HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Mandate of the Special Rapporteur on the independence of judges and lawyers

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers pursuant to Human Rights Council resolution 26/7.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received regarding serious allegations of human rights violations concerning the **arrest, detention, trial and conviction of Mr. Matthew Huang and Mrs. Grace Huang** following the sudden death of their daughter in Qatar in January 2013.

According to the information received:

Mr. and Mrs. Huang are citizens of the United States of America of Asian descent who adopted three black African children in 2009 (in different African countries), two boys and one girl, under official adoption procedures in the United States of America. They have been living in Qatar since 2012 for work purposes.

On 15 January 2013, Mr. and Mrs. Huang were arrested, following the sudden death of their [redacted] daughter, [redacted]. They stayed in detention for almost ten months until they were released on bail.

During the interrogation at the hospital on 15 January, Mr. and Mrs. Huang responded to questioning by police and investigators without the assistance of interpreters. During this interrogation, Mr. Huang was insulted a number of times and guilt was assumed by the initial police investigator.

During the interrogation at the police station later that day, Mr. and Mrs. Huang delivered their oral statements in English to a police officer who spoke very little

English but typed up the statements in Arabic without the assistance of a translator. After the transcript of his statement had been read to Mr. Huang in English and printed, another officer arrived and discussed with the typing officer; the typing officer then tore Mr. Huang's statement transcript up and produced a new one after having made several changes. After asking for the new statement transcript to be translated into English, Mr. Huang was told that the new transcript had the same contents as the previous one. With regards to Mrs. Huang, she was forced to sign the Arabic transcript of her statement without provision of any translation.

It is reported that Mr. and Mrs. Huang did not have access to a lawyer and were not aware of their entitlement to contact the US authorities or family prior to the completion of the interrogation at the police station. Mr. and Mrs. Huang did contact the US embassy on 16 January 2013 when they were left alone for a moment at the police station, but their telephone was confiscated.

On 17 January 2013, Mr. and Mrs. Huang were brought to the prosecutor's office where they were interviewed by the prosecutor. A Qatari lawyer who had been hired by Mr. Huang's company was present. The lawyer reportedly attempted to visit Mr. Huang in prison once but was denied permission. Over the course of a year, the duration of total conversations that Mr. and Mrs. Huang had with a lawyer amounted to no more than ten minutes; Mrs. Huang had even more restricted access to the lawyer due to specific obstacles faced by male lawyers to visit female clients.

On the same day, Mr. and Mrs. Huang' two sons, the youngest being six years old at the time, were also interviewed by the prosecutor and placed in an orphanage, despite their parents' objection. There was never any court hearing on the boys' placement in the orphanage and therefore no possibility of appealing the decision. The boys stayed in the orphanage until 19 May 2013 and were finally allowed to leave Qatar for the United States in October 2013.

Mr. and Mrs. Huang were first presented before a judge on 24 January 2013 for a detention hearing; their release on bail was denied.

At the end of April 2013, Mr. and Mrs. Huang were formally charged with first-degree murder. These charges were not translated. Mrs. Huang signed the documents containing the charges without knowing what they were. She was unaware of the charges until much later when a US legal team translated the documents.

Mr. and Mrs. Huang's first trial hearing was held on 21 May 2013. The prosecutor argued against the requests for bail that were presented at several trial hearings

saying that the couple were under investigation for child trafficking, and making no mention in relation to the charges for murder. To date, no child trafficking charges have been brought against Mr. and Mrs. Huang, but it is reported that the investigations resulted from the prosecutor's suspicion as to the legitimacy of Mr. and Mrs. Huang's adoption of their three children.

It is further reported that investigation officers showed partiality from the moment they interrogated Mr. and Mrs. Huang at the hospital on 15 January. They could not conceive the fact that parents adopt children who do not share their ethnical hereditary traits. They allegedly said parents would only adopt "good looking children". Based on this cultural bias the officers suspected that Mr. and Mrs. Huang had adopted their children "to harvest their organs", without taking into consideration the adoption papers which were in order. Moreover, it is reported that the information provided around the health history of [redacted], who suffered from an eating disorder probably due to the extreme poverty in which she had grown in her country of origin, was not taken into account.

Over the course of the various court hearings, interpretation was available but was of poor quality. Mr. and Mrs. Huang were unable to understand most of what was said during the hearings with interpretation being offered only when a question was asked and an answer expected. Hearing dates were changed without informing both Mr. and Mrs. Huang nor their lawyer, which resulted in the lawyer being absent during certain hearings.

The prosecution brought seven witnesses to the trial, six of whom were official detectives. Three of the detectives had never seen [redacted]'s body, visited Mr. and Mrs. Huang's home, or talked to Mr. and Mrs. Huang. Despite the fact that they are not medical experts and did not see [redacted]'s body, five detectives supported the argument that Mr. and Mrs. Huang had starved their daughter to death. The prosecution's witnesses also spoke of interviews with "secret witnesses" about Mr. and Mrs. Huang's behaviour, but these alleged witnesses remained unidentified and unavailable for cross-examination.

Despite Mr. and Mrs. Huang's lawyer having submitted a list of witnesses to the prosecutor in March 2013, the witnesses were not contacted and were not able to give a statement to the police, the prosecutor, the court or any other Qatari government official until 6 November 2013, when seven of these witnesses testified in court, with the assistance on that day of good quality translation. Without any explanation, Mr. and Mrs. Huang were released on bail that same day.

There are also reports of serious flaws in the forensic evidence submitted to the court. In particular, there are inconsistencies between the forensic report

submitted by the pathologist who carried out the autopsy on [redacted]'s body in January 2013 and the findings of subsequent forensic pathological studies carried out in the United States of America in March 2013 upon the return of [redacted]'s body. The forensic studies presented by Mr. and Mrs. Huang at hearings in June 2013 showed that samples had not been taken of [redacted]'s organs and appropriate laboratory analyses had not been made of [redacted]'s fluids, blood, and tissues. The prosecution subsequently filed a report with the court, dated 23 January 2013, which purported to reflect that such samples had in fact been taken form [redacted]'s organs and that [redacted] did not have any diseases or conditions that may have caused or contributed to her death.

[redacted]'s autopsy report, issued on 20 January 2013, mentioned specific tissue samples having been taken, but none from [redacted]'s organs, contradicting the submissions of the report dated 23 January 2013 and filed by the prosecution in June 2013 in response to the studies presented by Mr. and Mrs. Huang. Furthermore, photographs of neither the autopsy proceedings nor the organ samples were provided to the defence, despite indications of this being standard procedure in Qatar.

On 27 March 2014, the couple appeared before the Criminal Chamber of the Court of First Instance for the verdict and were sentenced to three years in prison and a fine of 15,000 Qatar Riyals each (about 4,120 US Dollars). However, it is reported that the judge did not announce that Mr. and Mrs. Huang were guilty nor for which crime they had been sentenced. In his closing arguments, the prosecutor had sustained that Mr. and Mrs. Huang were guilty of murder with intent, a crime which carries a minimum sentence of 25 years to life imprisonment.

On 20 October 2014, Mr. and Mrs. Huang appeared before the Criminal Chamber of the Court of Appeal where it is reported that the prosecutor improperly presented new testimony from the Qatari pathologist who had carried out the autopsy on [redacted]'s body. In this instance, the pathologist contradicted his initial testimony before the Court of First Instance. Furthermore, the defence lawyer was not allowed to cross-examine the pathologist and the prosecutor continued to argue that Mr. and Mrs. Huang had purchased their children and starved their daughter.

Since their release on bail in November 2013, Mr. and Mrs. Huang have been confined to a single room apartment and their physical and mental condition is deteriorating. They are not allowed to leave Qatar.

The Court of Appeal is scheduled to give its verdict on 30 November 2014.

Grave concern is expressed in relation to the charges brought against Mr. and Mrs. Huang and in relation to the series of allegations of violations of due process and fair trial guarantees. Concern is also expressed about the serious inconsistencies in the forensic evidence submitted to the courts, in particular the pathology reports submitted by the prosecution in relation to the cause of [redacted]'s death. Concern is also expressed that Mr. and Mrs. Huang are not allowed to leave Qatar and reunite with their children in the United States.

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

The allegations mentioned above appear to be in contravention of the right to liberty and security of person, as enshrined, inter alia, in Article 9 of the Universal Declaration of Human Rights and Article 14 of the Arab Charter on Human Rights, ratified by the State of Qatar in 2009. They also appear to be in contravention of the right to a fair trial and due process guarantees, including the right to access a lawyer, the principle of equality of arms and the right to the free assistance of an interpreter, as enshrined, inter alia, in Article 11 of the Universal Declaration of Human Rights, Article 16 of the Arab Charter on Human rights, and the UN Basic Principles on the Role of Lawyers.

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, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights and freedoms of Mr. and Mrs. Huang.

As it is my responsibility, under the mandates provided to me by the Human Rights Council, to seek to clarify all cases brought to our attention, I 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 detention of Mr. and Mrs. Huang, and please explain how such grounds 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 on the charges brought against Mr. and Mrs. Huang and the grounds for their conviction to three years in prison and a fine of 15,000 Qatar Riyals.

4. Please provide any information relating to the inconsistencies between the two reports produced by the forensic pathologist who carried out the autopsy on Gloria's body.

5. Please provide detailed information on the judicial proceedings against Mr. and Mrs. Huang and explain how such proceedings were in line with international human rights standards relative to fair trial and due process guarantees. In particular, please give explanations concerning the allegations of Mr. and Mrs. Huang's restricted access to their lawyer, the lack of translation and/or interpretation and the poor quality of interpretation when available, the lack of equality of arms provided to the defence, and the inability of Mr. and Mrs. Huang's lawyer to cross-examine a witness during the appeal trial.

While awaiting a reply, I 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.

I also take this opportunity to inform your Excellency's Government that a copy of this letter will be shared with the authorities of the United States of America.

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 my highest consideration.

Gabriela Knaul
Special Rapporteur on the independence of judges and lawyers