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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

* Issued as received, in the language(s) of submission only.



The Enforced Disappearance in Qatar of Abdul-Razzak Erzaik

Preamble

Maat for Peace, Development, and Human Rights submits this intervention to clarify Qatar's situation that contradicts the provisions of international human rights instruments, especially through its domestic legal legislation that allows for the arbitrary deprivation of liberty, which is contrary to the principle of the right to complete freedom that results from the exercise of freedoms and rights guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights, as well as, in the case of States parties to the International Covenant on Civil and Political Rights, Articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights, to which Qatar became a party as of May 2018.

This coincided with the Qatari authorities' arbitrary detention of the Syrian citizen "Abdul-RazzakErzaik, and his enforced disappearance.

A reliable source - brother of the disappeared/detainee - informed Maat that three persons dressed in civilian clothes have abducted Azriq and took him to an unknown location. Although his family has filed complaints to the Qatari authorities to report his suspicious arrest and disappearance, calling on the authorities to reveal his whereabouts and release him, but he is still lost in oblivion.

In this regard, Maat for Peace expresses its grave concern about the fate of Azriq, his personal health and safety, particularly amid the outbreak of the Coronavirus pandemic in Qatar's prisons and detention centers. Therefore, Maat demands the Qatari authorities to immediately release him and guarantee his full rights. Maat also appeals to the Working Group on Enforced Disappearances, as well as the Working Group on Arbitrary detention, to request a visit to Qatar; so that they would review the reports of forcibly disappeared and the arbitrarily detained, to make public all the findings from the investigations, and eventually to move quickly to reassure the families of the disappeared and those detained.

Qatari legislation allows arbitrary deprivation of liberty

Maat wishes to point out that many Qatari laws undermine human rights, especially fundamental freedoms. Qatar's anti-terrorism¹ legislation obviously lacks legal certainty. It even allows for the violation of basic guarantees, which have been enshrined in the Code of Criminal Procedure². In addition to the fact that the Amiri Decree Law No. 11 of 2017, which amended some of the provisions of Law No. 3 of 2004 on combating terrorism³, contains very broad terms, which can be interpreted in several different ways. This is in light of the lack of separation between not only the executive and judicial authorities in Qatar but also the legislature. All this in addition to article No. 18 of the Decree, which provides that a person may be placed in "pre-trial detention" for a period not exceeding six months based on the decision of the Attorney-General. This explains the increasing numbers of forcibly disappeared and arbitrarily detained citizens. The Attorney General is appointed by the Emir, who also appoints the prosecutors, which restricts the fundamental freedoms of residents and immigrants in Qatar.

Maat is also concerned about the Protection of Community Law⁴, which provides in Article 2 that: The reservation period shall be two weeks and can be extended for a similar period or other periods up to six months, and it can be extended for a period not exceeding another six

¹ <https://cutt.us/9uDOP> قانون رقم (3) لسنة 2004 بشأن مكافحة الإرهاب 2004/3، الميزان، البوابة القانونية القطرية.

² قانون رقم (23) لسنة 2004 بإصدار قانون الإجراءات الجنائية 2004/23، الميزان، البوابة القانونية القطرية. <https://cutt.us/8dHoe>.

³ المرسوم الأميري بقانون رقم (11) لعام 2017، والقاضي بتعديل بعض أحكام القانون رقم (3) لسنة 2004، بشأن مكافحة الإرهاب، <https://cutt.us/NoHTa>، الميزان، البوابة القانونية القطرية.

⁴ <https://cutt.us/JOLwE> قانون بشأن حماية المجتمع 2002/17، الميزان، البوابة القانونية القطرية.

months with the approval of the Prime Minister. The reservation period is doubled if the crime is related to the state security. In addition, under the Military Intelligence Service Act, military personnel may be detained for up to four weeks. Anyone else may be detained for one week, prior to being brought before the Office of the Public Prosecutor. This calls for the intervention of the Qatari Government to bring its domestic laws into line with international standards, particularly with regard to the definition of terrorism, the reservation period, and the pre-trial detention. In light of the above, Maat recommends that the Qatari government needs to make some legislative amendments, such as repealing the Protection of Community Law No. 17 of 2002, which authorizes the detention of persons for two renewable weeks without trial, which is regarded as arbitrary detention that undermines human rights and fundamental freedoms.

The disappearance of the Syrian citizen is not the first of its kind

According to Qatar's National Human Rights Committee (NHRC), 1.261 people are held in Qatar's penal and correctional institutions. There is no comprehensive and detailed data on the nature of the offences to which detainees may be subjected. No information is available on the number of inspection visits by the Public Prosecutor's Office and penal institutions.

Recently, Syrian national Abdul-Razzak Ahmed Erzaik is forcibly disappeared. His family reported that they had contacted many of his friends, but to no avail. None of them knows the reason for the disappearance. The neighbors, who have been asked, revealed that three people were dressed in civilian clothes not official uniforms, have abducted Mr. Abdul-Razzak and took him to an unknown destination. Although his family has filed reports to the Qatari authorities about his arbitrary detention and forced disappearance, demanding his immediate release, their demands have never been answered so far. His lawyer also requested to carry out the necessary legal procedures, whether by searching or by reporting a forced disappearance, his request to attorney agency for the victim was rejected by the authorities. They told the lawyer that the disappeared was held detained by the State Security Services. And when the lawyer tried to contact the State Security, he received nothing but procrastination and non-response. When Mr. Abdul-Razzak's brother contacted the Qatari State Security to find out the charges filed against him, he was told (You will be contacted soon) , and no one has ever contacted him to day.

Accordingly, Maat demands the Qatari authorities to urgently disclose the whereabouts of Mr. Abdul-Razzak Ahmad Erzaik, clarifying his criminal and judicial position, the duration of his detention, the charges against him, and allow his family to communicate with him and check on him. We call on the Working Group on Enforced Disappearances and the Working Group on Arbitrary Detention to call the Qatari authorities to achieve Maat appeals, in order to release a person who has been forcibly disappeared and arbitrarily detained without the slightest regard for his fundamental rights, such as the right to a lawyer, the right to be aware of the charges against him and the duration of reservation, the right to contact with and see his family and the right to access medical care. All these rights are guaranteed by international law and Qatari legislation, in accordance with its international obligations, and the instruments that it has ratified, especially that Qatar has recently ratified the two international covenants International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

It is worth noting that the case of Mr. Erzaik's disappearance was not the first of its kind. Last year, two Egyptian-Qatari citizens, Walid Abdel Aziz and Ali Mohammed Salem, were arbitrarily arrested by the Qatari authorities. Their charges were not revealed to them and no details about their detention circumstances or reasons have been provided. Besides, their right to contact their families has been denied.⁵

⁵ Rasha Ammar, after the arrest of two Egyptians. Parliament is moving internationally against Qatar's violations, posted on al-Ain website, available on: <https://al-ain.com/article/egypt-qatar-terrorim>.

Recommendations

Maat for Peace, Development and Human Rights calls on the Qatari government to clarify the status of Mr. Abdul-Razzak Ahmad Erzaik, what are the charges against him, the duration of his detention, the date of the court's presentation, and allow his family to visit him. Maat also recommends the Qatari government to:

- Withdraw all its reservations and declarations related to the International Covenants, ratify the optional protocols to the two covenants, as well as consider joining to the International Convention on the Protection of All Persons from Enforced Disappearances.
 - Amending laws on civil and political rights, such as the Community Protection Act, the State Security Service Act and the Anti-Terrorism Act, which allow for indefinite long-term detention.
 - The need to release The Syrian citizen "Abdul-Razzak Ahmad Erzaik" and guarantee his full rights, as well as the release of the two Egyptian citizens; Walid Abdel Aziz and Ali Mohammed Salem.
 - Inform all detainees, including those held under security laws, of the charges against them, record their detention, and promptly bring them before a judge.
 - Allow detainees to contact their families, lawyers and independent doctors as soon as they are detained, and to effectively monitor the authorities' provision of these guarantees.
 - Not to place any person in secret detention, and to use solitary confinement only in exceptional cases and as a last resort and for the shortest possible period with subjecting him to an independent review, and only upon permission from a competent authority, in accordance with Articles 43 to 46 of the United Nations Standard Minimum Rules for the Treatment of Prisoners.
 - Immediately release all detainees forcibly held by the Qatari State Security, inform families of their whereabouts, and allow them to conduct visits to check on them, guarantee the detainees' basic rights to obtain the necessary medical care, and the right to appoint a lawyer, be clear about the charges against them, and inform them of the pre-detention period.
 - Work to establish an independent national mechanism that monitors cases of arbitrary arrest and detention.
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