



**Qatar's Compliance with the International Covenant on Civil and Political Rights:
The Death Penalty**

Submitted by

The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996
and

The World Coalition Against the Death Penalty

**for the 134th Session of the UN Human Rights Committee
28 February–25 March 2022**

Submitted 31 January 2022

The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, 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 publications. 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 (World Coalition), an alliance of more than 160 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 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 had been maintaining a de facto moratorium on executions since 2000, but courts continued to sentence people to death. In 2020, however, Qatar executed a Nepali migrant worker by firing squad.¹ Qatar's death penalty practices are not in compliance with the Covenant. Qatar does not limit the death penalty to the most serious crimes, it is not taking steps toward a de jure moratorium on executions or ratification of the Second Optional Protocol, and it does not ensure that defendants in capital cases have a fair trial. Recent history suggests that a migrant worker may be more likely to be sentenced to death and executed for killing a Qatari national, as opposed to a non-citizen. Migrant workers are particularly vulnerable in the context of the country's criminal legal system.

Qatar fails to uphold its obligations under the International Covenant on Civil and Political Rights

I. Qatar's death penalty practices are not in compliance with Articles 6 and 7 of the Covenant (List of Issues Paragraph 10).

2. The Committee requested "additional information about the safeguards in place to ensure that the use of the death penalty in [Qatar] is compliant with the requirements of the Covenant"² Qatar asserts that "Legislators have set tight controls on the application of the death penalty whereby its use is restricted within strict limits. This is consistent with article 6 of the Covenant and with the Committee's general comment No. 36 on the right to life."³
3. Qatari courts sentenced at least one person to death in 2018, at least two people in 2019, and at least four people in 2020. Qatar carried out one execution in 2020.⁴ Prior to 2020, Qatar's last known execution took place in 2000.⁵
 - a. **Qatar does not limit the death penalty to the most serious crimes.**
4. The Committee also asked for information about which crimes carry the death penalty and whether such provisions are compatible with the Covenant.⁶
5. Despite Qatar's assertions (see paragraph 2 above), Qatar does not limit the death penalty to intentional killings. 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

¹ Amnesty International Report 2020/21 on Qatar <https://www.amnesty.org/en/location/middle-east-and-north-africa/qatar/report-qatar/>.

² Human Rights Committee, *List of issues in relation to the initial report of Qatar*, U.N. Doc. CCPR/C/QAT/Q/1, (24 Aug. 2020), ¶ 10.

³ Human Rights Committee, *Replies of Qatar to the list of issues in relation to its initial report*, U.N. Doc. CCPR/C/QAT/RQ/1, (8 Apr. 2021), ¶ 41.

⁴ Cornell Center on the Death Penalty Worldwide, *Qatar*, last visited Jan. 27, 2022, <https://deathpenaltyworldwide.org/database/#/results/country?id=59>.

⁵ Amnesty International, *Death Sentences and Executions 2020* (2021), at 43, available at <https://www.amnesty.org/en/wp-content/uploads/2021/05/ACT5037602021ENGLISH.pdf>.

⁶ Human Rights Committee, *List of issues in relation to the initial report of Qatar*, U.N. Doc. CCPR/C/QAT/Q/1, (24 Aug. 2020), ¶ 10.

that crimes punishable by the death penalty include murder,⁷ abduction leading to death,⁸ 11 terrorism-related offenses,⁹ rape,¹⁰ incest,¹¹ repeat drug trafficking offenses, treason,¹² espionage,¹³ 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. The penal code also adopts the provisions of Sharia law for certain *hudud* offenses, ranging from theft and drinking alcohol to apostasy. Such offenses are punishable by death. Death sentences are to be carried out by hanging or firing squad.¹⁴

6. A death sentence may not be carried out unless the Emir ratifies it.¹⁵ A reviewing court may reduce a death penalty to life imprisonment, or to a term of no less than five years, if it determines that mercy is warranted.¹⁶ 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.¹⁷
7. Death sentences may not be imposed on persons who were under the age of 18 at the time of the offense,¹⁸ pregnant women, and people with severe psycho-social disabilities.¹⁹ For persons with intellectual disabilities, “‘mental defect’ resulting in partial incapacity is an extenuating excuse, while total incapacity precludes criminal responsibility.”²⁰
 - b. In 2020, Qatar ended its de facto moratorium on executions and it has not indicated willingness to institute a formal moratorium on the death penalty or ratify the Second Optional Protocol.**
8. The Committee asked whether Qatar “intends to take steps towards a full moratorium on the death penalty and whether it is considering ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.”²¹ Qatar offers a generic response on ratification of outstanding human rights treaties, explaining that “the State has also embraced the principle of gradual accession, as it believes that quality is more important than quantity.”²² In 2018 and 2020, Qatar voted against the

⁷ Law No. 11 of 2004, Articles 300, 301, 302.

⁸ Law No. 11 of 2004, Article 318.

⁹ Law No. 11 of 2004, Articles 250, 252

¹⁰ Law No. 11 of 2004, Article 279.

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

¹² Law No. 11 of 2004, Articles 98, 99, 100, 101, 103, 105, 114, 118, 130, 131, 132, 135.

¹³ Law No. 11 of 2004, Articles 107, 110, 111.

¹⁴ Law No. 11 of 2004, Article 59.

¹⁵ Law No. 11 of 2004, Article 58

¹⁶ Law No. 11 of 2004, Article 92.

¹⁷ Law No. 11 of 2004, Articles 300, 302

¹⁸ Law No. 11 of 2004, Article 20.

¹⁹ Cornell Center on the Death Penalty Worldwide, *Qatar*, last visited Jan. 27, 2022,

<https://deathpenaltyworldwide.org/database/#/results/country?id=59> (citing Qatar Penal Code, art. 54, Law No. 11 of 2004).

²⁰ Cornell Center on the Death Penalty Worldwide, *Qatar*, last visited Jan. 27, 2022,

<https://deathpenaltyworldwide.org/database/#/results/country?id=59> (citing Qatar Penal Code, art. 54, Law No. 11 of 2004).

²¹ Human Rights Committee, *List of issues in relation to the initial report of Qatar*, U.N. Doc. CCPR/C/QAT/Q/1, (24 Aug. 2020), ¶ 10.

²² Human Rights Committee, *Replies of Qatar to the list of issues in relation to its initial report*, U.N. Doc. CCPR/C/QAT/RQ/1, (8 Apr. 2021), ¶¶ 8, 42.

United Nation's General Assembly Resolution on the moratorium on the use of the death penalty²³ and it has yet to ratify the Second Optional Protocol.

9. Indeed, Qatar appears to be moving in the opposite direction. It resumed executions in 2020 and sentenced at least four people to death in that year, up from 1-2 death sentences per year in previous years.

c. Legal proceedings in capital cases lack the procedural safeguards required under Article 6 as well as Articles 2, 7, 9, 10, and 14, particularly for foreign nationals (List of Issues paragraphs 10 and 21).

10. The Committee asked about “the steps taken to ensure judicial impartiality and independence and the autonomy of prosecutors,” and requested that Qatar “respond to reports of individuals being denied the procedural safeguards of a fair trial, contrary to article 14 of the Covenant, such as inadequate access to counsel, including in a language that they can understand, restrictions on defendants’ ability to address the courts, and the use of trials in absentia without adequate attempts to summon defendants.”²⁴

11. Qatar asserts that “it has received no complaints of torture or ill-treatment and detected no cases of either. Nor has it received any complaints of abuse of power by police officers assigned to the Ministry [of the Interior] that involves acts meeting the definition of torture.”²⁵

12. Amnesty International has reported instances in which authorities used torture and other forms of coercion to obtain evidence used to convict people charged with capital offenses.²⁶ In many cases, the defendants raising allegations of torture are not Qatari nationals.²⁷

13. Qatar further asserts that the Code of Civil and Commercial Procedure, the Code of Criminal Procedure, and the Judicial Authority Act No. 10 of 2003, “offer full guarantees of a fair hearing.”²⁸ Qatar also asserts that “access to a lawyer is available and guaranteed for accused persons from the beginning of the investigation.” The Initial State Party report also observes

²³ UNGA Vote 2018 Resolution 73/175 accessed at <https://undocs.org/pdf?symbol=en/A/RES/73/175>; *Report of the Third Committee (A/75/478/Add.2, ¶ 89)*; see also the *International Commission Against the Death Penalty, UNGA Moratorium Resolution Map* <https://icomdp.org/unga/>.

²⁴ Human Rights Committee, *List of issues in relation to the initial report of Qatar*, UN Doc. No. CCPR/C/QAT/Q/1, 24 Aug. 2020, ¶ 21.

²⁵ Human Rights Committee, *Replies of Qatar to the list of issues in relation to its initial report*, UN Doc. No. CCPR/C/QAT/RQ/1, 8 Apr. 2021, ¶ 80.

²⁶ Amnesty International, *Qatar investigate Torture Allegations of Filipino Man Convicted on the Basis of Forced Confession* <https://www.amnesty.org/en/latest/news/2015/03/qatar-investigate-torture-allegations-of-filipino-man-convicted-on-basis-of-forced-confessions/>; see *Australian academic warned consulate staff he was being tortured in Qatari prison*, *Guardian*, 27 Apr. 2021, available at <https://www.theguardian.com/australia-news/2021/apr/14/australian-academic-haunted-by-possibility-of-false-confession-during-torture-in-qatar>.

²⁷ See, e.g., *Australian academic warned consulate staff he was being tortured in Qatari prison*, *Guardian*, 27 Apr. 2021, available at <https://www.theguardian.com/australia-news/2021/apr/14/australian-academic-haunted-by-possibility-of-false-confession-during-torture-in-qatar>; *Calls for a Fair Trial in Qatar for Jordanian Abdullah Abhis*, Arab Organisation for Human Rights in the UK, 9 Oct. 2021, available at <https://aohr.org.uk/calls-for-a-fair-trial-in-qatar-for-jordanian-abdullah-abhis/>.

²⁸ Human Rights Committee, *Replies of Qatar to the list of issues in relation to its initial report*, UN Doc. No. CCPR/C/QAT/RQ/1, 8 Apr. 2021, ¶¶ 93-94.

that “the law requires that an interpreter be present” during any investigation in which the accused person does not speak the language being used in the interrogation.²⁹

14. According to the U.S. State Department, “foreign detainees had access to the legal system, although some complained of opaque legal procedures and complications, mostly stemming from language barriers. Foreign nationals did not uniformly receive translations of legal proceedings, although interpretation was generally provided within courtrooms.”³⁰
15. Recent history suggests that prosecutors and courts may discriminate against migrant workers in capital cases, particularly if they are accused of killing a Qatari national. At the time authorities executed the Nepali migrant worker who had killed a Qatari national, ten other Nepalis were imprisoned for murder, but all of their victims were Nepalis.³¹ Of those ten, some had been sentenced to death but none have been executed.³² The facts suggest that authorities singled out the Nepali who had killed a Qatari national to carry out his death sentence, perhaps deeming that his crime was more grave due to the nationality of his victim. It is also not clear whether sentencing authorities accounted for the exploitation and abuse that migrant workers can face in the *kafalah* system.³³ The sentencing authority likely did not take those circumstances into account, if they had any relevance to the alleged crime. Rather, the migrant worker’s fate was in the hands of the victim’s family, who refused to accept “blood money” in return for a reduced sentence.³⁴

II. Suggested recommendations for the Government of Qatar

16. Qatar should:

- Immediately institute a de jure moratorium on executions with a view to abolishing the death penalty and, in the meantime, commute the death sentences of any persons currently under sentence of death and replace them with penalties that are fair, proportionate, and consistent with international human rights standards;
- Ratify the Second Optional Protocol to the ICCPR;
- Amend the Qatari Penal Code to eliminate any provisions authorizing the death penalty for any crime that does not constitute an intentional killing;

²⁹ Human Rights Committee, *Replies of Qatar to the list of issues in relation to its initial report*, UN Doc. No. CCPR/C/QAT/RQ/1, 8 Apr. 2021, ¶ 102.

³⁰ U.S. State Department, Qatar Human Rights Report (2020), <https://www.state.gov/wp-content/uploads/2021/03/QATAR-2020-HUMAN-RIGHTS-REPORT.pdf> (last visited Jan. 27, 2022).

³¹ Hands Off Cain, *Qatar: Nepali man shot to death as punishment for murder*, 25 May 2020, <http://www.handsoffcain.info/notizia/qatar-nepali-man-shot-to-death-as-punishment-for-murder-60308945> (last visited 27 Jan. 2022).

³² Hands Off Cain, *Qatar: Nepali man shot to death as punishment for murder*, 25 May 2020, <http://www.handsoffcain.info/notizia/qatar-nepali-man-shot-to-death-as-punishment-for-murder-60308945> (last visited 27 Jan. 2022).

³³ See, e.g., Human Rights Committee, *List of issues in relation to the initial report of Qatar*, UN Doc. No. CCPR/C/QAT/Q/1, 24 Aug. 2020, ¶ 12.

³⁴ Hands Off Cain, *Qatar: Nepali man shot to death as punishment for murder*, 25 May 2020, <http://www.handsoffcain.info/notizia/qatar-nepali-man-shot-to-death-as-punishment-for-murder-60308945> (last visited 27 Jan. 2022); U.S. State Department, Qatar Human Rights Report (2020), <https://www.state.gov/wp-content/uploads/2021/03/QATAR-2020-HUMAN-RIGHTS-REPORT.pdf> (last visited Jan. 27, 2022).

- Adopt a system of financial aid to ensure that no person sentenced to death is denied the opportunity for a lesser sentence due to socioeconomic status in the context of payment of “blood money” to the victim’s family;
- Commission an independent investigation into the 2020 execution of a Nepali national, including the facts and circumstances of the alleged crime, the role, if any, that his status as a migrant worker played in the alleged crime, whether he timely received his consular notification rights under the Vienna Convention, the adequacy of his legal counsel, the extent to which Nepal provided legal assistance to the Nepali national, the decision to carry out his execution and how he was selected as the person to be executed, whether he and his counsel and family received timely notice of the imminent execution, and any observations, notes, or reports from individuals who observed his execution;
- Enact a policy to ensure that all defendants in all criminal proceedings who are not native speakers of Arabic have the opportunity to avail themselves of a court-financed interpreter during all stages of the criminal process, from arrest and interrogation through the appeal;
- Establish an independent mechanism to investigate all allegations of torture and cruel, inhuman, or degrading treatment within detention facilities, and ensure that perpetrators are held accountable and victims receive appropriate remedies and services, regardless of whether they reside in detention or in a public setting;
- In collaboration with civil society organizations, initiate a public dialogue regarding the death penalty with members of parliament and the general public, with a view to identifying the human rights violations implicated in the process and explaining the benefits of alternatives to the death penalty;
- Appoint a commission to conduct a study regarding discrimination based on national origin and the death penalty in Qatar and ensure that the study’s results are promulgated to all relevant stakeholders who might benefit from the results of the research.