



2021/0067216/5

الوفد الدائم لدولة قطر / جنيف



Subject: Information regarding the case of Mr. Malcolm Bidali

The Permanent Mission of the State of Qatar to the United Nations Office and other international organizations in Geneva presents its compliments to the Special Rapporteur on Human Rights of Migrants, Working Group on Arbitrary Detention, Working Group on Enforced or Involuntary Disappearances, and Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, and has the honour to respond to the joint communication dated 27 July 2021, from Special Procedures, regarding the case of Mr. Malcolm Bidali.

The Permanent Mission would like to share the following update concerning this case and to make further clarification:

1. On July 14th 2021, Qatar's Court of First Instance has found Mr. Bidali guilty of the charges attributed to him, citing article 6 of Law No. 14 of 2014, and the sufficiency of the evidence provided. The Court ordered him to pay a fine of QR25,000 (\$6849).
2. Mr. Bidali had the chance to appeal his sentence in accordance with his fundamental rights and Qatar's laws. However, it was his personal decision to pay the fine and not pursue further legal proceedings. Upon paying the fine, the case has been closed and he left the state of Qatar.
3. Mr. Bidali was detained on the 5th of May 2021, and the Public Prosecution's Office placed him under investigation. During his detention, he appeared virtually before a judge who ordered the renewal of his detention until the completion of the investigations by the Public Prosecution.
4. After the completion of the investigation, Public Prosecution formally charged Mr. Bidali with the creation and distribution of disinformation within the State of Qatar, and the case was submitted to the relevant judicial authority, which set the trial dates in accordance with the law.



5. Mr. Badali was released on bail on the 31st of May 2021 and had full freedom of movement in Qatar. Upon his release, he returned to his place of residence in Qatar, and received all his dues in full.
6. At the pre-trial process, Mr. Bidali was treated fairly, in accordance with Qatar's Constitution and the relevant national laws.
7. Mr. Bidali has not been subjected to any physical or psychological harm. His fundamental rights were protected throughout the detention
8. In custody, Mr. Bidali was visited by the Kenyan Ambassador to Qatar, Qatar's National Human Rights Committee, and the Office of the International Labour Organization. He was also in contact with his family during this time. Everyone who visited Mr. Bidali confirmed his wellbeing.
9. On the 29th of May 2021, the monitoring team of the National Human Rights Committee of the State of Qatar met with Mr. Bidali in private, and expressed the readiness of the Committee to provide him with the necessary legal advice and assistance. Mr. Bidali was provided with the contact numbers of the Committee and the hotline for communication.
10. Mr. Bidali was assigned a lawyer [REDACTED] (Director of the Gulf Legal Consultations Office) provided by the International Trade Union Federation (ITUC). Furthermore, [REDACTED] (Director of the International Labor Organization office in the State of Qatar, confirmed that he is closely following Mr. Bidali's case.
11. During trial, Mr. Bidali had the right to defend himself against the charges attributed to him, and submit his evidence during the court proceedings.



The Permanent Mission confirms that Mr. Bidali has been treated with respect and has been granted his rights according to the law. This includes the conditions of his detention, his communication with his relatives and the diplomatic representative of his country, the provision of legal representation, the filing of charges, his release on bail after completion of the investigation, and access to fair trial and appeal. The procedure is in line with the obligations of the State of Qatar related to the right to fair trial and the pre-trial guarantees stipulated in the constitution and national legislations.

In conclusion, the Permanent Mission would like to affirm that the State of Qatar has achieved milestones with the grass-rooted reforms adopted to enhance and protect the rights of workers in the country. These measures include making fundamental amendments to the system of labour laws and related procedures and policies.

These reforms addressed vital areas, for example: improving the wage protection system, adopting a non-discriminatory minimum wage, improving the occupational safety and health inspection system, implementing a contractual system to replace sponsorship, and improving conditions and procedures for hiring workers and many others. With the entry into force of these legislation, the State of Qatar has become a model for the region with regard to the rights of workers, as was acknowledged by the International Labour Organization.

On the other hand, we stress that there are no restrictions on any individual or entity in dealing with or discussing issues related to conditions of migrant workers in Qatar, and that many media and social media locally and internationally have addressed these topics, and the State has responded positively towards many of the observations and assessments that were submitted in this regard, and many of the problems that were raised found their way to solution.

**Mission permanente
de l'État du Qatar
auprès de l'Office
des Nations-Unies à Genève**



**الوفد الدائم لدولة قطر
لدى مكتب الأمم المتحدة
جنيف**

The Permanent Mission of the State of Qatar to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the esteemed mandate holders the assurances of its highest consideration.

Geneva, 8 September 2021



Karim GHEZRAOUI
Officer-in-charge
Special Procedure Branch
OHCHR
E-Mail: registry@ohchr.org
Fax: +41 22 917 90 08

Copy to:

- Special Rapporteur on the human rights of migrants - migrant@ohchr.org
- Working Group on Arbitrary Detention - wgad@ohchr.org
- Working Group on Enforced or Involuntary Disappearances - wgeid@ohchr.org
- Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression - freedex@ohchr.org