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QATAR: ARBITRARY EXECUTIVE ACTION PUTS LIVES ON HOLD

Qatari authorities continue to exercise arbitrary executive power by placing administrative sanctions on individuals without any judicial process or disclosed legal basis, in some cases seemingly as punishment for political opinions. Amnesty International has interviewed and reviewed documents from three Qatari citizens, whose positions range from businessmen to a former Minister of Justice, who have been held under travel ban for years without legal process or judicial recourse. One of the three has additionally been placed under financial sanctions, including freezing of his bank accounts, that have forced him to close his businesses and damaged his livelihood. In each of the cases the authorities' actions were taken at a purely administrative level, without affording any legal procedure by which the affected individuals could meaningfully contest or appeal the decisions or present their claims to an independent reviewer of fact or law.

Abdulla Ahmed al-Mohannadi is a local businessman who owned numerous medium-scale enterprises in Qatar, including construction services, supermarkets, and computer retail outlets. During 2007–8 he was investigated by the Ministry of Interior for posting content critical of the Ministry's officers on the Internet. The Ministry's technical department determined that he had posted a thread titled "Ministry of Interior Officer Scandals in Qatar" in the political section of the (now defunct) website alsaha.com. Al-Mohannadi confirms that he did post critiques of government corruption, particularly in the Ministry of Interior, and the lack of rule of law to various social-media sites during this period, though not specifically to alsaha.com. The right to make such criticism is protected under freedom of expression, including by Article 19 of the International Covenant on Civil and Political Rights, to which Qatar has acceded. Al-Mohannadi was detained for approximately three weeks in late 2007 before being released on bail. The Ministry of Interior decided not to pursue prosecution in the case, which was dropped in 2008. In September 2013, however, against the background of increasing tensions between Qatar and several of its Gulf Arab neighbours, al-Mohannadi was placed under travel ban and all his personal finances and business transactions frozen, without being given any explanation or summoned for any legal proceedings. The bans were tied to his national identification number, which is essential to most transactions in Qatar. By placing a "security flag" on his ID number, the State Security Bureau blocked banks from authorizing his withdrawals or honouring his checks, and barred Hamad International Airport in Doha from letting him pass through security to the departure terminals. His businesses were eventually closed by court order as a result of his inability to make payments because of the freeze on his finances. On 18 November 2018, al-Mohannadi received a text message containing his personal ID number and stating that the travel ban on him had been lifted. However, when he subsequently tried to travel to Turkey on 2 January 2019, he was denied exit from the country after issuance of his boarding pass by Turkish Airlines. Qatari officials at the airport informed him that he was still under travel ban by order of the State Security Bureau, and orally told him the associated case number, but gave him no documentation. There is no procedure to legally challenge decisions of the State Security Bureau.

Mohammed Yousef al-Sulaiti, a Qatari citizen who had been living since 2015 in the United States, where he maintained two small businesses (a restaurant and a grocery store), was detained by Qatar on 17 July 2018 while he was traveling en route to Turkey and had a layover at Hamad International Airport. He was detained for more than five months, until 22 December 2018, by the State Security Bureau. Though he has been released, he has since remained under travel ban, unable to leave the country and return to the U.S., where his livelihood is based. In January 2019 he purchased a ticket to return to the U.S., after confirming on the Ministry of Interior's Metrash cellphone app that he was not under travel ban. However, when he went to consult the Ministry of Interior's General Directorate of Passports to make sure that he could leave the country, they told him that their computer system showed him under travel ban by order of the Office of Public Prosecution. Despite repeated inquiries with the General Directorate of Passports and the Office of Public Prosecution (OPP), he has not been given any documentation relating to the travel ban. A bare record of its existence is attested in the online OPP records accessible to Qatari citizens via their national ID number, but no reason for its imposition is available. Both al-Sulaiti's detention and the travel ban subsequently imposed on him appear to have been purely arbitrary and rest on no contestable legal basis – which, given the requirement to inform an accused of the reason for his detention and any charges against him, strips these actions of validity regardless of any undisclosed legal procedures or orders by the Office of Public Prosecution and other authorities.[1]

[1] These rights are guaranteed under Articles 9.2 and 14.3(a) of the International Covenant on Civil and Political Rights, to which Qatar acceded in 2018. Although Qatar entered a number of problematic reservations to the Covenant at the time of accession, it did not

Najeeb Mohammed al-Nuaimi is a Qatari attorney who was appointed Qatar's Minister of Justice from 11 July 1995 and remained in that position until his resignation on 4 June 1997. He has been under arbitrary travel ban since 2017. He had served as a defense attorney for Mohammad al-Ajami (known as Ibn al-Dheeb), the poet who was sentenced to life imprisonment for a private recital of a poem criticizing the Emir. (Al-Ajami was pardoned after spending four years in prison.[2]) Dr al-Nuaimi learned of his travel ban on 8 January 2017, when he received a text message from the OPP with his national ID number stating that he had been put on a no-fly list, without any further explanation. On 4 June 2017, he obtained a court order finding that "the justification for the ban had ended" and ruling for "cancellation of the travel ban levelled against the appellant". However, Qatar's executive authorities have continued to prevent al-Nuaimi from leaving the country in an apparently purely arbitrary executive action with no legal basis. Given al-Nuaimi's profile as the defense attorney for Ibn al-Dheeb and the total absence of legal procedure upholding the continuation of the travel ban, the sanction would appear to be a punishment imposed on political grounds, in violation of his rights to freedom of expression and association.

Although Najeeb al-Nuaimi managed to raise the issue of his travel ban in court, this does not amount to a meaningful right to contest his travel ban, since the orders effectively fall outside the scope of the Qatari courts' independent examination. In al-Nuaimi's case, a court order annulling the public prosecutor's imposition of a travel ban had no effect on the ban's actually remaining in place, which indicates that its true source is either the State Security Bureau or the ruling family, which all state agencies ultimately report to and are controlled by. Lower-ranking officials told al-Mohannadi orally that the orders affecting him originated in the State Security Bureau. Though the Bureau's power to impose travel bans is recorded in its constituting law, that power is purely discretionary within the executive branch (shared between the Bureau and the OPP), and no procedure to challenge such decisions is laid out in the statute. In al-Sulaiti's case, like al-Mohannadi's, no documents have been disclosed, and he has struggled even to confirm which agency is responsible for the ban, though based on the OPP electronic record and Qatari law, it appears that it was imposed by the State Security Bureau without informing him and is now being upheld through renewal by the Office of Public Prosecution.

Amnesty International wrote several times to Qatari authorities over the past year seeking their explanation of the legal and factual justifications for the administrative sanctions on these individuals, but received no reply with respect to al-Mohannadi, al-Sulaiti, and al-Nuaimi, and a reply lacking a proper legal justification with respect to the case of another individual. In the absence of any credible explanation and colorable legal basis, Amnesty is concerned that these sanctions may, in the cases al-Mohannadi and al-Nuaimi, be punishments imposed because they have at times publicly expressed views critical of the Qatari government. In all cases these appear to be purely arbitrary actions lacking any legal justification and in some cases lacking even any observable legal procedure. They illustrate the structural problem of a government that acts almost entirely through executive power, which without independent review or public participation often becomes arbitrary and lawless in practice. Amnesty International calls on Qatar to behave as a government of law rather than whim and to respect the right of these four citizens and all other residents to a transparent and independent system of justice.

make any objections to the content of Articles 9 or 14. On Qatar's reservations, see Amnesty International, *Qatar: Promises yet to be fulfilled*, 15 February 2019, pp. 4–5.

[2] See Amnesty International, "Poet Mohammed al-Ajami Pardoned, Released," 29 March 2016; "Qatar: Lift arbitrary and unexplained travel ban on Dr Najeeb al-Nuaimi," 9 February 2017.