

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1415/Add.1
4 November 1980

Original: ARABIC

COMMISSION ON HUMAN RIGHTS
Thirty-seventh Session

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

QATAR

[25 June 1980]

Original: ARABIC/ENGLISH

In accordance with article VII of the International Convention on the Suppression and Punishment of the Crime of Apartheid, which provides that "The States parties to the present Convention undertake to submit periodic reports to the group established under article IX on the legislative, judicial, administrative or other measures that they have adopted ..." and with Commission on Human Rights resolutions 7 (XXXIV) of 22 February 1978, 10 (XXXIV) of 5 March 1979 and 12 (XXXVI) and 13 (XXXVI) of 26 February 1980 on the implementation of the Convention, I have pleasure in submitting to you herewith the report prepared by the Foreign Ministry of Qatar on the implementation of the Convention in the light of the guidelines drawn up by the aforementioned group, together with some proposals on the establishment of the international penal tribunal referred to in article V of the Convention.

The State of Qatar firmly believes that the application of existing laws should be based on the principles of the Charter of the United Nations as a fundamental guarantee for the implementation of human rights. We are proud to say that the principles of human rights have long been incorporated in Qatar's amended Constitution, since such rights and freedoms are an integral part of Qatar's society and heritage. Thus, article 9 of the Constitution states that "All persons are equal in their public rights and duties, without distinction as to race, religion or colour". This shows that the State of Qatar strictly observes the rights set forth in the Universal Declaration of Human Rights.

The adherence of the State of Qatar to the principle of non-discrimination in the exercise of human rights constitutes one of the basic principles of a society characterized by belief in individual freedom and equal rights for all citizens and their right to participate through free and democratic institutions in shaping their society, and by the rejection of racial discrimination and colonialism. Article 5 (E) of the Constitution provides that "The State shall embrace the principles of the Charter of the United Nations which aim at promoting the right of peoples to self-determination. With international assistance, the State of Qatar shall ensure the elimination of the causes of war, and promote tolerance and the fight against all forms of oppression". Respect for human dignity is perhaps the dominant principle in social life in the State of Qatar. It is a principle which the State of Qatar believes to be universal and indivisible. When this fundamental principle is violated, it is the duty of the international community to expose such violations. The State of Qatar firmly believes that there would be no international progress in the field of human rights or in any other field if every country was content to go at the pace of the slowest countries. It is vital to achieve progress in the field of human rights because the continuation of violations of those rights impedes progress in other areas of international relations.

The State of Qatar considers that, to quote article II of the Convention, "apartheid and racial segregation and discrimination, as practised in southern Africa" are crimes against humanity, flagrant violations of the Charter of the United Nations and the principles of international law, and threats to international peace and security. Therefore, in compliance with its international obligations and in observance of the Charter of the United Nations, the principles of international law and international resolutions, the State of Qatar long ago acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid. In addition, it promulgated, on the basis of its domestic legislation, a decree (No. 130/73) providing for the imposition of economic sanctions against South Africa in the form of the cessation of oil exports to that country. Moreover, Qatar promulgated another decree (No. 140 of 1973) whereby it was decided to sever all economic, trade and cultural relations with South Africa, and the provisions of which have been applied by the competent national authorities. The State of Qatar considers the commission of a racial offence by any organization, institution or individual to be a criminal act and applies the provisions of Qatar law thereto.

There are no individuals in Qatar, whether nationals of Qatar or foreigners, who engage in the acts specified in article II of the Convention, which are considered racial offences punishable by the Qatar Penal Code and Code of Penal Procedure.

It is worth pointing out that, as stated in article 1 of the Constitution, Qatar has a democratic form of government and its legislation is largely derived from Islamic canonical law. As is well known, Islamic canonical law is based on respect for human dignity, a respect which long preceded provision for human rights in national and international legislation. This constitutes conclusive evidence that no such individuals are to be found in Qatar society.

As regards information, the various media, be it radio, television or the press, have made considerable efforts to disseminate the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. In addition, there is a special annual programme to mark the anniversary of the Universal Declaration of Human Rights.

The State of Qatar has made financial contributions to an information project which was approved by the Arab Foreign ministers at their meeting held at the Arab League between 26 and 30 July 1977, which is consistent with resolution No.6 adopted by the Arab Summit meeting held in Baghdad in November 1978. One of the objectives of the project is to expose human rights violations in South Africa and the occupied Arab territories.

The State of Qatar co-operates, through its Permanent Mission in Geneva, with the various international organizations and specialized agencies concerned with this subject, and is implementing and observing the resolutions adopted in this respect. As was pointed out above, it has adopted legislation aimed at imposing economic sanctions on South Africa and all other racist régimes in the world and punishing racist régimes' individuals and organizations everywhere.

We suggest that, before anything else, the Commission should eliminate a number of contradictions related to human rights, which often undermine the credibility and effectiveness of the United Nations. There is certainly a contradiction between the universal character which its principles are supposed to have and the discriminatory practices pursued in implementing those principles. Another glaring contradiction results from the close relationship between the increasing tendency to recommend the adoption of international coercive measures which sometimes go beyond the instruments themselves and the common practice of objecting to such measures on the ground that they constitute interference in the internal affairs of Member States.

In our view, the existence of such contradictions is an urgent question to which the United Nations should give due consideration in view of the damage it can cause to the cause of human rights.

We support the suggestion in the group's report to the effect that the Secretary-General of the United Nations should invite the States parties to the Convention to hold an international diplomatic conference for the purpose of establishing an international penal tribunal.

We suggest:

That peace-loving, anti-racist States which are Members of the United Nations but not parties to the Convention should be given the opportunity to participate in the work of that conference;

That recourse to the international penal tribunal should not be confined to the States parties to the Convention, but that non-signatory States should also be allowed to refer to the tribunal crimes mentioned in article II of the Convention;

That this tribunal, like the International Court of Justice, should consist of judges elected regardless of their nationality from among persons of high moral character who are known for their love of peace and who possess the high professional qualifications required for appointment to the highest judicial offices,

provided that only one member is elected from any one country. As in the case of the International Court of Justice, the judges should be elected by the General Assembly and by the Security Council from a list of persons nominated by the States parties to the Convention;

That the tribunal should have its seat in a peace-loving country committed to international security and co-operation and known for its firm stand on human rights; and

That the tribunal should render judgement on any racial offences referred to it by the General Assembly, the Security Council or any State, whether or not it is a party to the Convention.