

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

REFERENCE:
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Excellency,

We have the honour to address you in our capacity as 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 33/30, 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 the arrest, detention and trial of Mr. Mohammad Jaber Salem Meshab (بإعشام ملأس ربأأ دمأ), a Qatari citizen born in 1974, who resides in Al Muaiter in Qatar. He was arrested on 17 December 2015 and is currently held at the State Security detention centre.

According to the information received:

On 17 December 2015, officers from the State Security and the emergency forces raided the legal encampment of Mr. Meshab and his friends and arrested them without presenting a warrant. They were reportedly handcuffed, pushed around and insulted. Mr. Meshab was taken to his domicile blindfolded, while masked officers searched his home, in an allegedly violent manner, scaring the women and children present. He was subsequently brought to the State Security detention centre.

Three months after the arrest, Mr. Meshab's family was able to visit him at the State Security detention centre, where they allegedly found him in a very bad shape. He had lost weight and had marks on his wrists. Mr. Meshab reportedly informed them that he had been deprived of sleep, that he was forced to stay in a very cold room and that he was being kept in solitary confinement in a very small dark cell, described as unfit for living. He was only removed from solitary confinement in August 2016, yet other detainees are reportedly prohibited from talking to him. It is reported that Mr. Meshab has a history of psychological problems, which previously required his hospitalisation in 2003.

Accused of acts of terrorism, Mr. Meshab's detention was extended several times by a judge, at night, without the presence of a lawyer. His trial began in June

2016. Different sources confirm that the hearings were not held in public and the family of Mr. Meshab was not allowed into the court room for any of the hearings.

On 22 December 2016, before a hearing, Mr. Meshab's lawyer was reportedly searched and provoked by officers of the court. That same day, 30 minutes into the hearing, the lawyer resigned from the case, stating that the presumption of innocence was not being respected and alleging the lack of impartiality and integrity of the court as the reasons for his resignation. A court-appointed lawyer was put in charge of the case. Since then, Mr. Meshab has not been allowed to appoint a lawyer of his choice. Furthermore, the defendant has been repeatedly presented to the court in handcuffs. During the last hearing, on 2 March 2017, where the courtroom was filled with heavily armed men, the sentencing hearing was set for 25 May 2017.

While we do not wish to prejudge the accuracy of these allegations, concern is expressed for the alleged violations to Mr. Meshab's fair trial guarantees, especially of his right to a fair and public hearing by an independent and impartial tribunal and the presumption of innocence, as well as for allegations that he has been subjected to torture and other cruel, inhuman and degrading treatment or punishment, particularly as he was detained in prolonged solitary confinement for more than 15 days.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the above-mentioned person is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR).

We would also like to draw the attention of your Excellency's Government to the absolute and non-derogable prohibition of torture and other ill-treatment as enshrined in articles 2 and 6 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Qatar acceded in 2000. Furthermore, we would like to bring the updated United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules, 2015) to your Excellency's Government's attention. The Mandela Rules provide that solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review. The Mandela Rules further state that prolonged solitary confinement, which refers to confinement for a time period in excess of 15 consecutive days, shall be prohibited.

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 the above-mentioned person 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 on the legal grounds for the arrest, detention and trial of Mr. Meshab and how these measures are compatible with the international norms and standards as stated, inter alia, in the UDHR.
3. Please provide information on any measures taken to ensure the physical and psychological integrity of Mr. Meshab. In addition, please provide information on allegations he was subjected to prolonged solitary confinement. How are these practices, if confirmed, consistent with the international legal obligations of Qatar under the CAT, which it has ratified by Qatar in 2000?
4. Please explain why Mr. Meshab has not been able to appoint a lawyer of his choice since the resignation of his legal counsel on 22 December 2016.
5. Please provide information of any additional measure taken to ensure the due process and fair trial rights of Mr. Meshab.
6. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. 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 would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in

no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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.

Sètondji Roland Adjovi
Chair-Rapporteur of the Working Group on Arbitrary Detention

Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment