

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 26/7, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of torture and ill-treatment and unfair trial with regard to the arrest, detention and conviction of **Mr. Ronaldo Lopez Ulep**.

According to the information received:

Mr. Ronaldo Lopez Ulep, a Filipino national and civilian employee of Qatar's Air Force, was arrested in his home in Doha on 7 April 2010 in front of his children by officers from the Criminal Investigation Division. He was detained at the State security prison. Mr. Lopez Ulep was allowed to speak to his wife for the first time two and a half months after his arrest. During the first eight months of his detention, Mr. Lopez Ulep was reportedly subjected to physical and psychological torture and other ill-treatment. During at least two interrogation sessions, he was reportedly burned with cigarettes on his back and legs, was stripped naked and forced to crawl on the floor until his knees started bleeding, and was beaten. He was then forced to sign a document in Arabic, a language he does not understand, which was later presented in court as a confession of guilt.

Mr. Lopez Ulep was also held in solitary confinement for over four years (until after the conclusion of his first instance trial on 30 April 2014). During the first

three years, he was only allowed out of his cell two to three times a week for only 15 minutes at a time. He was not allowed to go outdoors. It is reported that after three years and upon doctor's order, Mr. Lopez Ulep was permitted to leave his cell once a day. He was also held for prolonged periods of time with his hands cuffed behind his back and was deprived of sleep by prison guards.

Mr. Lopez Ulep was brought to trial in first instance in 2010 on charges of corruption. It is alleged that in 2011, charges of espionage were formally added to the list. Allegations of forced confession were presented to the first instance criminal court which rejected them. On 30 April 2014, Mr. Lopez Ulep was sentenced to life in prison on charges of espionage for having allegedly passed on information about his employer. Shortly after the verdict, he was transferred from the State security detention centre to the Central Prison in Doha.

Mr. Lopez Ulep appealed his case before the Court of Appeal. The appeal trial started on 26 May 2014. Only five hearings have allegedly taken place, some of which were postponed and while others only lasted 15 minutes. A verdict is said to be expected on 31 May 2015. It is reported that throughout the appeal process, hearings have been conducted in Arabic without interpretation being provided to Mr. Lopez Ulep. Mr. Lopez Ulep has again told the court that his alleged confession had been extracted under torture and other ill-treatment.

Grave concern is expressed about the alleged arbitrary arrest, trial and continued detention of Mr. Lopez Ulep. Further concern is expressed about the physical and psychological integrity of Mr. Lopez Ulep, in particular as a result of the alleged torture and ill-treatment and his prolonged detention in solitary confinement.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to these issues brought forth by the situation described above.

We would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Qatar acceded to on 11 January 2000.

Moreover, with regards to the solitary confinement, we would like to refer to the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/66/268), in which it is stated that the use of prolonged solitary confinement in itself runs afoul of this absolute prohibition and may give rise to other acts of torture or ill-treatment.

Concerning the use of torture-tainted evidence, we wish to remind your Excellency's Government of articles 12 and 15 of the CAT, which impose upon States to

ensure that the competent authorities undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed, and that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings. The UN Guidelines on the Role of Prosecutors also provide that prosecutors shall not use evidence obtained by unlawful methods, in particular involving torture or ill-treatment (guideline 16).

The allegations mentioned above also seem to be in contravention of the rights not to be arbitrarily arrested or detained and to a fair and public trial guaranteeing due process as enshrined in articles 9, 10 and 11 of the Universal Declaration of Human Rights (UDHR), as well as articles 13, 14 and 16 of the Arab Charter on Human Rights.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Lopez Ulep in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and continued detention of Mr. Lopez Ulep and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the Arab Charter on Human Rights.
3. Please provide detailed information concerning the trial of Mr. Lopez Ulep and explain how both first instance and appeals proceedings are compatible with international norms and standards, in particular fair trial and due process guarantees as stated, inter alia, in the UDHR and the Arab Charter on Human Rights.
4. Please explain the motives for having detained Mr. Lopez Ulep in solitary confinement for over four years.
5. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the allegations of torture and ill-treatment. If no inquiries have taken place, or if they have been inconclusive, please explain why.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We also take this opportunity to inform your Excellency's Government that a copy of this letter will be shared with the authorities of the Philippines.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Gabriela Knaul
Special Rapporteur on the independence of judges and lawyers

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
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