

UN rights expert urges Qatar to seize opportunity to reform its justice system

DOHA/GENEVA (27 January 2014) – The United Nations Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, has urged Qatar to make use of what she called its “privileged position” and embark on the reforms needed to consolidate its justice system and address its shortcomings.

“Unlike many other countries around the world, Qatar has the financial means to support important reforms and effectively implement a wide range of measures,” said Ms. Knaul on Sunday as she wrapped up an eight-day visit to Doha.

The Special Rapporteur praised Qatar’s achievements since the adoption of the Law on the Judiciary in 2003 and its current Constitution in 2004. “The legal framework in Qatar is soundly grounded in the principle of separation of powers and the independence of the judiciary, both recognized in the Constitution,” the Independent Expert said. The Qatari court system was unified under the umbrella of the Supreme Judicial Council, a self-governing body of the judiciary that functions independently of the executive and this had significantly contributed to consolidating the administration of justice in the country, she added.

But Ms. Knaul noted that the justice system faced serious challenges affecting the delivery of justice and upholding of people’s human rights. “The executive’s interference in the work of the judiciary, particularly in cases involving high-level persons or businesses, is still a matter of concern,” the Special Rapporteur said.

Violations of due process and fair trial guarantees in the country, and the consequences that such violations often have on individuals’ lives and respect for their human right, were troubling, she said.

“I am particularly concerned at the situation of people in vulnerable situations, including women, migrants and domestic workers, who face additional hurdles when seeking to access justice,” said Ms Knaul. The expert drew attention to the reported discriminatory treatment of non-Qatari in the justice system, noting that the State is obliged under international human rights law to guarantee the right to a fair trial for all individuals within its jurisdiction regardless of nationality.

“I heard of a case where the defendant, a foreign national who did not speak Arabic, was made to sign a document in Arabic that included an admission of guilt. I also heard of cases where the defendant was not provided with interpretation during court hearings. Such obvious violations of due process are unacceptable, any document

or testimony given in the absence of translation or interpretation should have no legal validity,” Ms Knaul said.

“I call upon the authorities to take immediate measures to investigate seriously and redress violations of due process and fair trial,” Ms Knaul said.

The expert also highlighted the apparent lack of transparency and access to information in judicial proceedings, including during the investigation phase. To address this, Qatar should, among other measures, urgently adopt modern technology tools, record all hearings, and publicise all judicial decisions and cases, Ms Knaul recommended.

The Special Rapporteur urged Qatar to continue engaging with human rights mechanisms and to spare no efforts in implementing their recommendations, particularly in matters related to the justice system.

During her visit to Doha from 19 to 26 January, Ms. Knaul met senior government officials, including the Minister of Justice, the President of the Cassation Court, the Prosecutor General, judges of different courts, lawyers, the speaker of the Advisory Council and representatives of the diplomatic community and civil society.

Based on the information collected during the visit, the Special Rapporteur will prepare a report to be presented to the Human Rights Council in 2015.

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***An Arabic translation of this press release will be made available in the coming days on the website of the Special Rapporteur: <http://www.ohchr.org/EN/Issues/Judiciary/Pages/IDPIndex.aspx> ***

Gabriela Knaul took up her functions as UN Special Rapporteur on the independence of judges and lawyers on 1 August 2009. In that capacity, she acts independently from any Government or organization. Ms. Knaul has a long-standing experience as a judge in Brazil and is an expert in criminal justice and the administration of judicial systems.

Learn more, log on to: <http://www.ohchr.org/EN/Issues/Judiciary/Pages/IDPIndex.aspx>

UN Human Rights, Country Page – Qatar:

<http://www.ohchr.org/EN/Countries/MENARRegion/Pages/QAIndex.aspx>

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