

UPR-Info Pre-session Intervention

Today I will be speaking on behalf of MENA Rights Group and addressing issues related to the independence of the judiciary, counter-terrorism and national security legislation and freedom of expression and peaceful assembly.

MENA Rights Group is a Geneva-based legal advocacy NGO. We strive to protect and promote rights and freedoms in the Middle East and North Africa region. We provide legal counselling to victims of human rights violations through recourse to international law mechanisms. We assess the human rights situation on the ground and bring issues to the attention of relevant stakeholders to call for legal and policy reform.

Independence of the Judiciary

During its last UPR, Canada recommended that Qatar “continue to build an independent judiciary that would process court cases more effectively and independently”. Qatar did not support or reject this recommendation, but rather claimed to have “already implemented” it. Despite this, there remains a clear lack of separation of powers between the judicial and the executive branches of government.

All presidents and judges of ordinary Qatari courts are appointed by an Emiri order or decree. In addition, members of the prosecution and the attorney general are all appointed by the Emir.

There is no written code of conduct for judges, and the Emir has the competence to dismiss both judges and prosecutors in the “public interest”. What is more, non-Qatari judges continue to be employed under temporary contracts that must be renewed on an annual basis, leaving them vulnerable to dismissal and undue influence.

- **We therefore suggest the following recommendation:** Guarantee the independence of the judiciary, including by guaranteeing the tenure of foreign judges and establishing a written code of conduct for judges.

Counter-terrorism and national security legislation

Qatar did not receive any recommendations on counter-terrorism and national security legislation during its previous UPR.

Qatari legislation on counter-terrorism is vaguely worded and enables arbitrary, *incommunicado* and secret detention.

The Law on Combatting Terrorism defines a “terrorist purpose”, as when the “motive for using force, violence or threats or causing terror”, includes “breaching public order” and “damaging national unity”. In addition, it gives the public prosecutor the power to hold individuals in “precautionary detention”, without charge, for a period of up to six months.

The Law on the Protection of the Community, on the other hand, allows for the use of pre-trial detention, with the approval of the prime minister, for up to one year for crimes related to concepts as broad as “public morals” and “public decency”.

- **We therefore suggest the following recommendation:** Bring counter-terrorism and national security legislation into line with international standards, particularly in relation to the definition of terrorism and the length of custody and pre-trial detention.

Freedom of expression and peaceful assembly

During its previous UPR, Qatar received 11 recommendation on the rights to freedom of expression and freedom of assembly. It rejected two of these recommendations and claimed to have “already implemented” nine of them. Despite this, domestic legislation continues to severely restrict freedom of expression and peaceful assembly in both law and practice.

Criticism of authorities forbidden

The Law on Publications and Publishing and the Penal Code criminalise criticism of the royal family with up to six months and five years in prison, respectively. Similarly, the Law on Public Meetings and Demonstrations forbids organisers of public meetings from defaming the reputation of the state.

Free expression online is restricted by the Law on Combatting Cybercrimes, which contains vague and broad provisions, leaving room for arbitrary interpretation and abuse. Under this law, the publication of “incorrect news” harmful to the state’s reputation or public order is punishable with up to three years in prison.

Restrictions on public gatherings

The Law on Public Meetings and Demonstrations criminalises peaceful protest. It punishes anyone who organises a public gathering without a licence with up to three years in prison. In addition, it punishes anyone who knowingly attends or publicises an unlicensed public meeting with at least one month in prison, without specifying an upper limit.

Furthermore, the Law on Private Associations and Foundations severely restricts unionisation through prohibiting professional associations and their members from stopping work or inciting others to stop work. In addition, it gives ministers the authority to dissolve an association for “engaging in political activities”. Such activities are punishable with up to one year in prison.

- **We therefore suggest the following recommendations:**
 - Decriminalise defamation, and amend the Cybercrime Law and the Law on Publications and Publishing to bring them into line with international standards on the right to freedom of opinion and expression;
 - Bring domestic legislation on freedom of peaceful assembly into line with international standards, in particular by decriminalising unauthorised public gatherings and removing undue restrictions on the political activities of foundations and associations.