**Unofficial translation**

**The State of Qatar’s response to the questionnaire related to the mandate of the SR on the promotion and protection of human rights while countering terrorism**

**We are pleased to refer to the following substantive realizations:**

The differences made by part of the international jurisprudence between the two laws (whether in terms of sources and scope of application or mechanisms of implementation, etc.) do not deny at all that the two laws share a common objective. While the rules of international human rights law aim to protect human rights in peacetime and wartime, the provisions of International humanitarian law is concerned with the protection of human rights in time of war.

Thus the common article 3 of the four Geneva Conventions has imposed on Sates parties an obligation to respect a number of humanitarian rules, including:

* Protection of members of armed forces who have been placed hors de combat by sickness, wounds, detention, or any other cause, without any distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other criteria;
* Prohibition of violence to life, to physical integrity, especially the killing in all its forms, mutilation, cruel treatment and torture;
* Taking hostages;
* Outrages upon personal dignity, in particular humiliating and degrading treatment;
* Convictions and executions of individuals without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are recognized as indispensable by civilized peoples.

…

The aforementioned third article corresponds to Article four of the International Covenant on Civil and Political Rights, which prohibits imposing any restrictions on the enjoyment of certain human rights in time of emergency and exceptional circumstances, including (international and non-international armed conflicts), among these rights there are:

• The right to life.

•The right not to be subjected to genocide crimes, in accordance with the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

•The right not to be subjected to torture or to medical or scientific experimentation without his/her free consent, knowing that many human rights conventions guarantee protection for many rights, and Protected persons under the four Geneva Conventions and the first additional protocol attached thereto, including:

 The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.

 The Convention on the Prevention and Punishment of the Crime of Genocide, 1947.

The Convention on the Rights of the Child, 1989.

The Convention on the Elimination of All Forms of Discrimination against Women,1979.

 The declaration issued by the United Nations General Assembly on the protection of women and children during armed conflict, 1974.

 The United Nations Convention relating to the Status of Refugees (1951) and its 1967 protocol.

With respect to how the international humanitarian law deals with the issue of counter-terrorism, this is reflected in the commitment imposed by the provisions of this law on States parties (involved in hostilities) to distinguish between civilians and combatants, prohibit indiscriminate attacks in addition to explicit prohibition of all actions aimed at spreading terror among the civilian population.

Thus, international humanitarian law prohibits the following acts which can fall within the (concept of terrorist operations).

• Attacks on civilians and civilian objects (A / 57/2) and (A / 52) of Additional Protocol (I) on international armed conflicts and Article (13) of Protocol (II) on non-international armed conflicts.

• Indiscriminate attacks, without distinction (A/ 51/4) of Protocol (I).

• Attacking works and installations containing dangerous forces (A/ 56) of protocol (I) (and Article (15) of protocol (II).

•The taking of hostages (A/75) of Protocol (I) and Article 3, common to the four Geneva Conventions and (A/4/2/b) of Protocol II.

• Killing of persons hors de combat: (A/75) of Protocol I, (A/3) common to the four Geneva Conventions and (A/4/2/b) of Protocol II.

-The aforementioned acts, prohibited under international humanitarian law and regarded as (terrorist acts), are in fact war crimes and serious, gross and widespread violations of human rights. Therefore, their prevention and punishment under the four Geneva Conventions and the two additional protocols thereto do not give rise to any inconsistency between the International Human Rights Law and the International Humanitarian Law.

-Insofar as measures taken under international humanitarian law to suppress these acts (punishment of such acts) reinforce the spirit and goals of the International Human Rights Law in protecting human rights in wartime and in peacetime.

It should be noted that repressive measures in accordance with international humanitarian law are based on the duty of the parties to the conflict to prevent and put a halt to all violations. Mechanisms for repression include:

* the obligation for the national courts to repress grave breaches considered as (war crimes) based on universal criminal jurisdiction, or what is called (the principle of universality of the right to suppress war crimes). This principle provides a universal jurisdiction for national courts to subject persons committing such crimes to their competence for punishment, regardless of their nationality and where they committed the offence.
* Report the criminal liability and disciplinary responsibility of military leaders, and their duty to repress and report violations;
* Judicial cooperation between states to prosecute war crimes.

Within the scope of repressive measures for war crimes, perpetrators of such crimes are subjected to ad-hoc international criminal courts (the two international tribunals to prosecute those responsible for violations of international humanitarian law in the former Yugoslavia, and crimes against humanity in Rwanda, established by virtue of Security Council resolutions in 1993 and 1994).

As well as the Permanent International Criminal jurisdiction has also (the International Criminal Court), established in 1998 and competent under its system to punish (war crimes, crimes against humanity and crime of genocide).

-It is worth noting that the international criminal judiciary is the highest, strongest and most mature mechanism for protecting and ensuring respect for the provisions of both international humanitarian law and international human rights law. With this in mind, the differences that arise between the two laws do not hinder or limit the effectiveness of this mechanism in protecting human rights both in time of war and in time of peace.

-Moreover, it becomes possible to use United Nations human rights monitoring mechanisms to ensure respect for the provisions of international humanitarian law in certain situations, including:

The oversight role played by the (the CommissiononHuman Rights) of the UN Economic and Social Council, which concluded that serious and systematic violations were committed in flagrant violation of international human rights law and international humanitarian law, particularly with regard to the Fourth Geneva Convention on the Protection of the Civilian Population concluded in 1949, and the fourth chapter of the additional protocol (I) concerning the events of the Al-Aqsa Intifada that erupted from 28 December 2001 .

Accordingly, the CommissiononHuman Rights issued its famous resolution condemning Israel for war crimes and crimes against humanity in the same year.

Based on the above-mentioned considerations, it could be argued that there is no contradiction between the two laws (international humanitarian law and international human rights law) that would adversely affect the protected persons, or the rights protected and guaranteed under these laws in peacetime and wartime or on measures to prevent and suppress terrorist acts committed during armed conflicts as the issue lies in the following factors, for example:

* The seriousness of the parties to the conflict in complying with the provisions of international humanitarian law.
* The reality of legislative harmonization between national laws and international humanitarian law conventions, in particular the incorporation of sanctions for violations of the provisions of this law into the penal laws of State parties.
* The extent of judicial cooperation among States parties in pursuing perpetrators of international humanitarian law violations, exchanging information about them and prosecuting them.
* The problematic monitored in the international jurisprudence regarding the imbalance of the system of referral to the International Criminal Court specifically when the Security Council acts under Chapter VII of the United Nations’ Charter to refer to the Prosecutor a case in which it appears that one or more crimes that fall within the jurisdiction of the court (A13(b) of the Statute of the Court) has occurred with the existing possibilities for politicizing the Security Council’s decision in assessing the situation, in addition to duplication in dealing with similar cases, in the sense that the Council, based on its composition, the voting reality in taking its decisions, and the nature of its tasks, is an executive body of political nature, and not a specialized judicial body. This casts significant and negative shadows on the achievement of international criminal justice.

-With regard to Security Council resolutions that address the phenomenon of foreign terrorist fighters, the problems that arise in connection with the conditions of women and children associated with these groups, and the obligations of States to deal with these situations.

We would like to inform that States concerned with these issues are those whose territories have been the scene of foreign terrorist fighters' operations, as well as the States of origin of persons who are referred to by their nationalities.

These States appreciate the appropriate solutions and remedies for the problems of children and women, assessing their circumstances and national security, while noting that the problem should not only be approached from a procedural and security point of view, but should be addressed according to a cultural, educational and intellectual vision on rehabilitation of this segment of individuals, the elimination of radical religious extremism values that and exclude others from their minds, and rebuilding them on traditions and values ​​of tolerance, coexistence and respect for the others, without dismissing the endeavours of finding legal, procedural and social solutions to integrate them into the societies of these States as good citizens. This would respond to the spirit of human rights conventions (on children and women).

On a related matter, it seems appropriate to note that the State of Qatar, despite being a stable country, has occupied advanced ranks globally and regionally in the Global Peace Index and does not suffer from terrorist manifestations, including (the phenomenon of foreign terrorist fighters). Nonetheless, Qatar has consistently supported global and regional efforts to combat terrorism, including supporting societies that suffer from this problem to face resulting impact, and contribute to mobilizing international efforts to avoid these effects and suggest resulting remedies and solutions to address them. This include:

* The State of Qatar is a founding member of the Global Community Engagement and Resilience Fund (GCERF), which aims to enhance their capabilities to confront violent extremism. The State of Qatar is also one of the largest donor countries to GCERF to which it donated 5 million US dollars.
* On 6 May 2015, Doha hosted the seventh meeting of the Global Counterterrorism Forum Coordinating Committeewhich was held for the first time in the Middle East, with a large international presence.
* On 31 August 2015, the Permanent Mission to the United Nations, in cooperation with the University of Colombia in New York and the United Nations Office on Drugs and Crime, organized a symposium on preventing and combating violent extremism, the rehabilitation and reintegration of children and youth affected by violent extremism. The meeting was attended by representatives of United Nations Member States, experts in the prevention and combating extremism and NGOs working in this area.