

**Decree No. (36) of 2012**  
**On the Ratification of the Arab Convention**  
**Against Transnational Organized Crime**

**We, Tamim Bin Hamad Al-Thani, Emir of the State of Qatar;**

Having perused the Constitution;

The instrument of ratification issued on the first day of the month of Muharram 1433 Hijri, corresponding to twenty-four of January 2012;

The proposal of the Prime Minister and the Minister of Foreign Affairs;

and the draft Decree submitted by the Council of Ministers;

Hereby promulgate the following Decree:

**Article (1)**

The Arab Convention Against Transnational Organized Crime, which was signed in Cairo on 21/12/2010, has been ratified, a copy of which is annexed to this Decree, and shall have the full force of the law in accordance with Article (68) of the Constitution.

**Article (2)**

All relevant authorities, each in their respective field of competence, shall enforce this Decree, which shall come into force on the date of its issuance and shall be published in the Official Gazette.

**Tamim Bin Hamad Al-Thani,**  
**Deputy Emir of the State of Qatar**

Issued at the Amiri Diwan on: 07/07/1433 Hijri,  
Corresponding to: 28/05/2012

# **The Arab Convention Against Transnational Organized Crime**

# **The Arab Convention Against Transnational Organized Crime**

## **Preamble**

The Arab signatories,

**Committing to** the lofty ethical and religious principles, especially the provisions of the tolerant Islamic Sharia, and to the objectives and principles of the Charter of the League of Arab States and the United Nations Charter and Arab and international conventions and treaties in the field of judicial and security cooperation to prevent and combat crime, to which the contracting states are a party, especially the Riyadh Convention on Judicial Cooperation, and the United Nations Convention against Transnational Organized Crime;

**Recognizing** the importance of addressing transnational organized crime, given the threat that this crime poses to the security and stability of the Arab nation and the obstruction to the economic and social development of Arab countries;

**Based on** their keenness to enhance Arab cooperation in the field of preventing and combating transnational organized crime in the judicial and security fields, criminalizing the acts constituting this crime, taking measures to prevent and combat it, and prosecute and punish the perpetrators and their associates in accordance with the provisions of the tolerant Islamic Sharia or national laws, taking into account all public order, and to hand them over to the requesting party;

**Bearing in mind** that the provisions of the Convention do not conflict with the constitutions or statutes of the States Parties;

**Have agreed as follows:**

## CHAPTER ONE

### Article 1

#### *Statement of purpose*

The purpose of this Convention is to promote Arab cooperation to prevent and combat transnational organized crime.

### Article 2

#### *Use of terms*

The following terms, wherever mentioned in this Agreement, shall have the meanings indicated next to them:

1- "*State party*":

Every member state of the League of Arab States ratified or acceded to this Convention and deposited its ratification or accession documents with the General Secretariat of the League of Arab States.

2- "*Transnational organized crime*":

Is every crime of a transnational nature that is carried out, participated in, planned, financed or embarked upon by an organized criminal group as described in Paragraph (3) of this Article.

3- "*Organized Criminal Group*":

It is every group with a specific structure formed for a period of time of three or more persons whose members have agreed to commit one of the crimes covered by this agreement in order to obtain direct or indirect material benefit.

4- "*A group with a specific structure*":

It refers to a group that is not randomly formed, for the purpose of committing an offense immediately, and it is not necessary for its members to have officially defined roles, to continue their membership in it, or to have a developed structure.

5- "*Proceeds of crime*":

Any property, things or money obtained, directly or indirectly, from committing a crime covered by this agreement.

6- "*Withholding or freezing*":

It is the temporary seizure of property, things, or funds related to the crime, pursuant to an order issued by a judicial authority or other competent authority, in accordance with the provisions of the internal laws of each country.

7- "*Confiscation*":

Stripping the person of the property, things, or funds related to the crime by virtue of a judgment that is not subject to any form of appeal and issued by a competent judicial authority, in accordance with what is stipulated in the internal laws of each country.

8- "*Property*":

Means assets of whatever kind, whether material or non-material, movable or immovable, tangible or intangible, and the documents or legal instruments that prove ownership of those assets or the existence of an interest in them.

9- "*Funds*":

Refers to Arab national currencies, foreign currencies, securities and commercial papers, and everything with a value such as real estate or tangible or intangible movable property, all the rights related to it, and the instruments and documents proving these funds.

10- "*Predicate offense*":

Any offense from which proceeds are generated and can become a subject of a crime.

**Article 3**  
***Scope of application***

1- This Convention shall apply to the following:

- A. Acts criminalized under this Convention.
- B. Any other transnational organized crime that is punishable by a freedom deprivation penalty for a period of no less than three years, in accordance with the national laws of each country.

2- For the purposes of paragraph 1 of this Article, the crime is transnational if it is committed:

- A. In more than one country.

- B. In one country, but the preparation, planning, directing, financing, or supervision of it was in one or more other countries.
- C. In one country, from an organized criminal group that engages in criminal activities in one or more other countries.
- D. In one country, and it had severe effects in one or more other countries.

**Article 4**  
***Protection of sovereignty***

1. States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.
2. Nothing in this Convention entitles a State Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.

**Article 5**  
***Liability of legal persons***

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences established in accordance with articles 5, 6, 8 and 23 of this Convention.
2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.
3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.
4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

**Article 6**  
***Money laundering***

1. Each State Party undertakes to take the necessary measures within the framework of its domestic law to criminalize any of the following acts if they were committed intentionally with respect to funds obtained from any predicate offense covered by this Convention:
  - A. Transferring or moving funds, with the knowledge that they are criminal proceeds, for the purpose of concealing or disguising the illegal source of these funds.
  - B. Concealment or disguise of the true nature of the funds, their source, location, method of disposing of them, their ownership, or the rights related to them, knowing that they are criminal proceeds.
  - C. Acquiring, possessing or using funds knowing that they are criminal proceeds at the time of their receipt.
2. The concept of predicate crime includes the crimes covered by this Convention and for which the funds were obtained, and all crimes that were committed within or outside the territory of the State Party concerned. However, in the event that such crime occurs outside the territory of the State party, it is required that it represents a criminal act under the law of the State in which it was committed and the law of the State Party concerned with the application of the provisions of this Article.
3. Each state party to this agreement shall put in place supervision and control measures for the purpose of preventing and combating money laundering.

**Article 7**  
***Administrative corruption***

1. Each State Party undertakes to take the necessary legislative and other measures to criminalize the commitment or participation in the commitment of the following acts within the framework of its domestic law in the event that these acts are intentionally committed by an organized criminal group:

- A. The request or acceptance of a public official, or equivalent thereof, directly or indirectly, whether for the benefit of the employee himself or for the benefit of others, an undue advantage or benefit or a promise thereof, in order to perform an act or refrain from performing an act within the scope of his official position.
  - B. Promising a public official, or equivalent thereof, of an advantage or an undue benefit, offering him or granting him directly or indirectly, whether for the benefit of the employee himself or for the benefit of others, in order to perform an act or refrain from performing an act within the scope of his
  - C. The provisions of Paragraphs (A) and (B) of this Article shall apply to every foreign public official or international civil employee who committed an act criminalized in these two paragraphs.
  - D. Every public official or his equivalent who obtained for himself or for someone else an unlawful advantage or benefit due to the abuse of power or capacity or as a result of a behavior that is legally criminal.
2. Each State Party undertakes to take legislative and administrative measures, in accordance with its legal system, with the aim of enhancing the integrity of public officials, preventing their corruption, exposing them and punishing them.
3. Each state party undertakes to consider criminalizing other forms of administrative corruption that affect the public office.

## **Article 8**

### ***Private sector crimes***

Each state party shall take, in accordance with its statute or constitutional principles and within the framework of its domestic law, measures to prevent the involvement of the private sector in an organized crime; to strengthen accounting and auditing standards in the private sector and; to impose civil, administrative or criminal penalties that are effective and appropriate for non-compliance with these measures.

**Article 9**  
***Fraud against financial and banking institutions***

Each country undertakes to take the necessary measures, within the framework of its domestic law, to criminalize fraud against financial and banking institutions, when it is committed by an organized criminal group or one of its members.

**Article 10**  
***Counterfeiting, forging and promoting currency***

Each state party to the Convention undertakes to take the necessary legislative and other measures to criminalize the following acts, if they are intentionally committed by an organized criminal group:

1. Forgery or counterfeiting of a banknote or coin legally in circulation, or authorized to be issued legally, in a state party to the Convention.
2. Possession, moving or entry of any of the forged or counterfeited currencies across the borders of a State party to the Convention.
3. Promote counterfeit or forged currencies or deal in them in any state party to the Convention.

**Article 11**  
***Trafficking in persons, especially women and children***

Each State Party undertakes to take the necessary measures, within the framework of its domestic law, to criminalize the commission or participation in the commission of the following acts committed by an organized criminal group:

1. Any threat of force, or use thereof, or other forms of coercion, kidnapping, fraud, deception, abuse of power, or exploitation of the state of weakness in order to use, transport, harbor or receive people for the purpose of illegally exploiting them in the practice of prostitution or all other forms of sexual exploitation, forced labor, forced service, slavery, or practices similar to slavery or servitude. The consent of the victim of trafficking is not considered in all forms of exploitation when the means indicated in this paragraph are used.

2. The employment, transportation, harboring or reception of a child for the purpose of exploitation is considered trafficking in persons even if it does not involve the use of any of the means indicated in Paragraph (1) of this Article. In all cases, his consent is not considered.

#### **Article 12**

#### ***Extraction and trafficking of human organs***

Each State Party undertakes to take the necessary legislative and other measures to criminalize the commission or participation in the commission of acts that extract body organs or organic tissues, or trade in them, or transfer them under duress or deceit, when carried out by an organized criminal group or one of its members. The consent of the person who is the victim of these acts shall not be considered whenever the means described in this article are used.

#### **Article 13**

#### ***Migrant smuggling***

Each State Party undertakes to take the necessary measures, within the framework of its domestic law, to criminalize the commission of the following acts committed by an organized criminal group:

1. Smuggling of migrants by means of the illegal entry of a person into a state party that is not considered a citizen or resident thereof, in order to obtain, directly or indirectly, a financial benefit.
2. Facilitating the smuggling of migrants by committing one of the following acts:
  - a. Preparing a travel document, forging it, impersonating, or arranging for obtaining a document of this type, or providing or possessing such a document.
  - b. Enabling a person, who is not a citizen or permanent resident of the state concerned, to remain in it without being bound by the conditions necessary for lawful stay in that state, by using one of the means mentioned in this Article or any other illegal means.

3. Each State Party shall, subject to the provisions of its legal system, adopt the necessary legislative and other measures to consider the following circumstances as reasons to stiffen the punishment for the crimes mentioned in this Article:
  - a. Threatening the lives of the migrants concerned or endangering their safety.
  - b. Treating these migrants inhumanly or degrading them.
4. Nothing in this article prevents any state party from taking measures against any person whose behavior is a crime under its domestic law.

**Article 14**  
***Maritime piracy***

Each state party undertakes to take the necessary measures, within the framework of its domestic law, to criminalize maritime piracy when it is committed by an organized criminal group.

**Article 15**  
***Seizure of antiquities and cultural and intellectual property and illicit trade in them***

1. Each State Party undertakes to take the necessary legislative and other measures to criminalize the commission or participation in the commission of the following acts when they are intentionally committed by an organized criminal group or one of its members:
  - A. Smuggling of antiquities abroad.
  - B. Illicit trade in antiquities.
  - C. Theft or concealment of antiquities or part thereof.
  - D. Demolishing, damaging, distorting, changing features or separating part of an antiquity.

- E. Carrying out an archaeological excavation without a license for that from the competent authority.
  - F. Unlawful possession of any antiquities whenever the possessor knows or is supposed to know about the nature of the antiquities subject of possession.
  - G. Imitation of antiquities with the intention of selling them and making use of them by means of fraud or deception.
  - H. Theft and illegal trade in cultural objects.
  - I. Theft and illegal trade in art paintings.
  - J. Infringement of intellectual property rights and illegal trade in them.
2. State Parties shall undertake to return the antiquities that were illegally exited to their source.

#### **Article 16**

#### ***Assault on the environment and transport of hazardous waste and harmful materials***

Each state party undertakes to make the commission of any of the following crimes subject to penalties or precautionary measures or both, considering the seriousness of the crime and not to neglect additional or complementary penalties:

- 1. Acts that cause damage to a component of the terrestrial, air or water environment, or threaten to cause such damage, or contribute to an environmental imbalance.
- 2. Illegally importing, transporting or handling hazardous materials, wastes and harmful materials, or allowing their entry, passage, or burial in the territory of any state party or dumping them into its territorial waters.

#### **Article 17**

#### ***Illegal trade in wild flora and fauna and marine life***

Each State Party undertakes to take the necessary measures, within the framework of its domestic law, to criminalize the commission or participation in the commission of the following acts committed by an organized criminal group:

1. Sale of prohibited uprooting plants, wild animals, marine life and their derivatives that are prohibited from hunting, according to the law of the State Party, or buying, using, circulating, or trading in them in any manner.
2. Possession or concealment of proceeds arising from one of the criminal acts in the previous paragraph.

#### **Article 18**

#### ***Activities related to narcotic drugs and psychotropic substances***

Each state party undertakes to take the necessary legislative and other measures to criminalize the commission or participation in the commission of illegal activities related to narcotic drugs and psychotropic substances, in accordance with the provisions adopted in the Arab Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, in the event that they are committed by an organized criminal group.

#### **Article 19**

#### ***Illicit production or trade in arms***

Each State Party undertakes to take the necessary measures to criminalize the following acts when they are intentionally committed by an organized criminal group or one of its members:

1. Illicit production of any explosive materials, firearms or ammunition, manufacture, assembly, smuggling, trade or brokerage, delivery, receipt, possession, acquisition, transfer, or disposition of them.
2. The manufacture of devices, machines, tools, materials or parts used in the production of firearms, ammunition or explosives, or to trade or mediate in them, or to deliver them, receive them, possess them, acquire them, transfer them, or dispose of them.

3. Organizing, managing or financing any of the acts mentioned in paragraphs (1 and 2) above.

**Article 20**  
***Motor vehicle theft and smuggling***

Each state party undertakes to take the necessary measures within the framework of its domestic law to criminalize theft and smuggling of motor vehicles such as cars, trucks and similar vehicles, when they are committed by an organized criminal group.

**Article 21**  
***Illegal use of information systems technology***

Each State Party undertakes to take the necessary measures, within the framework of its domestic law, to criminalize the commission or participation in the commission of the following acts committed by an organized criminal group within the scope of the illegal use of information systems technology:

1. Unlawful penetration or facilitating the unlawful penetration, in whole or in part, of an information system.
2. Disrupting or corrupting the operation of an information system.
3. Illegally entering data into an information system, or scanning, modifying, copying or publishing the data contained in this system in an illegal way.
4. Importing, possessing, displaying, leaving, or making available one of the equipment, tools, or information technology programs, without legitimate reason, with the aim of committing one of the crimes stipulated in the previous three paragraphs.
5. Any of the traditional crimes committed by any means of information systems technology.

**Article 22**  
***Obstruction of justice***

Each state party undertakes to make the commission of any of the following crimes subject to penalties or precautionary measures or both, taking into account the seriousness of the crime and not neglecting ancillary or complementary penalties, when it is committed intentionally and within the scope of one of the crimes covered by this convention:

1. False testimony in a crime and incitement to do so.
2. Forcing a witness not to testify or to testify falsely.
3. Revenge against a witness for testifying.
4. Spoiling or tampering with the evidence.
5. Not reporting the crime or providing incorrect information.
6. Whoever knew of the occurrence of a felony or misdemeanor or had reason to believe that it had occurred and assisted the perpetrator in any way to flee from justice.
7. The use of force or threats to prevent an employee of the justice or security entity from performing his official duties in procedures related to the commission of crimes covered by this agreement.

### **Article 23**

#### ***Participation in an organized criminal group***

Each State Party undertakes to take the necessary legislative and other measures to criminalize the following acts:

1. Agreement with one or more other persons to commit a serious crime for a purpose that has a direct or indirect connection to obtaining a financial or other material benefit, and, where internal law requires that, it involves an act performed by one of the participants that helps the implementation of the agreement, or the involvement of an organized criminal group .

2. The person performing the activities of participation with his knowledge of the aim of the organized criminal group and its general criminal activity or its intention to commit the crimes stipulated in this agreement.
3. The knowledge, intent, aim, purpose or agreement referred to in paragraphs (1) and (2) above can be inferred from the circumstances of the objective facts.

**Article 24**  
***Statute of limitations***

Each state party shall determine, in accordance with its domestic law, a long statute of limitations period for any crime covered by this convention.

**Article 25**  
**Exemption or mitigation of punishment**

Each State Party undertakes to take the following:

1. Exemption from the penalties prescribed for the crimes covered by this Convention for every member of the organized criminal group who took the initiative to inform the judicial or administrative authorities of what he knows about the crime before initiating its implementation.
2. Reducing the penalties prescribed for the crimes covered by this Convention for every member of the organized criminal group who took the initiative to inform the judicial or administrative authorities of what he knows about the crime after its execution; thus, his notification enabled the competent authorities during the investigation to arrest the other perpetrators of the crime or the perpetrators of another crime similar to it in type or severity.

**Article 26**  
***Mutual legal assistance***

1. States Parties undertake to provide each other with the largest amount of mutual legal assistance in prosecutions, induction procedures, investigations, and other judicial procedures in relation to the crimes covered by this Convention.

2. States Parties may request mutual legal assistance among themselves for one of the following purposes:
  - A- Seize, freeze, confiscate, or hand over property and funds obtained from crimes covered by this Convention.
  - B- Carrying out inspections.
  - C- Inspecting objects and sighting sites.
  - D- Obtaining evidence or statements from individuals and receiving expert reports.
  - E- Exchanging criminal status and reporting judicial documents in general.
  - F- Disclosing or tracing proceeds, property, tools, or other things for the purposes of obtaining evidence.
  - G- Facilitating the appearance of persons in the State Party that requests it.
  - H- Any other form of assistance that does not conflict with the law of the State Party receiving the request.
- 3- The competent authorities in each state party may, without being inconsistent with its domestic law and without receiving a prior request, transfer information related to criminal matters to a competent authority in another state party whenever it is estimated that this information may assist that authority in carrying out investigations and criminal procedures or successfully completing them; or the information may lead to that authority submitting a request pursuant to this agreement. The competent authority receiving the information must comply with any request to keep that information confidential permanently or temporarily or to impose restrictions on its use.
- 4- The request for legal assistance shall be drafted in a manner that defines the scope of the crime, incident or procedure subject to assistance. In case of urgency, the request shall be submitted by any of the more rapid means of

communication that leave a written or material trace. The request for assistance in particular shall include the following data:

- A- The requesting authority.
  - B- The subject matter and nature of the investigation or prosecution or the procedures to which the request relates, and the name and functions of the authority in charge of the investigation, prosecution or procedures.
  - C- A summary of the relevant facts and their legal adaptation, with the exception of requests submitted for the purpose of reporting judicial documents.
  - D- A description of the legal assistance sought and details of any other procedure the requesting State Party wishes to follow.
  - E- The identity of the person concerned, his nationality, and wherever possible, his whereabouts.
  - F- The purpose for which evidence, information, or measures are sought.
- 5- States Parties may not refuse a request for legal assistance simply because the offense is also considered to involve financial matters.

#### **Article 27**

#### ***Cases of refusal of mutual legal assistance***

The requested State Party shall not refuse to provide legal assistance except in the following cases, with an indication of the reason for the refusal, if the assistance:

- 1- affects its sovereignty, security, or fundamental interests.
- 2- conflicts with its internal laws.
- 3- will harm the investigations or procedures established on its territory regarding the crime that is the subject of the request for assistance.

4- conflicts with a final court ruling issued in its territory.

**Article 28**  
***Joint investigations***

State Parties shall consider concluding bilateral or multilateral agreements or arrangements that authorize the relevant competent authorities to establish joint investigation bodies or committees in relation to matters that are the subject of investigations, prosecutions, or judicial procedures in one or more countries. In the absence of such agreements or arrangements, joint investigations may be carried out by agreement in each case separately, and the concerned states parties shall ensure respect for the sovereignty of the state party in whose territory that investigation will take place.

**Article 29**  
***Transfer criminal proceedings***

State parties shall consider the possibility of transferring prosecution procedures related to an offense covered by this Convention to the other, in cases where such transfer is considered in the interest of the proper administration of justice, especially when it comes to several jurisdictions, with the aim of focusing the prosecution.

**Article 30**  
***Handing over the accused***

- 1- Each state party, subject to the provisions contained in the relevant conventions, shall take the necessary measures to activate the system of extradition of persons accused or convicted of any of the crimes covered by this Convention.
- 2- Each of the States Parties undertakes to extradite the accused and those convicted of the crimes covered by this Convention whose extradition is requested to any of these countries in accordance with the rules and conditions stipulated in this Convention.
- 3- If the State Party does not extradite the accused who is in it in relation to one of the crimes covered by this Convention based on the evidence of its

jurisdiction to prosecute this perpetrator, it must refer the case without delay to its competent authorities to take legal measures to prosecute him.

- 4- States Parties may not refuse an extradition request simply because the offense is also considered to involve financial matters.
- 5- Each state party may refrain from extraditing its citizens in relation to one of the crimes covered by this Convention. However, it must take legal measures to prosecute the person whose extradition is requested or implement the judgment issued against him in accordance with the provisions of Article 35 of this Convention.
- 6- The nationality of the person shall be recognized at the time of committing the crime covered by this Convention for which extradition is requested.

### **Article 31**

#### ***Cases in which handing over may be refused***

The State Party from which extradition is requested may refuse the request for extradition in the following cases:

- 1- If the crime for which extradition is requested has been committed in the territory of the State party from which the extradition is requested, unless this crime has harmed the essential interests of the State party requesting extradition and the law of this state gives it jurisdiction to prosecute the perpetrators of these crimes unless the country from which the extradition is requested has investigation or trial procedures have begun.
- 2- If the crime for which the extradition is requested has been issued in respect of which a court ruling has been issued by the courts of the state party from which the extradition is requested, or by the courts of another state, and this judgment is absolutely not subject to appeal in any of the forms of appeal in accordance with the law of the country that issued the judgment.
- 3- If the public lawsuit arising from the crime for which extradition is requested, upon the receipt of the extradition request, has lapsed or the adjudged

punishment has been dropped for any reason, in accordance with the law of the country requesting extradition.

- 4- If the crime was committed outside the territory of the state party requesting extradition by a person who does not have the nationality of this state and the law of the state party from which extradition is requested does not allow prosecution of such a crime if it is committed outside the state's territory by such a person.
- 5- If the crime for which extradition is requested is considered, under the laws in force of the party requested to hand over, a crime of a political nature or is limited to breaching military duties.

### **Article 32**

#### ***Seizure, confiscation and delivery of objects and proceeds resulting from the crime***

- 1- Each State Party shall, upon receiving a request from another State Party which has jurisdiction in relation to one of the crimes covered by this Convention, take the necessary measures to uncover criminal proceeds, property, tools, or any other things related to the crime, trace them, freeze them or seize them with the purpose of confiscating them.
- 2- The State Party may refer to its competent authorities the confiscation request related to the crimes covered by this convention and issued by the authorities of the State Party requesting its implementation to the extent required, in accordance with the rules and procedures contained in its domestic law.
- 3- If it is decided to hand over the person whose extradition is requested, the State Party from which the hand over is requested shall be bound to seize and deliver the things and proceeds obtained from one of the crimes for which the hand over is requested, used in it or related to it to the requesting state party, whether it is found in the possession of the person whose extradition is requested or with others unless possession of these things are a crime in the requested country; or that these things are considered part of the evidence in an investigation or trial against that person, and these things may be delivered

even if the handover of the person to be extradited has not been achieved because of his escape, death, or any other reason.

- 4- The provisions of this article may not be interpreted in a way that prejudices the established rights of any of the party-states or a bona fide third party over the aforementioned things or proceeds.
- 5- Each State Party shall dispose of proceeds, confiscated property, or funds resulting from their sale in accordance with the provisions of its domestic law, and the states parties concerned may agree among themselves on how to dispose of them while considering the possibility of returning the proceeds of crimes or confiscated property to the requesting state party to present it or part of it as compensation to their rightful owners.

### **Article 33**

#### ***Immunity of witnesses and experts***

Every witness or expert who requests his presence in one of the states parties, and who voluntarily attends for this purpose before the judicial bodies of the requesting state party, shall enjoy immunity that prevents any criminal measures being taken against him or his arrest or imprisonment for actions or execution of judgments prior to his entry into the territory of the requesting State Party. The relevant authority that requested the witness or expert must notify him in writing of this immunity before his first appearance. This immunity of the witness or expert shall be removed by the lapse of thirty days from the date of his duly request, with the competent authorities dispensing with the requesting state party without leaving this country without precluding anything that prevents him from leaving for reasons beyond his control or if he returns to it voluntarily after leaving it.

### **Article 34**

#### ***Transfer of witnesses and experts and their guarantees***

- 1- Each State Party shall take appropriate measures to allow the transfer of witnesses and experts deprived of their liberty whose presence in another State Party is required to testify, or to assist in the investigations if the person concerned explicitly accepts this. The transfer may not be for the purpose of appearing for trial.

- 2- The requesting state party to which any of the persons mentioned in paragraph (1) of this Article is transferred is prohibited from extraditing them to a third country or taking any penal measures against any of them or implementing previous rulings on him.
- 3- The state to which the person is transferred as referred to in Paragraph (2) of this Article is obligated to keep him in custody and return him to the country from which he was transferred within the period determined by that state, or as soon as the justifications that called for his request ceased to exist, or as agreed upon between the two states.
- 4- The period of time that the imprisoned person who is requested to be transferred to the State Party shall be counted within the originally prescribed penalty period in the State from which he is transferred.

#### **Article 35**

##### ***Travel and accommodation expenses for witnesses and experts***

The witness or expert has the right to collect the travel and stay expenses and the wages or earnings he missed from the requesting contracting party, and the expert has the right to claim his fees in return for his opinion; and all this is determined based on the definitions and regulations in effect at the requesting contracting party.

The notification papers should indicate the amounts due to the witness or expert, and the requesting contracting party shall pay these amounts in advance if the witness or expert so requests.

#### **Article 36**

##### ***Protection of witnesses, experts and victims***

- 1- Each State Party shall take the necessary measures to provide protection from any possible retaliation or intimidation for witnesses and experts who agree to give their statements regarding one of the crimes covered by this Convention, as well as for their relatives and other persons close to them as necessary.
- 2- Each State Party shall take the necessary measures to provide assistance and protection against any reprisal or intimidation to the victims of the crimes

covered by this Convention, and to provide them with the means to obtain compensation and redress for the damages suffered by them.

- 3- States Parties shall consider that the measures referred to in the previous two paragraphs include the following:
  - A- Providing protection for these persons, by changing their places of stay and not disclosing any information related to their identities and whereabouts.
  - B- Allowing testimony to be given in a manner that guarantees the safety of witnesses, experts and victims. It is permissible to use modern technologies in this field.
- 4- States parties may consider concluding agreements or arrangements between themselves or with another state to provide protection for witnesses, experts and victims.

### **Article 37**

#### ***Measures to combat organized crime***

The State Parties undertake among themselves to do the following to enhance the effectiveness of the implementation of laws aimed at combating the crimes covered by this convention:

- 1- Prevent its region from becoming a scene for planning, carrying out, attempting or participating in any of the organized crimes in any way, and work to prevent the infiltration of criminals into its territory or their establishment therein by individuals or groups.
- 2- Develop regulations and laws related to control procedures and secure borders and land, sea and air ports.
- 3- Exchange information on the crimes covered by this Convention, including its links with other criminal activities, as well as the means used by organized criminal groups, especially those that are carried out using modern technologies

- 4- Conduct investigations aimed at monitoring the movement of crime proceeds, property, equipment, or other tools used or intended to be used in the commission of those crimes.
- 5- Disclose the identity of persons suspected of being involved in committing any of the crimes covered by this Convention, their activities and whereabouts.
- 6- Activate coordination between the various agencies and bodies concerned with combating organized crime, encourage the exchange of visits of workers and experts in these bodies, and develop joint training programs for workers in agencies concerned with the implementation of criminal law, including members of the public prosecution, investigative judges, and others.
- 7- Increase people's awareness of the existence of organized crime, its causes, its gravity and the danger it poses.

#### **Article 38**

#### ***Recognition of criminal and civil judgments***

Each state party, in the matter of implementing the provisions of this Convention and achieving its purpose, must recognize the final penal and civil judgments issued by the courts of another state party in connection with one of the crimes covered by this Convention, with the following excluded from this:

- 1- Provisions contrary to Islamic law, statutes, provisions of the constitution or public order in the country from which recognition is sought.
- 2- Judgments that are still subject to appeal by one of the forms of appeal established in the law of the country in which the judgment was issued by one of its courts.
- 3- Judgments issued in a crime that is already within the jurisdiction of the state from which it is requested to take the judgment into account whenever it commences any of the investigation or trial procedures.

#### **Article 39**

#### ***Jurisdiction to prosecute crimes covered by this Convention***

- 1- State Parties shall take the necessary measures to determine the competence of their judicial authorities and bodies to prosecute and to consider the crimes covered by this Convention in the following cases:
  - A- When the whole crime or one of its components occurs in the territory of the state, or when the preparation, planning, or initiation of the crime or any form of participation in it is realized in this region, or when the effects of the crime extend to it.
  - B- When the crime is committed in the manner mentioned in the previous paragraph on board a ship flying the state flag, or an aircraft registered in the state records.
  - C- When the crime is committed by or against a citizen of the state.
  - D- If the perpetrator, partner, or contributor of the crime is found in the state's territory, whether he resides in it in a habitual or transitory manner.
  - E- If the crime represents an assault on one of the supreme interests of the state.
- 2- This Convention does not exclude the exercise of any criminal jurisdiction decided by any state party in accordance with its domestic law.

#### **Article 40**

##### ***Mechanism for implementation of the Convention***

The Arab Ministers of Justice and Interior, in coordination with the relevant ministerial councils, shall supervise the follow-up of the implementation of this agreement, and in this regard they have the right to establish the necessary mechanisms for that purpose, in particular:

- 1- Establishing a database in connection with the implementation of this Convention.

- 2- Establishing an Arab criminal record regarding persons sentenced with irrevocable and final convictions for one of the crimes covered by this Convention.

## **Chapter Four: Final Provisions**

- 1- This agreement shall be subject to signature, ratification, acceptance or approval by the member states, and the documents of ratification, acceptance or approval shall be deposited with the General Secretariat of the League of Arab States no later than thirty days from the date of ratification, acceptance or approval, and the General Secretariat shall inform all member states each deposit and date of those documents.
- 2- This Convention shall enter into force after thirty days have passed from the date of depositing the documents of ratification, acceptance, or approval by seven Arab countries.
- 3- Any state of the Arab League that is not a signatory to this agreement may join it, and the state is considered a party to this Convention thirty days after the date of the deposit of the instrument of ratification, acceptance, approval or accession with the General Secretariat of the League of Arab States.
- 4- This Convention shall not prejudice any other special agreements between some member states, and in the event that the provisions of this Convention conflict with the provisions of any special agreement, then the most effective Convention to combat transnational organized crime shall be applied.
- 5- It is not permissible for any state party to make any reservation that violates the provisions of this Convention or deviates from its objectives.
- 6- This Convention may be supplemented with one or more appendices, and the state party to this agreement shall not be bound by any appendix unless it becomes a party to it in accordance with its provisions.
- 7- The State Party may propose to amend any of the provisions of this Convention and refer it to the Secretary General of the League of Arab States who informs

it to the States Parties to the Convention to take a decision to adopt it by a two-thirds majority of the States Parties, and this amendment becomes effective after thirty days from the date of depositing the instruments of ratification or acceptance or approval of seven states parties to the General Secretariat of the League of Arab States.

- 8- Any state party can withdraw from this Convention upon a written request that it sends to the Secretary General of the League of Arab States.

The withdrawal shall take effect after the lapse of six months from the date of sending the request to the Secretary General of the League of Arab States.

This Convention has been drawn up in the Arabic language in Cairo in the Arab Republic of Egypt on 1/15/1432 AH, corresponding to 12/21/2010 AD from one original deposited at the General Secretariat of the League of Arab States (the Technical Secretariat of the Council of Arab Justice Ministers), and an identical copy of the original was delivered to the General Secretariat of the Council of Arab Ministers of Interior, as well as delivering a copy of the original to each of the State Parties.

Affirming the above, their Highnesses and Excellencies the Arab Ministers of Interior and Justice signed this Convention on behalf of their countries.