

OPINION No. 32/2006 (QATAR)

Communication: addressed to the Government on 10 March 2006.

Concerning: Mr. Amar Ali Ahmed Al Kurdi.

The State has not ratified the International Covenant on Civil and Political Rights.

1. The Working Group on Arbitrary Detention was established by the Commission on Human Rights in its resolution 1991/42. The mandate of the Working Group was clarified and extended by the Commission in resolution 1997/50. It was reconfirmed by the Commission in resolution 2003/31, by the General Assembly in resolution 60/251 and the Human Rights Council in decision 1/102. Acting in accordance with its methods of work, the Working Group forwarded the above-mentioned communication to the Government.
2. The Working Group conveys its appreciation to the Government for having provided the requested information.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
 - I. When it manifestly cannot be justified on any legal basis (such as continued detention after the sentence has been served or despite an applicable amnesty act) (Category I);
 - II. When the deprivation of liberty is the result of a judgement or sentence for the exercise of the rights and freedoms proclaimed in articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and also, in respect of States parties, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (Category II);
 - III. When the complete or partial non-observance of the relevant international standards set forth in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned relating to the right to a fair trial is of such gravity as to confer on the deprivation of liberty, of whatever kind, an arbitrary character (Category III).
4. The Working Group already considered the case of Mr. Amar Ali Ahmed Al Kurdi during its forty-sixth session. However, it did not take into account the information received from the Government. During its forty-seventh session the Working Group took knowledge of the Government's response to the allegations submitted by the source.
5. The Working Group further notes that the Government concerned has informed the Working Group that Mr. Al Kurdi was released on 2 January 2006 and is, therefore, no longer in detention. This fact has been confirmed by the source.
6. Having examined all the information submitted to it and without prejudging the arbitrary nature of the detention, the Working Group, on the basis of paragraph 17 (a) of its methods of work, decides to file the case.

Adopted on 16 November 2006.