

*Translated from Arabic*

## **National Committee on International Humanitarian Law**

### **State of Qatar**

#### **Memorandum concerning General Assembly resolution 73/204 of 20 December 2019, entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”**

The National Committee on International Humanitarian Law presents its compliments and has the honour to provide the following reply concerning paragraphs 13 and 14 of General Assembly resolution 73/204 of 20 December 2019, entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”. As regards paragraph 15, Qatar has no objection to the use of a questionnaire as drafted by Member States, with the assistance of the International Committee of the Red Cross (ICRC) and, as appropriate, in consultation with the Secretariat; the matter is left to the consideration and approval of the Ministry of Foreign Affairs.

As regards paragraphs 13 and 14, Qatar has taken a number of measures to strengthen respect for and implementation of international law, including the following:

#### **I. Accession to international instruments on international humanitarian law**

The State of Qatar is a party to following international instruments:

1. The 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare
2. The 1949 Geneva Conventions.
3. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.
4. The 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.
5. The 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), and the 1977 Protocol

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Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

6. Qatar has accepted the jurisdiction of the International Humanitarian Fact-Finding Commission established pursuant to Protocol I of 8 June 1977 additional to the Geneva Conventions.

7. The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

8. The 1980 Protocol on Non-Detectable Fragments (Protocol I) additional to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

9. The 1980 Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) additional to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

10. The 1989 Convention on the Rights of the Child.

11. The 1992 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

12. The 1995 Protocol on Blinding Laser Weapons (Protocol IV) additional to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

13. The 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti Personnel Mines and on Their Destruction.

14. The 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.

15. The 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

16. The 2003 Protocol on Explosive Remnants of War (Protocol V) additional to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

17. Qatar acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights by virtue of Decree No. 40 (2018) and Decree No. 41 (2018) respectively.

## **II. National laws**

Qatari laws contain provisions related to the national implementation of international humanitarian law, including the following. Provisions on judicial guarantees appears in several laws, most notably the Permanent Constitution of the State of Qatar (2004), Act No. 10 (2003) on the judiciary, Act No. 10 (2002) on the office of the public prosecutor, the Criminal Code (Act No. 11 (2004)) and the Code of Criminal Procedure (Act No. 23 (2004)). The use of the Red Crescent emblem is regulated by Ministerial Decision No. 2 (1981) approving the Qatari Red Crescent's amended memorandum of association and statute. Act No. 9 (2002) on trademarks, trade names, geographical indications and industrial designs protects the emblems of the Red Crescent and the Red Cross from reproduction by prohibiting their registration as trademarks and by prohibiting the registration of trademarks that contain symbols that are identical or similar to those of the Red Crescent or Red Cross. Such actions constitute a punishable offence. Similarly, Act No. 18 (2007) regulates the trademarks of the States members of the Gulf Cooperation Council. As regards ensuring that persons under the age of 18 do not participate in military operations, Act No. 21 (2006) on military service stipulates that persons under the age of 18 may not be appointed to a military rank. In addition, Act No. 5 (2014) on national (compulsory) service prohibits persons under the age of 18 from being recruited into national service.

On 25 July 2002, Qatar made a declaration pursuant to paragraph 2 of article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to the effect that recruitment to its armed forces and other regular forces is voluntary and is for those who have attained the age of 18 years and that it takes account of the safeguards set forth in paragraph 3 of the same article.

In implementation of the 1992 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the State of Qatar enacted Act No. 16 (2013) on chemical weapons, which lists prohibited acts and the sanctions imposed on those

who commit them. The Act conforms with and implements the Chemical Weapons Convention at the national level.

In accordance with its international obligations under the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, Qatar has adopted Act No. 4 (2016) on biological weapons. The Act was promulgated on 2 June 2016, was published in the *Official Gazette* and is currently in force.

In cooperation with the Qatari Red Crescent Society, the National Committee on International Humanitarian Law has finished drafting a law on the use and protection of emblems. In preparation for its adoption, the law is being submitted to the competent authorities for review and study following coordination with the relevant agencies.

### **III. Definition and dissemination of international humanitarian law**

- The Centre for Legal and Judicial Studies at the Ministry of Justice

The Centre trains legal experts in Government agencies, in addition to lawyers and judicial officers, in order to improve their skills and help them fulfil their functions. It offers an elective advanced programme in international humanitarian law intended for legal specialists and researchers in Government agencies and State-owned companies.

- Faculty of Law, Qatar University

International humanitarian law is taught through English at the Faculty of Law, Qatar University, as a standalone elective subject as part of an undergraduate-level (Bachelor's) degree.

- Ahmed Bin Mohammed Military College, Law Department

The subject of international humanitarian law is offered to students in the Law Department as an elective specialization.

- Police College

The subject of international humanitarian law is taught at the College as a standalone elective subject.

- The Diplomatic Institute under the Ministry of Foreign Affairs

Some areas of international humanitarian law are taught as part of the course on the international and regional human rights regime.

- At schools:

(a) Efforts of the National Committee on International Humanitarian Law

The National Committee is coordinating with the Ministry of Education to offer awareness-raising lectures for schoolchildren regarding international humanitarian law. The National Committee provides introductory lectures regarding that branch of international law for preparatory and secondary school pupils and during summer school activities.

The Ministry of Education has worked to compile a comprehensive concept matrix of the areas of international humanitarian law in order to incorporate them into national curricula, incorporate certain concepts of international law into the guide to educational standards, and add international humanitarian law topics to teacher training programmes.

The National Committee also works with the Faculty of Law at Qatar University to offer lectures on topics related to international humanitarian law for Bachelor's and Master's degree students at the Faculty.

(b) Efforts of the Qatari Red Crescent Society

The Qatar Red Crescent Society has contributed to the inclusion of humanitarian concepts in elementary school curricula, with basic humanitarian concepts taught as part of the sixth- and eighth-grade social sciences curriculum. The subjects being taught include the type of volunteer and community work done by the Qatar Red Crescent Society and the humanitarian concepts contained in the instruction given by the Caliph Abu Bakr to Muslim soldiers prior to the conquest of Syria in the year A.H. 12.

The Qatar Red Crescent Society has conducted activities to raise awareness of international humanitarian law in elementary, preparatory and secondary schools. The Qatar Red Crescent Society has worked hard to promote international humanitarian law through joint publications with other parties.

The date of 9 May each year has been designated International Humanitarian Law Day in the Islamic World, based on the proposal submitted by Mohammed bin Ghanim al-Ali al-Maadheed, Chair of the Qatar Red Crescent Board of Directors and member of the Islamic Committee of the

International Crescent. That proposal was adopted at the thirtieth meeting of the Islamic Committee of the International Crescent. Similarly, pursuant to a Qatari proposal, a National International Humanitarian Law Day is observed by the States members of the Organization of Islamic Cooperation.

The date was chosen to commemorate the instructions given by the Caliph Abu Bakr to the Muslim general Usama bin Zayd before the latter set out to wage war against Byzantium in A.D. 634. That was the first time in history that instructions were given to troops about humanitarian behaviour in time of war. The forty-second session of the Council of Ministers of Foreign Affairs of the member States the Organization of Islamic Cooperation, held in Kuwait in May 2015, adopted a resolution approving 9 May as International Day of International Humanitarian Law and the Islamic Sharia.

#### **IV. Governmental process on strengthening compliance with international humanitarian law**

Since the launch of the intergovernmental process on strengthening compliance with international humanitarian law following the adoption by the thirty-second International Conference of the Red Cross and Red Crescent (December 2015) of resolution 2 entitled “Strengthening compliance with international humanitarian law”, Qatar has been taking part in meetings on the subject. For that purpose, it has been represented by members of the National Committee for International Humanitarian Law and by staff of the Permanent Mission in Geneva. Qatar participated in the first, second and third formal meetings, held in November 2016, April 2017 and December 2017 respectively. For instance, at the third meeting, representatives of Qatar helped coordinate the Arab position by participating in discussions with the delegations of other States in order to find a draft acceptable to the main stakeholders in the meeting. It also contributed to the formulation of the Arab position expressed in statements delivered at the meeting by Algeria, in the latter’s capacity as the coordinator for the Group of Arab States on matters relating to international humanitarian law. That position amounts primarily to the contention that the International Conference of the International Committee of the Red Cross and Red Crescent Societies should include a State-only segment. Responsibility for implementing international humanitarian law rests primarily with States. It would therefore be logical for the International Conference to include a segment reserved for States, alongside the segment for members of the Red Cross and Red Crescent Movement (i.e. ICRC, the International Federation of Red Cross and Red Crescent Societies). The National Committee took

part in the thirty-third International Conference of the Red Cross and Red Crescent in Geneva from 9 to 12 December 2019, whose objective was to improve the lives of people affected by armed conflict, disasters and other emergencies.

Qatar was one of some 130 States that participated in the Vienna Conference on Protecting Civilians in Urban Warfare, whose objective was to develop a political declaration to strengthen the protection of civilians from explosive weapons in populated areas. It participated in the two informal rounds of negotiations held in November 2019 and February 2020 in Geneva and chaired by Ireland.

#### **V. Election of the candidate of Qatar for membership of the International Humanitarian Fact-Finding Mission**

Abdullah Rashid al-Nu‘aymi, Chair of the International Aid and Development Committee of the Qatar Red Crescent and candidate of Qatar for membership of the International Humanitarian Fact-Finding Commission for the 2017-2022 term, was successful in the elections conducted during the diplomatic conference of States parties to the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts (Protocol I), held in December 2016.

#### **VI. Cooperation of Qatar with the International Committee of the Red Cross**

Qatar and ICRC signed a shared declaration on the margins of the seventy-fourth session of the General Assembly in New York. The two parties agreed that Qatar would initiate a high-level dialogue including the exchange of skills and expertise in areas of shared interest, including specific contexts and topics related to humanitarian issues. Recognizing that principled humanitarian action is a public good for the entire world and recognizing the role of States in promoting respect for and compliance with international humanitarian law, the two sides reaffirmed their intention and commitment to explore areas of mutual interest and strengthen their cooperation in support of people affected by armed conflict and violence

#### **VII. Establishment of national committees and other relevant institutions**

- Education Above All Foundation

The Education Above All Foundation was established by virtue of a founding document issued in Doha in 2008. It is a private non-profit institution established by Her Highness Sheikha Moza Bint Nasser Al-Misnad.

The preamble to the founding document cites several international instruments that enshrine the right to education, including Geneva Convention IV relative to the protection of civilian persons in time of war, particularly articles 24, 50, 94 and 108 thereof, and the 1989 Convention on the Rights of the Child, particularly article 28 thereof. Both Conventions are a source of international humanitarian law.

As is made clear in the preamble to its founding document and in the statute annexed thereto, Education Above All was established in response to, and in order to promote, the final statement of the conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the protection of guidelines for education in situations of emergency held at UNESCO Headquarters in Paris from 30 October to 1 November 2008.

The headquarters and registered office of the Foundation is in Doha. Under its statute, the Foundation is entitled to establish branches or offices in the country or abroad.

The purpose of the Foundation is to protect and promote the right to education in areas involved in or vulnerable to crises, conflict or war. It endeavours to achieve its objectives through a number of means set forth in article 2 of its statute, as amended. Those objectives include conducting studies, organizing conferences and running awareness-raising programmes in order to improve awareness in society and at the international level of the threats posed to the right to education by crises, conflicts and wars; monitoring and documenting all violations that affect the education system in crises, conflicts and wars; fostering national and international legal mechanisms to defend the right to education, prevent violations thereof, and prosecute and hold accountable those responsible; strengthening cooperation and partnership with national and international organizations and associations for the protection of the right to education in areas affected by crises, conflicts and wars; and promoting education with a view to disseminating a culture of peaceful solutions consistent with human rights and international law.

- National Committee for the Prohibition of Weapons

This standing committee was established pursuant to Cabinet Decision No. 26 (2004). Its headquarters are at the Ministry of Defence. Its chair and vice-chair are representatives of the



Ministry. It comprises representatives of various ministries and agencies, and its functions include advising competent government committees on issues related to the prohibition of weapons of all types, including nuclear, biological, toxin, chemical and conventional weapons. It studies the drafts of international weapons-ban instruments and states its opinion on the advisability of acceding to such instruments. It proposes laws and procedures for implementing international weapons-ban instruments. It reviews national legislation on illegal weapons trafficking and proposes improvements and amendments.

At the practical level, the Committee has proposed laws or amendments aimed at implementing international weapons-ban instruments. An example is the Chemical Weapons Act (Act No. 17 (2007)). Once the Committee had completed its amendments, the new Chemical Weapons Act (Act No. 16 (2013)) was adopted, as was the Biological Weapons Act (Act No. 4 (2016)). A draft law setting forth the national nuclear substance control and monitoring regime is now being prepared. The Committee also prepares and implements programmes to raise awareness of the international instruments prohibiting weapons of mass destruction.

- **Military Committee on International Humanitarian Law**

The Military Committee on International Humanitarian Law was established by a decision of the Commander-in-Chief of the Qatari Armed Forces dated 3 June 2009 in order to follow legal developments and provide guidance on the obligations enshrined in international instruments and protocols thereto that have been ratified or acceded to by Qatar. The Committee implements international humanitarian law in areas related to the activities of the Qatari Armed Forces in times of armed conflict and when those forces participate in foreign conflicts as part of international or regional forces keeping the peace in conflict zones. It was established in view of the lack of a national committee on international humanitarian law.

The Military Committee on International Humanitarian Law comprises a Chair and six members representing the branches of the Qatari Armed Forces.

The most important functions of the Committee consist of advising the armed forces regarding issues involving international humanitarian law; working to ensure that the Qatari Armed Forces promote and implement the provisions of international humanitarian law; putting in place training and awareness-raising plans and programmes to disseminate a culture of international humanitarian law among the armed forces; fostering awareness of the importance of international law; and training

specialist trainers in international humanitarian law, in cooperation with the regional delegation of ICRC to the States members of the Gulf Cooperation Council.

- National Committee on International Humanitarian Law

### *Introduction*

The National Committee on International Humanitarian Law was established pursuant to Cabinet Decision No. 27 (2012) and is the national mechanism for the implementation of international humanitarian law.

The Committee is headquartered at the Ministry of Justice and is chaired by the Deputy Minister of Justice. Its members include representatives of agencies responsible for implementing international humanitarian law, including the ministries of Defence, the Interior, Foreign Affairs, Justice, Administrative Development, Labour and Social Affairs, Education, and Public Health, as well as the Shura Council, Qatar University, the Qatar Social Work Foundation and the Qatar Red Crescent Society.

Its functions include proposing signing, ratifying or acceding to instruments related to international humanitarian law; making recommendations to harmonize the laws in force in Qatar with the principles of international humanitarian law; and disseminating the provisions of international humanitarian law.

Some of the Committee's achievements are as follows:

- The Committee has signed memorandums of understanding for the exchange of skills and activities in the area of international humanitarian law with the following entities:
  1. National Committee on International Humanitarian Law, Morocco
  2. ICRC regional delegation to the States members of the Gulf Cooperation Council, Kuwait
  3. National Committee on International Humanitarian Law, Jordan
  - 4- National Committee on International Humanitarian Law, Kuwait.

It is currently signing agreements with the following:

- Palestinian National Committee on International Humanitarian Law
  - Omani Committee on International Humanitarian Law.
- The National Committee organizes two seminars each year in cooperation with the National Committee on International Humanitarian Law of Morocco, the first in Qatar and the second in Morocco, in accordance with the memorandum of understanding concluded between the two parties.
- It organizes joint sessions in Qatar with various domestic and international entities in order to disseminate the provisions of international law. Those parties include the Ministry of Foreign Affairs, the Al-Jazeera channel and Qatar University.
- The Qatari Lecturer Programme has drawn to a close. The Programme sought to train Qatari officials to provide lectures in the area of international humanitarian law and enable them to acquire expertise in that area. In the first legal session, 65 men and women were trained. Fifteen people passed the legal and preparatory phase and received a lecturer certificate. They are now receiving final training. They were expected to host a two-day seminar in late March 2020, but the event was postponed owing to the coronavirus disease (COVID-19) pandemic.
- With permission from ICRC, 1,000 copies of a book, and 500 memory cards, have been made of the four Geneva Conventions of 12 August 1949 and of the three Protocols Additional thereto. The Palestinian National Committee on International Humanitarian Law were given 150 copies. More than 100 copies were distributed at the thirty-third International Conference of ICRC held in Geneva from 9 to 12 December 2019, and 50 were distributed at the sixth conference and fortieth meeting of the Permanent Office of the Federation of Arab Legal Scholars held in Amman. Copies will be distributed at every event in which the Committee participates.

#### *Anticipated activities*

- Action is being to coordinate courses with the Military Committee on International Humanitarian Law with a view to raising awareness of international humanitarian law among members of the Armed Forces and training military counsellors and lecturers to help educate soldiers.
- Two competitions, involving writing and drawing respectively, are being organized in Qatar in order to raise awareness of international humanitarian law in society.
- The National Committee on International Humanitarian Law has organized some specialized sessions for diplomats. The sessions are adapted to their professional grade.

- A website and a range of social media accounts are being created for the National Committee. Work has reached an advanced stage. The purpose of the website will be to reach all audiences interested in law by organizing activities and programmes in the area of international humanitarian law.

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