

Translated from Arabic

Annex: Response of the authority concerned in the State of Qatar to the request from the Secretary-General of the United Nations regarding the implementation of General Assembly resolution 62/63 of 6 December 2007, and in particular paragraphs 3 and 4

The initiative of preparing a draft convention on the criminal accountability of United Nations officials and experts on mission is worthy of consideration because the wide-ranging use of immunity could result in the avoidance by such officials of criminal accountability. This is especially true given intermittent reports that certain members of United Nations missions or of United Nations forces in various parts of the world have committed offences against laws and ethics. It is therefore important to close up any gaps in legislation that could be used to avoid punishment. The State of Qatar supports international, regional and national efforts aimed at ending cases in which the perpetrators of violence go unpunished. This should be done by enacting and enforcing appropriate legislation, and by determining the international legal and judicial systems necessary to prosecute the perpetrators of violence. Each individual in United Nations missions remains subject to a legal system different from that of other members of the same mission, according to the nationality of the person in question, so that United Nations officials, experts and delegations are not subject to a single legal regime. This situation can lead to the loss of personal responsibility, and potentially to the avoidance of punishment, or to cases where individuals who have committed the same offence are disciplined in different ways, thus tarnishing the reputation of the United Nations.

Concerning paragraphs 3 and 4 of General Assembly resolution 62/63 on criminal accountability of United Nations officials and experts on mission, the general principles of criminal jurisdiction in the Penal Code of the State of Qatar, as stated in Law 11 of 2004, enacting the Penal Code, provide as follows for persons who have committed offences abroad:

Article 17: The provisions of this Law shall apply to anyone present in Qatar who has, whether as a perpetrator or as an accomplice, committed an offence abroad involving drug trafficking, human trafficking, piracy or international terrorism.

Article 18: Any citizen of Qatar who has, while outside Qatar, committed an act that is considered a felony or misdemeanour under this Law, shall, on returning to Qatar, be punished in accordance with the provisions of this Law if the act is punishable under the law of the country in which the act was committed.

Article 19: Criminal prosecution shall not be instituted against anyone who commits an offence abroad if it is established that the foreign courts have rendered a final not guilty verdict in favour of such a person, or if such person has been found guilty and has served his or her sentence, or if the sentence has lapsed, or if the prosecution has been dropped.

If the verdict of not guilty in respect of one of the offences specified in article 12-3 of this Law has been handed down on the basis that the law of the country in which the offence was committed does not prescribe a penalty for it, criminal proceedings may be instituted before the courts of the State of Qatar.”

On the basis of the Code of Criminal Procedure and insofar as the matter concerns the extradition of wanted persons, the Law states as follows:

“Article 409: The following conditions are required for extradition:

1. The offence for which extradition is requested has been committed within the territory of the State requesting extradition, or has been committed outside both the territory of the State of Qatar and of the State requesting extradition, provided that the act is punishable under the laws of the requesting State if committed outside its territory;

2. The offence is a felony or misdemeanour punishable both under the law of Qatar and under that of the State requesting extradition by a custodial penalty of not less than two years, or by a more severe penalty, or the person whose extradition is requested on the grounds of such offence has been sentenced to imprisonment for a term of not less than six months.

If the act is not punishable under the laws of the State of Qatar, or if the penalty established in the State requesting extradition has no equivalent in Qatar, extradition shall not be compulsory unless the person whose extradition is requested is a national of the State requesting extradition or a national of another State that establishes the same penalty.

Where extradition is requested in respect of more than one offence, extradition shall be permissible only in respect of offences which satisfy the conditions set forth above.”

“Article 410: Extradition is not permissible in the following cases:

1. If the person whose extradition is requested is a Qatari national;

2. If the offence for which extradition is requested is a political offence, or is connected with a political offence, or the person whose extradition is requested is a beneficiary of political asylum at the time of submission of the request for extradition;

3. If the offence for which extradition is requested is limited to breaches of military obligations;

4. If there exist serious grounds for believing that the extradition request was submitted for the purpose of prosecuting or punishing the person on the basis of considerations relating to race, religion, nationality or political views, or where the existence of any such consideration is likely to be detrimental to the position of the person whose extradition is requested;

5. If the person whose extradition is requested has already been tried for the same offence and has been found innocent, or has been sentenced in accordance with the laws of the country in which the sentence was passed and has served his or her sentence, or if the criminal proceedings or penalty have been dropped or have lapsed owing to the passage of time or to the granting of pardon under the law of Qatar or the law of the State requesting extradition;

6. If the law of Qatar permits the trial of the person whose extradition is requested before the judicial authorities in Qatar for the offence for which extradition is requested.”
