



Foreign Nationals and the Death Penalty

Death Penalty Overview

Qatar's judiciary operates under a dual legal system comprising Islamic courts and civil or *adliyya* courts. Unlike civil courts in other Gulf states, Qatar's *adliyya* courts are considered autonomous, self-regulating legal entities. Under the constitution, the emir has the power to pardon or commute sentences.

Under Sharia law, which is a key part of Qatar's legal system, crimes fall into three categories: *qesas*, *hudud* and *ta'azir*. *Qesas*, the first category, includes serious crimes such as murder and causing bodily harm. It provides avenues for restitution and forgiveness under Sharia law, such as the 'blood money' provision, whereby the accused may choose to pay financial compensation to the victim's family as an alternative to retribution by execution.

Crimes punishable by death include murder, terrorist activities, rape, incest, treason and espionage. The country's Penal Code also provides for the death penalty for certain *Hudud* offences under Sharia law, which cover a range of crimes from theft and alcohol consumption to apostasy. The penal system also allows the death penalty to be imposed for repeated drug trafficking.

Qatar's criminal justice system comprises three levels of courts. The Primary Court initially hears all cases and passes judgement.

Minor offences and misdemeanours are heard by the Lower Criminal Court, which is presided over by a single judge.

The Higher Criminal Court, consisting of a panel of three judges, hears serious crimes and appeals against sentences handed down by the lower court. In certain cases, an appeal may be made to the Supreme Court within 60 days of the official notification of the decision of the Court of Appeal.

Death sentences require a unanimous decision by all three judges of the High Criminal Court and cannot be carried out without the Emir's authorisation. The Court of Appeal has the power to commute a death sentence to life imprisonment or to a term of not less than five years. In cases of murder, the death penalty can be commuted to imprisonment if the victim's next of kin pardon the offender or accepts 'blood money'.

Qatar's justice system has been consistently criticised by the UN and Amnesty International for inadequate access to legal counsel in a language the defendant understands, restrictions on the ability of defendants to address the courts, trials in absentia, and allegations of forced confessions obtained through torture, particularly of non-Qatari nationals.

Foreign Nationals on Death Row

The execution of Nepali national Anil Chaudhary in 2020 highlighted potential discriminatory practices within Qatar's legal system. Originally from Aurahi, a village in Nepal's Mahottari district, he had moved to Qatar in 2015 to work as a labourer at a car wash. Chaudhary, who was sentenced to death in December 2017 for the murder of a Qatari national, was executed by firing squad in May 2020.

His embassy was only informed of his impending execution the day before, leaving little opportunity for effective assistance during the final stages of the judicial process. His case highlights a key bias against foreign nationals in Qatar's death penalty system, linked to the Islamic practice of *diyaa* or 'blood money': the victim's family declined to accept compensation, and so Chaudhary could not resort to the practice, highlighting a frequent predicament for migrant workers who may also lack the means to afford such a payment.

The World Coalition Against the Death Penalty reported that at the time of Chaudhary's execution, ten other Nepalese nationals were imprisoned for murder, some of whom had been sentenced to death. However, all of their victims were Nepalese, suggesting that migrant workers may be more likely to be sentenced to death and executed if the victim is a Qatari national, as opposed to a non-citizen. It also remains unclear whether the sentencing authorities took into account the potential exploitation and abuse that migrant workers often face under the *kafala* system.

In the lead-up to the 2022 FIFA World Cup, Qatar has been under the global spotlight. Qatar has the world's highest ratio of migrants to citizens, with migrant workers making up 94% of the workforce and 86% of the total population.

These workers, mainly from Nepal, India and Bangladesh, are a transient population and often face an exploitative environment. A report by the DPRU in 2022 revealed that between 2016 and 2021, at least 21 people were sentenced to death in Qatar. The vast majority of these cases involved foreign nationals, with only three cases involving Qatari national defendants.

The remaining 18 death sentences included seven Indians, two Nepalese, five Bangladeshis, one Tunisian and three Asians of unspecified nationality. Most of these were murder convictions, with one sentence for drug trafficking. The majority of homicide cases involved male South Asian migrant workers convicted of crimes related to their work environment.

Conditions of Detention

Amnesty International has also documented accusations of torture and other forms of coercion by the Qatari authorities. Many of these allegations have come from non-Qatari nationals.

For example, Ronaldo Lopez Ulep, a former civilian employee of the Qatari Air Force and a Filipino national, was convicted of espionage in 2014 and sentenced to life in prison. Following his arrest, he spent four years in solitary confinement and was only allowed to leave his cell for 15 minutes two to three times a week. He

In 2021, Human Rights Watch reported on the deteriorating conditions at Doha Central Prison due to a Covid-19 outbreak described by several foreign detainees. This included a worsening in already overcrowded facilities and unsanitary conditions following the isolation of a block where an outbreak was suspected. The authorities had moved some prisoners from this block to other parts of the prison before the isolation, increasing the risk of the virus spreading.

In addition, prisoners' access to primary health care was reportedly further restricted during this period, putting elderly prisoners and those with underlying health problems at even greater risk of contracting the virus. Detainees also reported a lack of toilets and inadequate sanitation. Qatar's Government Communications Office later confirmed the presence of the virus in the central prison while denying an 'outbreak'.

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For more research see:

foreign-nationals.uwazi.io or tinyurl.com/mappingdeathrow