

Translated from Arabic

Permanent Mission of the State of Qatar to the United Nations, New York

The Permanent Mission of the State of Qatar to the United Nations presents its compliments to the Secretary-General of the United Nations and in reference to the note verbal dated 21 January 2015 (ref. LA/COD/50), seeking the views of the State of Qatar regarding General Assembly resolution 69/114 of 10 December 2014 entitled "Criminal accountability of United Nations officials and experts on missions", has the honour to communicate below the comments of the competent authorities in the State of Qatar, which read as follows:

1. The Government of the State of Qatar strongly supports General Assembly resolution 69/114, implementation of which is an essential step towards achieving justice while ensuring that United Nations officials and experts on missions are exempt from the consequences of criminal acts committed by them at their duty stations. The Government of the State of Qatar is of the view that the paragraphs of this resolution relate to the rules of criminal jurisdiction of the State and the provisions of international criminal judicial cooperation. In this regard, it affirms that the general rules of criminal jurisdiction of the State of Qatar are addressed by Act No. 11 (2004), promulgating the Penal Code, articles 16-19 of which cover the commission of a crime outside the State (see annex A). These provisions deal with crimes that may be committed by Qatari subjects working on assignment in United Nations missions.
2. Articles 407-424 of Act No. 33 (2004), promulgating the Code of Criminal Procedure, provide for international cooperation with regard to the extradition of criminals (see annex B).
3. The State of Qatar participates in the United Nations Interim Force in Lebanon (UNIFIL) and no offences or crimes by Qataris working in the above force have been recorded.

The Permanent Mission of the State of Qatar avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest regard.

Annex A

Provisions of the Qatari Penal Code

Article 16

The provisions of this Act shall apply to:

1. Any person who commits an act making him a perpetrator of or accomplice to a crime that occurred wholly or in part within Qatar;
2. Any person who commits within Qatar an act making him a perpetrator of or accomplice to a crime that occurred wholly or in part outside Qatar, if punishable under this Act and the law of the country in which the crime was committed;
3. Any person who commits or participates in the commission of a crime outside Qatar directed against the external or internal security of the State, or crimes relating to the falsification or forging of official documents or Government seals, marks or stamps, or the falsification, forging or counterfeiting of any currency note or coin used as legal tender in Qatar or the possession or distribution of falsified, forged or counterfeit currencies.

Article 17

The provisions of this Act shall apply to any person found in the State after committing abroad, as perpetrator or accomplice, any of the criminal offences of trafficking in drugs or persons or the crimes of piracy or international terrorism.

Article 18

Any Qatari who, while abroad, commits an act considered by this Act to be a felony or misdemeanour, shall be punished under the provisions thereof, when he returns to Qatar, even if the act is punishable under the law of the country in which the offence was committed.

Article 19

No criminal case shall be brought against a person who has been finally acquitted by foreign courts of a crime committed abroad or convicted thereof and has served his sentence, or the case has lapsed or been barred by time.

If acquitted of any of the offences stipulated in article 16, paragraph 3, of this Act on the grounds that it is not an offence under the law of the country in which the crime was committed, a criminal case may be brought before the courts of the State of Qatar.

Annex B

Provisions of the Qatari Code of Criminal Procedure

Book V. International judicial cooperation

Chapter 1. General provisions

Article 407

Without prejudice to the provisions of international conventions in force in the State of Qatar and on condition of reciprocity, Qatari judicial bodies shall cooperate with foreign and international judicial bodies in the criminal sphere, in accordance with the law.

Chapter 2. Extradition of convicted persons and suspects and surrender of items

Article 408

Extradition of convicted persons and suspects to a foreign State that requests their extradition in order to implement sentences handed down against them or try them in a criminal court shall be carried out in accordance with the provisions stipulated in the following articles.

Article 409

Extradition shall be conditional upon the following:

1. That the crime for which extradition is requested was committed within the territory of the State requesting extradition or was committed outside the territory of the State of Qatar and of the State requesting extradition, when the act, if committed outside its territory, is punishable under the law of the requesting country;

2. That the crime is a felony or misdemeanour punishable under both Qatari law and the law of the State requesting extradition and carries a custodial sentence of at least two years or a more severe punishment, or that the person sought for extradition for the crime has been given a custodial sentence of at least six months.

If the act is not punishable under Qatari law or if the punishment stipulated for the crime in the State requesting extradition has no counterpart in the State of Qatar, extradition shall not be obligatory unless the person sought for extradition is a national of the State requesting extradition or a national of another State that adopts the same penalty.

If extradition is sought for multiple crimes, extradition is only permissible for crimes that meet the two preceding conditions.

Article 410

Extradition shall not be permitted in the following cases:

1. If the person sought for extradition has Qatari nationality;

2. If the crime for which extradition is sought is political or related to a political crime or the person whose extradition is sought was a political refugee at the time when the extradition request was made;

3. If the crime for which extradition is sought is confined to breaching military duties;

4. If there are good reasons for believing that the extradition request has been made to put on trial or punish the person for considerations relating to race, religion, nationality or political belief or if the existence of any of these considerations may harm the position of the person whose extradition is sought;

5. If the person sought for extradition has previously been tried for the same offence and acquitted or found guilty in accordance with the law of the country in which the judgement was issued and has served his sentence; or if the criminal action or penalty has lapsed or been barred by time; or if a pardon has been issued under Qatari law or the law of the State requesting extradition;

6. If Qatari law permits the person sought for execution to be tried by judicial bodies in Qatar for the crime for which extradition is sought;

Article 411

If the person whose extradition is sought is under investigation or on trial for another crime committed in Qatar, his extradition shall be postponed until the investigation or trial concludes finally and his sentence has been served.

Article 412

Application for extradition shall be made through diplomatic channels and shall be decided by the competent authorities in accordance with the law. The following information and documentation shall be submitted with the application:

1. An arrest warrant issued by the competent authorities showing the type of crime and the article of the law under which it is punishable. If the application concerns a person under investigation, it shall be accompanied by official copies of the investigation documents, certified by the judicial body conducting the investigation or holding the documents;

2. An official copy of the ruling, if the application concerns a person tried in absentia or in his presence; in all cases, the extradition request must be accompanied by a certified copy of the legal provision applicable to the crime and a full statement on the identity of the person sought for extradition and a description of him, together with nationality documents.

All extradition documents shall be certified by the competent body in the State requesting extradition.

Article 413

The public prosecutor shall decide a request for extradition. If it is evident that the information and documentation submitted in support of the application is inadequate to allow a decision to be made, he may ask the State requesting extradition to submit additional information or documentation within a specified period of time.

Article 414

A person sought for extradition shall be advised of the charge and evidence against him and the documentation relating to the extradition request. His statements shall be recorded. He may have a lawyer present when questioned.

Article 415

In urgent cases, the public prosecutor may, at the direct request of any of the judicial authorities in the State requesting extradition by any means of communication, decide to attach temporarily the person sought for extradition until he receives the written extradition request and annexes.

A person sought for extradition may not be attached for more than 15 days, while waiting for the written extradition request, unless the State requesting extradition provides an acceptable reason.

In all cases, the period of attachment may not be more than one month. Release of the person sought for extradition shall not prevent his re-attachment upon receipt of the written extradition request and annexes.

Article 416

If more than one country requests the extradition of the same person, the public prosecutor shall determine the State to which he is to be extradited, with due regard to the particular circumstances of each case, in particular:

1. The seriousness of the crime;
2. The date and place of the commission of the crime;
3. The date of each request;
4. The nationality of the person sought for extradition;
5. The usual place of residence of the person sought for extradition.

Article 417

Without prejudice to the bona fide rights of third parties, the public prosecutor may surrender to the State requesting extradition all items obtained from the crime which are in the possession of the person against whom an extradition ruling has been made or which were used in the commission of the crime or which may be used in evidence.

Article 418

If the person against whom an extradition ruling has been made has not been handed over to the State requesting extradition within one month of giving notice, he shall be released. He may only be extradited thereafter under a new ruling. In all cases, the period of attachment of a person sought for extradition may not exceed three months.

Article 419

A person against whom an extradition ruling has been made may appeal the ruling.

Furthermore, he and any interested party may appeal a ruling to surrender items, in accordance with the following two articles.

Article 420

A motion to appeal shall be filed with the office of the clerk of the court of appeal within 15 days of the date of the ruling against the appellant or the date on which he was officially notified thereof.

The date of the session set to hear the appeal shall be noted on the motion; it shall not exceed seven days from the date of the motion. This shall be considered notice of the hearing, even if the motion is made by an agent.

Article 421

Any of the criminal departments of the court of appeal shall be competent to hear the appeal and a decision shall be made in camera within two weeks from the date of the first hearing set to consider the appeal. If he is already attached, the attachment of the person sought for extradition shall be continued.

The ruling handed down may not be appealed by any means whatsoever.

Article 422

The public prosecutor may contact the competent authorities in a foreign State to extradite a person given a custodial sentence or more severe punishment, or who has been charged with committing a crime carrying the same punishment and subject to the provisions of Qatari law.

The application shall be submitted through diplomatic channels to the concerned State, with supporting information and documentation attached.

The public prosecutor shall be competent to agree to the terms for extradition set by the foreign State, as long as these do not conflict with the basic principles of the Qatari legal system.

Article 423

An extradited person may only be charged, put on trial or have his sentence carried out for a crime prior to the date of extradition, apart from the crime for which extradition was requested and associated crimes, in the following two cases:

1. If the person or the State which extradited him agrees;
2. If he has not left the territory of the State within 30 days after conclusion of the proceedings of the case and enforcement, as the situation may be, despite being able to do so.

Article 424

The period of attachment which the suspect spent abroad, pursuant to the extradition request, shall not be counted as part of the time he may be held in preventive detention and the term of his sentence shall be reduced accordingly.
