132, 135.

¹⁶ Law No. 11 of 2004, Articles 107, 110, 111.

¹⁷ Law No. 11 of 2004, Article 173.

¹⁸ Law No. 11 of 2004, Article 1.

¹⁹ Law No. 11 of 2004, Article 59.

²⁰ Law No. 11 of 2004, Article 58.

²¹ Law No. 11 of 2004, Article 92.

²² Law No. 11 of 2004, Articles 300, 302.

²³ Law No. 11 of 2004, Article 20.

²⁴ Cornell Center on the Death Penalty Worldwide, Death Penalty Database: Qatar, available online at <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Qatar#f3-6>.

²⁵ End Blasphemy Laws: Qatar, available online at <https://end-blasphemy-laws.org/countries/middle-east-and-north-africa/qatar/>

²⁶ The National, *Death sentence upheld for Qatari who killed British teacher*, (April 30, 2017). Available online at <https://www.thenational.ae/world/death-sentence-upheld-for-qatari-who-killed-british-teacher-1.20967>.

²⁷ Doha News, *Five expats sentenced to death penalty for killing employer in Qatar*, (January 3, 2016). Available online at <https://dohanews.co/five-expats-sentenced-death-penalty-killing-employer-qatar/>.

²⁸ Reuters, *Qatar lifts controversial exit visa system for most workers*, (September 4, 2018). Available online at <https://www.reuters.com/article/us-qatar-rights-visas/qatar-lifts-controversial-exit-visa-system-for-workers-idUSKCN1LK2D1>.

²⁹ Kathmandu Post, *Qatar hands death penalty to Nepali*, (June 5, 2018). Available online at <http://kathmandupost.ekantipur.com/news/2018-06-05/qatar-hands-death-penalty-to-nepali.html>.