

Disclaimer: The official version of the law and any amendments thereto is published in Arabic in the Official Gazette. This version of the law, including amendments thereto, is provided for guidance and easy reference purposes. The Legislation & Legal Opinion Commission does not accept any liability for any discrepancy between this version and the official version as published in the Official Gazette and / or any inaccuracy or errors in the translation.

For any corrections, remarks, or suggestions, kindly contact us on translate@lloc.gov.bh

Published on the website on May 2024

**Legislative Decree No. (41) of 1999
on the ratification of the Riyadh Arab Agreement
for Judicial Cooperation of 1983**

We, Hamad bin Isa Al Khalifa, Emir of the State of Bahrain;

Having reviewed the Constitution;

Emiri Order No. (4) of 1975;

Riyadh Arab Agreement for Judicial Cooperation of 1983 signed in the city of Riyadh on 23 Jumada al-Thani 1403 A.H, corresponding to 6 April 1983;

upon the submission of the Minister of Justice and Islamic Affairs;

after consulting the Shura Council;

And after the approval of the Council of Ministers;

Hereby Decree the following Law:

Article One

The Riyadh Arab Agreement for Judicial Cooperation of 1983 signed in the city of Riyadh on 23 Jumada al-Thani 1403 A.H, corresponding to 6 April 1983 attached to this Law is ratified.

Article Two

The Ministers - each within his jurisdiction- shall implement the provisions of this Law, and it shall come into force from the date of its publication in the Official Gazette.

Emir of the State of Bahrain

Hamad bin Isa Al Khalifa,

Issued at Riffa Palace

On 12 Ramadan 1420 A.H.

Corresponding to 20 December 1999

Riyadh Arab Agreement for Judicial Cooperation

The Governments of:

Hashemite Kingdom of Jordan

United Arab Emirates

State of Bahrain

Republic of Tunisia

People's Democratic Republic of Algeria

Republic of Djibouti

Kingdom of Saudi Arabia

Democratic Republic of Sudan

Syrian Arab Republic

Democratic Republic of Somalia

Republic of Iraq

Sultanate of Oman

Palestine

State of Qatar

State of Kuwait

Republic of Lebanon

Socialist People's Libyan Arab Jamahiriya

Kingdom of Morocco

The Islamic Republic of Mauritania

Yemen Arab Republic

People's Democratic Republic of Yemen

Believing that the unity of legislation among the Arab States is a national goal that should be pursued to reach pan-Arab unity and convinced that judicial cooperation among the Arab States should be comprehensive in all areas of the judiciary in a manner that can contribute positively and effectively to consolidate the existing efforts in this field,

Willing to strengthen the existing cooperation between the Arab States in the judicial fields and endeavouring to support, develop and expand them, and in implementation of the declaration issued by the First Arab Conference of Ministers of Justice in Rabat, the capital of the Kingdom of Morocco, from 14 to 16 December 1977,

Have agreed as follows:

Part One

General Provisions

Article (1)

Exchange of Information

Ministries of Justice of the contracting parties shall regularly exchange the texts of legislations in force, legal and judicial publications, bulletin and studies, and the journals publishing legal judgements, as well as information pertaining to judicial regulations; they shall also take measures to reconcile legislative texts and coordinate between the contracting parties' legal systems, as required by the special circumstances of each party.

Article (2)

Encouragement of Visits, Symposia and Specialized Bodies

The contracting parties shall encourage the convening of conferences, symposia and seminars to discuss subjects related to the Honourable Islamic Shari'a in the fields of jurisdiction and justice.

Visits by judicial delegations and the exchange of members of the judiciary and justice for the purpose of following up with the developments in the legislative and judicial fields, the parties are also to exchange opinions on the legal problems encountered and to organize training visits for the employees from each state.

The contracting parties shall support the Arab Centre for Legal and Judicial Research with material and moral support, as well as qualified scientific personnel, to fully undertake its role in the documentation and development of Arab co-operation in the legal and juridical fields.

Corresponds on all these matters are direct between the Ministries of Justice, provided that copies thereof be conveyed to the Ministry of Foreign Affairs in the countries concerned.

Article (3)

Assurance of the Right of Litigation

Citizens of the contracting parties shall enjoy within the borders of each party the right of litigation before legal authorities to demand and defend their rights; and it is specifically prohibited to subject them to any form of personal or in kind security, for they do not carry the nationality of the contracting party concerned or because they do not have a domicile or place of residence within the borders of the state.

The provisions of the preceding paragraph shall apply to legal persons established or licensed in accordance with the laws of each of the contracting parties.

Article (4)

Judicial Assistance

Citizens of the contracting parties shall enjoy within the borders of each State party the right to obtain judicial assistance in the same manner as its own citizens and in accordance with the legislation in force thereon.

Certificates of financial insufficiency shall be issued to the applicant by the competent authorities at their chosen place of residence if they reside in the territories of one of the contracting parties; In case of living in another country, such certificate shall be delivered by his country's consul or the person substituting him.

If the person concerned resides in the country where the application was made, additional information can be obtained from the competent authorities from the contracting party of which they hold its nationality.

Article (5)

Exchange of Criminal Records

The Ministry of Justice in each contracting party shall dispatch to the Ministry of Justice in any other contracting party the latest data on the final legal judgements pronounced against its citizens or persons born or residing within its territory which are registered in the criminal records (legal register) in accordance with the internal legislation of the sender contracting party.

In the case of a charge being made by a judiciary body or other bodies of investigation or prosecution in any contracting party, such bodies may obtain directly from the competent authorities the criminal record (legal register) of the person charged.

In the absence of a charge, the judiciary or administrative bodies of any of the contracting parties may obtain from the competent authorities the

criminal record (legal register) in the possession of the other contracting party, subject to the conditions and limits contained in the legislation of the said party.

Part Two

Announcement and Notification of Judicial and Non-Judicial Documents and Papers

Article (6)

Civil, Commercial, Administrative, Penal and Personal Status Cases.

Judicial and non-judicial documents and papers pertaining to civil, commercial, administrative and personal status cases which are to be announced or notified to persons residing in one of the contracting parties shall be dispatched directly from the judicial authority or officer concerned to the court of the district in which the person to be announced or notified resides in.

Judicial and non-judicial documents and papers pertaining to penal cases shall be dispatched directly through the Ministry of Justice of each contracting party, without prejudice to the provisions of special articles on the extradition of persons alleged to have committed a crime or convicted thereof.

In case of a dispute over the nationality of the addressee, it shall be determined in accordance with the law of the contracting party in whose territory the publication or notification is to take place.

An announcement or a notification occurring in the territory of any contracting party in accordance with the provisions of the present convention shall be considered as having occurred in the territory of the contracting party requesting the announcement or notification.

Article (7)

Non-Competence of the Authority Requested to Announce or Notify.

If the authority requested to announce or notify judicial and non-judicial documents and papers is not a competent authority, it shall automatically dispatch such request to the competent authority in its country; if it finds it impossible to do so, it shall transmit them to the Ministry of Justice and promptly notify the authority making the request of its action in either case.

Article (8)

Enclosures of the Announcement or Notification Request and the Information Pertaining to Such Enclosures.

Requests for judicial and non-judicial documents and papers shall contain the following information:

- (a) the authority issuing the judicial or non-judicial document or paper;
- (b) the type of judicial and non-judicial document or paper to be announced or notified;
- (c) the full name of each of the persons to be announced or notified, their profession and address, and nationality if possible, and the legal seat of the legal persons and their address, as well as the full name of their legal representative, if any, and his address.

In penal cases the descriptive designation of the crime committed and the religious or legal provisions applicable shall be added to the above.

Article (9)

Announcement or Notification of Persons Residing in a Contracting Party

Provisions of the preceding articles shall not prejudice the right of citizens of any of the contracting parties residing in the territory of any other party to announce or notify to persons residing in such territory, all judicial and non-judicial documents and papers in civil, commercial, administrative or personal status cases.

The procedures and rules in force in the contracting party where the announcement or notification occurs shall apply in these circumstances.

Article (10)

Refusal to Implement the Request for Announcement or Notification

No request for the announcement or notification may be denied in accordance with the provisions of this convention except when the contracting party receiving such request considers that it may undermine its sovereignty or public order therein.

No implementation shall be denied on the grounds that the law of the contracting party receiving the request accords to its exclusive jurisdiction to hear the lawsuit presented, or that it is unaware of the legal basis of the subject of the request.

In case of refusal to implement the request, the authority to whom it was made shall promptly notify the requesting authority and set forth the reasons for rejection.

Article (11)

Method of Announcement or Notification

The announcement or notification of documents and papers shall be carried out by the competent authority of the requested contracting party in accordance with its own legal provisions, and they may be delivered to the person to be announced or notified if he voluntarily accepts it.

Announcement or notification may be carried out in a special manner determined by the requesting authority, provided this does not contravene the laws in force in the State party requested.

Article (12)

Methods of Delivering Documents and Papers

The task of the competent authority of the contracting party requested to deliver the documents and papers shall be limited to delivering them to the person to be announced or notified.

Delivery shall be evidenced either by the signature of the person to be announced or notified on the copy of the document or paper, the date of receipt, or by a certificate prepared by the competent authority explaining how the request was implemented, the date of implementation, the person to whom it was delivered, and the reason that prevented the implementation, where necessary.

A copy of the document or paper signed by the person to be announced or notified, or the certificate evidencing delivery, shall be sent directly to the requesting party.

Article (13)

Fees and Expenses

The announcement or notification of judicial and non-judicial documents and papers shall not entitle the authority requested to announce or notify to charge any fees or expenses.

Part Three

Letters Rogatory

Article (14)

Areas of Letters Rogatory

Each contracting party has the right to request to any other contracting party in its territory, on its behalf, to carry out any judicial procedure related to an existing lawsuit, especially the examination of witnesses, receiving and discussing experts reports, conducting an inspection, and requesting an oath.

Article (15)

Civil, Commercial, Administrative, Penal, and Personal Status Cases

A. Requests for letters rogatory in civil, commercial, administrative and personal status cases shall be dispatched directly from the competent authority of the requesting contracting party to the authority requested to implement the letters rogatory of any other contracting party. If it is found non-competent, it shall refer the request on its own initiative to the competent authority, and if it is unable to do so, it shall refer it to the Ministry of Justice, and it shall immediately notify the requesting authority of what has been done in both cases.

The foregoing shall not prevent each of the contracting parties from hearing the testimony of their citizens, in the cases referred to above, directly through its consular or diplomatic representatives, and in case of a dispute over the nationality of the person to be heard, the nationality shall be determined in accordance with the Law of the **contracting party to which the letters rogatory is requested to be implemented.**

B. Requests for letters rogatory in penal cases requested to be implemented by any of the contracting parties shall be dispatched directly through their respective Ministries of Justice.

Article (16)

Determining the Request for a Letters Rogatory and its Details

The letters rogatory request shall be released in accordance with the Law of the requesting contracting party, and it shall be dated, signed, and stamped with the seal of the requesting party, along with all the attached papers, and without the need of ratification of it or those papers.

The request for letters rogatory shall include the type of the case, the authority issuing the request, the authority requested to implement it, and all detailed data related to the facts of the case and the task to be carried out, especially the names of witnesses, their places of residence, and the questions to be asked to them.

Article (17)

Cases of Refusal or Inability to Implement Letters Rogatory Requests

The requested authority shall implement the letters rogatory received in accordance with the provisions of this Convention and shall not refuse its implementation, except in the following cases:

- A. If such implementation does not fall within the jurisdiction of the judicial authority of the contracting party requested to implement.
- B. If the implementation would prejudice the sovereignty of the requested contracting party or the public order therein.

C. If the request is related to a crime that the contracting party requested to implement considers a crime of a political nature.

If the letters rogatory request is refused or cannot be implemented, the requested authority shall notify the requesting party immediately, along with returning the papers and stating the reasons that led to the refusal or inability to implement the request.

Article (18)

Method of Implementation of a Letters Rogatory

Letters rogatory shall be implemented in accordance with the legal procedures in force in the Laws of the requested contracting party.

In case the requesting contracting party –upon its express request– wishes to implement the letters rogatory in a special form, the requested contracting party shall respond to its desire, unless it is contrary to its Law or regulations.

If the requesting authority expressly made a **request to implement the letters rogatory in a special form**, it shall be notified in a timely manner of the place and date of implementation of the letters rogatory, so that the parties concerned or their representatives may attend the implementation, in accordance with the limits permitted by the Law of the contracting party requested to implement.

Article (19)

Persons whose Testimonies is Requested for Examination

The persons whose testimonies are requested to be examined shall be assigned to attend by the methods followed by the contracting party to which the testimony is requested to be given.

Article (20)

Legal Effect of a Letters Rogatory

The procedure carried out by means of a letters rogatory, in accordance with the provisions of this Convention, shall have the same legal effect as if it had been carried out before the competent authority of the requesting contracting party.

Article (21)

Letters Rogatory implementation Fees or Expenses

In implementing the letters rogatory, no fees or expenses are incurred, except for the fees of experts, if applicable, witness expenses which the requesting party is responsible for paying, and **the details of the same** shall be sent with the letters rogatory file.

The contracting party requested to implement the letters rogatory may charge for its account and in accordance with its Laws the fees prescribed on the papers submitted during the implementation of the letters rogatory.

Part Four

Attendance of Witnesses and Experts in Penal Cases

Article (22)

Immunity of Witnesses and Experts

Every witness or expert –whatever his nationality– who is announced for attendance before one of the contracting parties, and who attends voluntarily for this purpose before the judicial authorities of the requesting contracting party, shall enjoy immunity from penal proceedings, arrest, detention for acts, or implementation

of judgements prior to his entry to the territory of the requesting contracting party.

Authorities who have announced the witness or expert shall notify him in writing of this immunity before his first attendance.

This immunity is lifted from the witness or expert after thirty (30) days from the date the judicial authorities of the requesting contracting party dispense of his presence in its territory without leaving it although there are no impediments due to reasons beyond his control, or if he returns to it by his own choice after leaving it.

Article (23)

Travel and Accommodation Expenses of the Witness or Expert

The witness or expert shall have the right to receive travel and accommodation expenses and lost wages or earnings from the requesting contracting party. The expert shall also have the right to claim his fees in exchange for giving his opinion. All of this shall be determined based on the definitions and regulations in force by the requesting contracting party.

The amounts due to the witness or expert shall be indicated in the announcement papers, and the requesting contracting party shall pay these amounts in advance if the witness or expert so requests.

Article (24)

Witnesses and experts in detention.

Each contracting party shall be obliged to transfer **the person in its detention** –who is announced in accordance with the provisions of this Convention– to appear before the judicial authority of any other contracting party requesting to hear his testimony or opinion as a witness

or expert, and the requesting contracting party shall bear the costs of transfer.

The requesting contracting party shall keep the person detained and return him at the earliest or within the period specified by the requested contracting party, subject to the provisions of Article (22) of this Convention.

The contracting party to which the detained person is requested to be transferred in accordance with this Article, may refuse to transfer him in the following cases:

- A. If his presence is necessary in the contracting party to which it is requested to be transferred because of penal measures being taken.
- B. If the transfer to the requesting contracting party would prolong the period of his detention.
- C. If there are special or insurmountable considerations preventing his transfer to the requesting contracting party.

Part Five

Recognition and Implementation of Judgements Issued in Civil, Commercial, Administrative, and Personal Status Cases

Article (25)

The Force of Res Judicata

- A. In the application of this Part, the “judgement” is any decision – however named– issued on the basis of judicial or state procedures by courts or any competent authority of one of the contracting parties.
- B. Subject to the provisions of Article (30) of this Convention, each contracting party shall recognize the judgements issued by the courts of any other contracting party in civil cases, including judgements relating to

civil rights issued by penal courts, in commercial, administrative, and personal status cases, which **have the force of res judicata** and shall enforce them in his territory in accordance with the procedures related to the implementation of the provisions stipulated for in this Part, if the courts of the contracting party that issued the **judgement** are competent in accordance with the rules of international jurisdiction established by the **contracting party requested to recognize or implement**, or are competent under the provisions of this Part, and if the legal system of the **contracting party requested to recognize or implement** does not grant exclusive jurisdiction to its courts or courts of another party to issue the **judgement**.

C. This Article shall not apply on:

Judgements issued against the Government of the **contracting party requested to recognize or implement**, or against one of its officials for acts performed during his job or solely because of it.

Judgements whose recognition or implementation is incompatible with the international treaties and conventions in force by the **contracting party requested to implement**.

Temporary and precautionary procedures, and **judgements** issued in cases of bankruptcy, taxes, and duties.

Article (26)

Jurisdiction in Case of Dispute over the Capacity or Personal Status of the Person Requesting the Implementation

The courts of the contracting party of which a person is a national at the time of submission of a request for implementation shall be considered competent in cases of capacity and personal status, if the dispute is about that person's capacity or personal status.

Article (27)

Jurisdiction in Case of **Rights in Rem**

The courts of the party in which the real estate is located shall be considered competent to adjudicate **the rights in rem** related to it.

Article (28)

Cases of Jurisdiction of the Courts of the Contracting Party in which the **Judgement was Issued**

In other matters than those stipulated for in Articles (26) and (27) of this Convention, the courts of the contracting party in which the **judgement** was issued shall be considered competent in the following cases:

- A. If the defendant's domicile or place of residence at the time of the hearing of the lawsuit (opening of the lawsuit) is in the territory of that contracting party.
- B. If the defendant has, at the time of hearing of the lawsuit (opening of the lawsuit), a store or branch of a commercial, industrial, or any other nature on the territory of the said contracting party, and the lawsuit filed pertained to a dispute related to carrying the activity of this store or branch.
- C. If the contractual obligation subject of the dispute has been implemented or is due to be implemented by that contracting party according to an explicit or implicit **agreement** between the claimant and the defendant.
- D. In cases of non-contractual liability, if the act giving rise to the liability occurred in the territory of that contracting party.

E. If the defendant has explicitly accepted to submit to the jurisdiction of the courts of that contracting party, whether by designating an elected domicile or by **agreement** on their jurisdiction when such **agreement** is not prohibited by the Law of that contracting party.

F. If the defendant expresses his defence on the merits of the subject of the lawsuit without pleading the lack of jurisdiction of the court before which the dispute is brought.

G. If the matter is related to interlocutory requests, and such courts were deemed competent to consider the original request according to the provisions of this Article.

Article (29)

The Extent of Authority of the Courts of the **Contracting Party Requested to Recognize or Implement a Judgement When Examining the Grounds on Which the Jurisdiction of the Courts of the Other Contracting Party is Based**

The courts of the **contracting party requested to recognize or implement** the **judgement** shall, when examining the grounds on which the jurisdiction of the other contracting party's courts is based, abide by the facts contained in the **judgement** on which the jurisdiction is based, unless the **judgement** was issued in absentia.

Article (30)

Cases of Refusal to Recognize the **Judgement**

Recognition of the **judgement** shall be refused in the following cases:

A. If it is contrary to the provisions of the Islamic Sharia'a, the Constitution, the public order, or morals of the **contracting party requested to recognize**.

- B. If it is issued in absentia, and the litigant convicted is not **announced** properly in a way that enables him to defend himself.
- C. If the Law rules of the **contracting party requested to recognize** related to the legal representation of legally disqualified or semi-disqualified persons, were not taken into account.
- D. If the dispute in respect of which the **judgement** to be recognized is the object of a **judgement** issued on the subject matter between the same litigants, and relates to the same right, in object, cause, and having the power of the **res judicata** by the **contracting party requested to recognize**, or by a third contracting party and is recognized in the **contracting party requested to recognize**.
- E. If the dispute in respect of which the **judgement** to be recognized is the object of a lawsuit, pending before one of the courts of the **contracting party requested to recognize**, between the same litigants, and relates to the same right, in object, cause, and the lawsuit was filed to the courts of this latter contracting party on a date prior to the submission of the dispute to the court of the contracting party in which the aforementioned **judgement** was issued. The judicial authority which considers the implementation request in accordance with this Article, may take into account the legal rules of its country.

Article (31)

Implementation of the **Judgement**

- A. The implementation of the **judgement** issued by the courts of one of the contracting parties, and recognized by the other contracting parties, in accordance with the provisions of this Convention, shall be **enforceable** in that other contracting party, whenever it is enforceable by the contracting party to which the court that issued it is affiliated.

B. The procedure for the recognition or implementation of a judgement shall be governed by the Law of the contracting party requested to recognize the judgement, to the extent the Convention does not stipulate otherwise.

Article (32)

The Task of the Competent Judicial Authority of the Contracting Party Requested to Recognize or Implement the Judgement

The task of the competent judicial authority of the contracting party requested to recognize or implement the judgement, shall be limited to ascertaining whether the judgement fulfilled the conditions stipulated in this Convention, without examining the subject. This authority shall do so on its own initiative and prove the result in its decision.

The competent judicial authority of the contracting party requested to recognize the judgement –if necessary– when issuing its implementation order, shall give an order to take the required measures to grant the judgement the same executive power that it would have if it had been issued by the contracting party for which it is to be implemented.

The request for the implementation order may be the implementation of the judgement in its entirety or in part, if it is divisible.

Article (33)

Effects of an Implementation Order

The effects of an implementation order shall apply to all parties of the lawsuit residing in the territory of the contracting party in which it was issued.

Article (34)

Documents Related to the Request for Recognition or Implementation of the Judgement

The authority requesting recognition of the judgement to any other contracting party shall submit the following:

- A. A full official copy of the judgement ratifying the signatures in it from the competent authority.
- B. A certificate that the judgement has become final and has the force of the res judicata unless it is stipulated in the judgement itself.
- C. A copy ratified as identical of the judgement notification document to the original or any other document that would prove the defendant's valid announcement of the lawsuit in which the judgement was issued, in case of a judgement in absentia.

In case where the implementation of the judgement is requested, a certified copy of the judgement requiring implementation shall be added to the above-mentioned documents.

The documents specified in this Article shall be officially signed and stamped by the seal of the competent court without the need to be ratified by any other authority, except the document stipulated in Clause (A) of this Article.

Article (35)

conciliation before the Competent Authorities

The conciliation established before the competent judicial authorities in accordance with the provisions of this Convention in any of the contracting parties shall be recognized and effective in the other contracting parties' territories after verifying that it has the force of a writ of execution in the contracting party in which it was concluded, and that it does not include texts that contradict the provisions of the Islamic

Shariaa, the Constitution, the public order or morals of the contracting party requested to recognize or implement the conciliation.

The authority requesting recognition or implementation of the conciliation shall submit an accepted copy thereof and a certificate issued by the judicial authority that has established it stating it has the force of the writ of execution.

In this case, the provisions of the third Paragraph of Article (34) of this Convention shall apply.

Article (36)

Writs of Execution

Writs of execution of a contracting party concluded in its territory shall be ordered for implementation at the other contracting parties in accordance with the procedures followed in respect of judicial judgements if they are subject to those procedures, provided that their implementation does not contradict the provisions of the Islamic Shariaa, the Constitution, the public order or morals of the contracting party requested to implement.

The authority requesting the recognition and implementation of a notarized document in the other contracting party, shall submit an official copy of it stamped with the seal of the notary or notarial office and ratified, or a certificate issued by it stating that the document has the force of the writ of execution.

In this case, the third Paragraph of Article (34) of this Convention shall apply.

Article (37)

Judgements of Arbitrators

Without prejudice to the provisions of Articles (28) and (30) of this Convention, the arbitrators' **judgements** shall be recognized and implemented by any of the contracting parties in the same manner stipulated for in this Part, subject to the legal rules of the **contracting party requested to implement**. The competent judicial authority of the **contracting party requested to implement** shall not examine the **subject matter of the arbitration** or refuse to implement the **judgement** except in the following cases:

- A. If the Law of the **contracting party requested to recognize or implement** the **judgement** does not permit the resolution of the dispute by arbitration.
- B. If the arbitrators' **judgement** is issued in the implementation of an invalid **arbitration** clause or **agreement** or has not become final.
- C. If the arbitrators are not competent in accordance with the **arbitration agreement** or clause or in accordance with the Law under which the arbitrators' **judgement** was issued.
- D. If the litigants have not been properly announced for attendance.
- E. If the arbitrators' **judgement** is in violation of the provisions of the Islamic Shariaa, the public order or morals of the **contracting party requested to implement**.

The **authority requesting the recognition and implementation** of the arbitrators' **judgement** shall submit a certified copy of the **judgement** accompanied by a certificate issued by the judicial authority stating its **executive power**.

In case of a valid written agreement between the parties that requires submission to arbitration to adjudicate a specific dispute or any disputes

arising between the litigants in a particular legal relationship, a certified copy of the aforementioned agreement shall be submitted.

Part Six

Extradition of Charged and Convicted Persons

Article (38)

Charged or Convicted Persons

Each contracting party undertakes to extradite persons in its possession who are charged by the competent authorities or convicted by the judicial authorities of any of the other contracting parties, in accordance with the rules and conditions set forth in this Part.

Article (39)

Extradition of Citizens

Each contracting party may refrain from extraditing its citizens and shall undertake, within the limits of its jurisdiction, to charge any of them with crimes punishable under the Law of both contracting parties by a liberty-depriving penalty for a period of one year, or by a heavier penalty from either contracting parties, if the other contracting party addresses a request for prosecution to it accompanied by the files, documents, objects and information in its possession. The **requesting contracting party** shall be informed of what has been done in relation to its request.

Nationality shall be determined on the date of the crime for which extradition is requested.

Article (40)

Persons to be Extradited

Extradition shall be mandatory for the following persons:

A. Those charged of acts punishable under the Laws of both contracting parties –the party requesting the extradition and the party requested to extradite– with a liberty-depriving penalty for a period of one year or a heavier penalty in the Law of either party –regardless of the maximum and minimum limits of the penalty stipulated.

B. Those who are charged with acts not punishable under the Laws of the contracting party requested to extradite, or the penalty prescribed for the acts by the contracting party requesting the extradition is unparalleled by the requested contracting party. If the persons requested are citizens of the contracting party requesting the extradition or citizens of another contracting party that decides the same penalty.

C. Whomever is convicted in his presence or in absentia by the courts of the requesting contracting party of a liberty-depriving penalty for a period of one year or a heavier penalty for acts punishable under the Law of the contracting party requested to extradite.

D. Whomever is convicted in his presence or in absentia by the courts of the requesting contracting party for an act that is not punishable under the Laws of the contracting party requested to extradite, or by a penalty that is unparalleled in its Laws, if he is a citizen of the contracting party requesting the extradition, or a citizen of another contracting party who decides the same penalty.

Article (41)

Crimes in which Extradition is not Permissible

Extradition is not permissible in the following cases:

A) If the crime for which extradition is requested is considered under the applicable legal rules of the contracting party requested to extradite to be a crime of a political nature.

B) If the crime for which extradition is requested is limited to the breach of military duties.

C) The crime for which extradition is requested has been committed in the territory of the **contracting party requested to extradite**. Unless this crime has harmed the interests of the **contracting party requesting the extradition**, and its Laws requires the prosecution and punishment of the perpetrators of such crimes.

D) If a final **judgement (of a definitive degree)** has been issued regarding the crime by the **contracting party requested to extradite**.

E) If the lawsuit or the penalty, when the extradition is done, has lapsed in accordance with the Law of the **contracting party requesting the extradition**.

F) If the crime was committed outside the territory of the **requesting contracting party** by a person who does not hold its nationality, and the Law of the **contracting party requested to extradite** does not permit pressing charges of such crime if it was committed outside its territory by such a person.

G) If an **amnesty** has been issued by the **requesting contracting party**.

H) If the **contracting party requested to extradite** has previously charged of any crime, or if a **judgement** has been issued in its regard by a third contracting party.

In applying the provisions of this Convention, the following crimes shall not be considered as crimes of a political nature referred to in Paragraph (A) of this Article, even if it had a political purpose:

1) Aggression against the Kings and Presidents of the contracting parties, their wives, ascendants or descendants.

2) Aggression against Crown Princes or the Vice Presidents of the contracting parties.

3) Intentional murder or theft accompanied by the use of force directed against individuals, authorities or means of transport and communications.

Article (42)

Method of Submission of the Extradition Request and its Attachments

The extradition request shall be submitted in writing by the competent authority of the **contracting party requesting to extradite** to the competent authority of the **contracting party requested to extradite**. The request shall be accompanied by the following:

A. A detailed statement of the identity, description, nationality and, if possible, photograph of the person whose extradition is requested.

B. An arrest warrant for the person whose extradition is requested or any other document of the same power issued by the competent authorities, or the original conviction **judgement** issued in accordance with the conditions prescribed in the law of the **requesting contracting party**, or an official copy of it ratified by the competent authority of the **requesting contracting party**.

C. A memorandum containing the date and place of committing the acts for which the extradition is requested, their characterization, the **legitimate** or legal requirements applicable to them, along with an accredited copy of these requirements, and a statement from the investigative authority of the existing evidence against the person whose extradition is requested.

Article (43)

Provisional Detention of the Person whose Extradition is Requested

In cases of urgency and at the request of the competent authority of the **contracting party** requesting the arrest of the person and **detaining** him provisionally until the extradition request and the documents specified in Article 42 of this Convention are received. The arrest request or **provisional detention** shall be notified to the competent authority of the **contracting party requested to extradite** either directly by post, telegram or any other means that can be proved in writing. The request must include a reference to the existence of any of the documents stipulated in Clause (b) of Article 42, with the disclosure of the intention to dispatch the extradition request, a statement of the crime for which extradition is requested and the details of the crime and sentence **to be imposed or already imposed**, the time and place of committing the crime and the exact description of the **person whose extradition is requested**, as accurate as possible, pending the receipt of the request, fulfilling its legal conditions in accordance with the provisions of Article 42 of this Convention.

The requesting authority shall be informed without delay of the action taken regarding its request.

Article (44)

Release of the Person whose Extradition is Requested

The **person whose extradition is requested** shall be released if the **contracting party requested to extradite** does not receive, within 30 days from the date of his arrest, the documents set forth in Clause (b) of Article 42 of this Convention or a request for continued **provisional detention**.

In no case shall the period of **provisional detention** exceed 60 days from the date of its commencement.

The **person whose extradition is requested** may be released at any time, provided that the **contracting party requested to extradite** takes all measures it deems necessary to prevent his escape.

The release of the **person whose extradition is requested** shall not preclude his re-arrest and extradition, if the extradition request is subsequently fulfilled.

Article (45)

Complementary Clarifications

If it appears to the **contracting party requested to extradite** that it needs complementary clarifications to verify the availability of the conditions stipulated in this Part and considers it possible to remedy this deficiency, the **requesting contracting party** shall be notified of this prior to rejecting the request, and the **contracting party requested to extradite** may set a new date for obtaining these clarifications.

Article (46)

Multiple Extradition Requests

If there are multiple extradition requests from different contracting parties of one crime, the priority in extradition shall be to the contracting party whose interests are affected by the crime, then to the contracting party in whose territory the crime was committed, and then to the contracting party to which the person whose extradition is requested belongs by his nationality at the time of committing the crime.

If the circumstances are united, the first contracting party to request the extradition is favoured to the extradition request. However, if the extradition requests are for multiple crimes, the **favouring** between them

shall be according to the circumstances of the crime, its gravity and the place where it was committed.

This Article shall not prejudice the right of the **contracting party requested to extradite** to decide freely on the requests submitted to it by the various contracting parties, taking into account all the circumstances.

Article (47)

Handing Over Items Obtained, used or Related to the Crime

If it is decided to extradite the **requested person**, the items obtained from the crime, used in it or related to it, and which may be taken as evidence of it, and in the possession of the person to be extradited at the time of his arrest, or which are later discovered, shall be seized and handed over to the **requesting contracting party** upon its request.

The aforementioned items may be delivered even if the **requested person** has not been extradited due to his escape or death, all while preserving the acquired rights over these items of the **contracting party requested to extradite** or to others, and without prejudice to the provisions of the Laws in force in the **contracting party requested to extradite**. These items shall be returned to the **contracting party requested to extradite** at the expense of the **requesting contracting party** in the shortest time possible when these rights are proven, after the completion of the accusation procedures that the **requesting contracting party** undertakes.

The **contracting party requested to extradite** may temporarily keep the seized items if he needs them for penal procedures, and he may, when sending them, reserve the right to recover them for the same reason, while undertaking to return them in turn when he is able to do so.

Article (48)

Adjudication of Extradition Requests

The competent authority of each contracting party shall decide on the extradition requests submitted to it, in accordance with the Law in force at the time of the request.

The **contracting party requested to extradite** shall inform the competent authority of the **requesting contracting party** of its decision in this regard.

The request for total or partial rejection must be justified, and in case of approval, the **requesting contracting party** shall be informed of the place and date of extradition.

The **requesting contracting party** shall extradite the **requested person** by his men on the date and place specified for that. If the person is not extradited at the specified place and date, he may be released after the lapse of 15 days from this date. In any case, he shall be released after the lapse of 30 days from the date specified for extradition without completion, and it is not permissible to request his extradition again for the act(s) for which the extradition was requested.

However, if exceptional circumstances prevented his extradition or receipt, the contracting party concerned shall inform the other of this within the time limit, and the two parties shall agree on a final deadline for extradition, which the person shall be released upon its expiry, and he may not be extradited again for the same act(s) for which the extradition was requested.

Article (49)

**Extradition Request of a Person under Investigation or Prosecution
for Another Crime with the **Contracting Party Requested to
Extradite****

If a charge is directed against the **person whose extradition is requested**, or if he is convicted by the **contracting party requested to extradite** for a crime other than the one for which extradition was requested, this contracting party shall nonetheless decide on the extradition request, and inform the **requesting contracting party** of its decision thereon, in accordance with the conditions set forth in Article 48 of this Convention.

In the case of approval, the extradition of the **requested person** shall be postponed until the completion of his trial by the **contracting party requested to extradite**. If he is convicted, it shall be postponed until the sentence is served, and in this case the provisions of the aforementioned Article 48 shall be followed.

The provisions of this Article shall not prejudice the possibility of sending the requested person temporarily to appear before the judicial authorities of the **requesting contracting party**, provided that such party expressly undertakes to return the person as soon as such authorities have made their decision about him.

Article (50)

Adjustment in the **Characterization of the Act Subject of the Crime that the **Requested Person** was Extradited for**

If, during the course of the lawsuit proceedings and after the extradition of the **person whose extradition is requested**, there is an adjustment in the **characterization** of the act which is the subject of the crime for which the **requested person** was extradited, he may not be charged or prosecuted unless the elements of the crime in their new characterization allow extradition.

Article (51)

Determination of the Provisional Detention Period

The provisional detention period (provisional arrest) under Article 43 of this Convention shall be deducted from any penalty imposed on a person extradited to the requesting contracting party.

Article (52)

Prosecution of a Person for a Crime Other than the One Extraditing the Person

It is not permissible to charge the person who was extradited, to prosecute him in presence or to imprison him in implementation of a penalty issued for a previous crime other than the one for which the extradition was requested, the crimes associated with it or the crimes committed by him after extradition, except in the following cases:

A. If the extradited person has been given the freedom and means to leave the territory of the contracting party he was extradited to and has not left it within 30 days after his final release or has left and returned to it of his choice.

B. If the contracting party that extradited him agrees to do so, provided that a new request is submitted with the documents stipulated in Article 42 of this Convention and a judicial record that includes the statements of the extradited person regarding the widening of the extradition and indicates that he was given the opportunity to submit his memorandum of defence to the competent authorities of the contracting party requested to extradite.

Article (53)

Extradition to a Third State

A contracting party shall not extradite a **person extradited to it** to a third State, other than in the case stipulated in Clause (a) of Article 52 of this Convention, except with the consent of the **contracting party extraditing the person**, in which case the **contracting party requested to extradite** shall submit a request to the **contracting party from which the person was extradited**, along with a copy of the documents furnished by the third State.

Article (54)

Facilitating the Passage of Persons to be Extradited

Each of the contracting parties, upon a request addressed to them, shall consent the passage of the person to be extradited to either one of them through their territories. The request shall be supported by the necessary documents to prove that the matter relates to a crime that could lead to extradition in accordance with the provisions of this Convention.

In the event that air routes are used to transport the person to be extradited, the following rules shall be followed:

A. If the aircraft is not scheduled to land, the **requesting contracting party** shall notify the State whose airspace the aircraft is to transit of the existence of the documents provided for in Article 42 of this Convention. In the event of an emergency landing, the **requesting contracting party** may, in accordance with the provisions of Article 43 of this Convention, request the arrest of the person to be extradited pending a request for passage in accordance with the conditions set forth in the first Paragraph of this Article to the State in whose territory the aircraft landed.

B. If the aircraft is scheduled to land, the **requesting contracting party** shall submit a request for passage, and in case that the State

requested to approve the passage is also requesting to extradite, such passage shall take place only after an agreement has been reached between the **requesting contracting party** and that State in this regard.

Article (55)

Implementation of **Judgements Involving a Liberty Depriving Penalty in the Contracting Party in whose Territory the Convict is Located**

Judgements of a liberty depriving penalty for a period of less than one year may be executed in the territory of one of the contracting parties in which the convict is located at the request of the contracting party which issued the **judgement** if the convict and the **contracting party to which the implementation is requested** so agree.

Article (56)

Extradition Expenses

The **contracting party requested to extradite** shall bear all expenses resulting from the extradition procedures carried out on its territory, and the **requesting contracting party** shall bear the expenses of the person's passage outside the territory of the **contracting party requested to extradite**.

The **requesting contracting party** shall bear all expenses of returning the extradited person to where he was at the time of his extradition if his irresponsibility and innocence were proven.

Article (57)

Coordination of Extradition Request Procedures with the **Arab Office for Criminal Police**

The contracting parties shall coordinate the extradition request procedures provided for in this Convention among themselves and the Arab Organization for Social Defence against Crime (Arab Office for Criminal Police) through the concerned communications divisions provided for in the Convention establishing the Organization. The contracting party requested to extradite shall notify the Organization's Office for Criminal Police of a copy of the decision regarding the extradition request.

Part Seven

Implementing Penalties of Convicts in their Belonging States

Article (58)

Terms of Implementation

Penal judgements of a definitive degree (final) issued by one of the contracting parties may be executed in the territory of any of the other parties of which the convict is a national, at his request, if the following conditions are met:

- A. The period of the liberty depriving penalty imposed, the remaining period or the enforceable period of which shall not be less than six months.
- B. The penalty shall not be for one of the crimes in which extradition is not permissible in accordance with Article (41) of this Convention.
- C. The penalty for an act punishable by the contracting party to which implementation is requested shall be a liberty depriving penalty of no less than six months.
- D. The implementation request shall be approved by both the contracting party from which the judgement was issued and the convict.

Article (59)

Cases in which Implementation is not Permissible

Penal **judgements** is not permissible in the following cases:

- A. If the penalty implementation system of the **contracting party requesting to implement** is not in accordance with the implementation system of the **contracting party in which the judgement is issued**.
- B. If the penalty has expired by the lapse of the period in accordance with the Law of the **contracting party to which the judgement is issued** or the **contracting party requesting to implement**.
- C. If the penalty is considered a corrective and disciplinary measure or liberty of control or secondary and additional penalties in accordance with the Laws and system of the **contracting party requesting to implement**.

Article (60)

Penalty Implementation

The implementation of the penalty shall be carried out in accordance with the implementation system in force in the **contracting party requesting to implement**, provided that the period of **provisional detention** and the penalty of the convict for the same crime shall be deducted from it.

Article (61)

Effects of **General Amnesty or Special Amnesty**

The general and **special amnesty** issued by the **contracting party that issued the judgement** shall apply to the convict.

The **special amnesty** issued by the **contracting party requesting to implement** shall not apply to him.

However, if a **general amnesty** is issued by the **contracting party requesting to implement** and it includes the convict, the **contracting party from which the judgement was issued** shall be notified of this, which may request the return of the convict in order to implement the remaining penalty imposed.

If such party does not submit this request within 15 days from the date of being notified of this notification, he shall be deemed to have disregarded the recovery of the convict and a **general amnesty** shall be applied to the convict.

Article (62)

Submitting a **Judgement Implementation Request, its Procedures and Adjudication Thereof**

The **judgement** implementation request shall be submitted and decided by the competent authority in accordance with the procedures stipulated in this Part and the rules in force in the **contracting party that issued the judgement**.

Article (63)

Application of Secondary and Additional Penalties provided for in the Law of the **Contracting Party Requesting to Implement**

The **contracting party requesting to implement** may apply to the convict such secondary and additional penalties as may be appropriate in accordance with its Law, if the **judgement** does not provide for them or their counterpart.

Article (64)

Transportation and Implementation Expenses

The **contracting party in which the judgement was issued** shall bear the expenses of transporting the convict to the territory of the **contracting party requesting to implement**, and the latter shall bear the expenses of implementing the penalty.

The coordination of the procedures for requesting to transfer with the **Arab Office for Criminal Police** shall take into account the requirements set forth in Article 57.

Part Eight

Final Provisions

Article (65)

Necessary Internal Actions to Implement the Convention

Each authority concerned in the signatory parties shall take the necessary internal procedures to issue the Laws and regulations (decrees) necessary to give effect to this Convention.

Article (66)

Ratification, Acceptance, Approval

This Convention shall be subject to ratification, acceptance or approval by the signatory parties. documents of ratification, acceptance or approval shall be deposited with the Secretariat-General of the **League of the Arab States** not later than 30 days from the date of ratification, acceptance or approval. The Secretariat-General shall inform the other State members and the Secretariat-General of the **Arab Organization for Social Defence against Crime** of each deposit of such documents and its date.

Article (67)

Validation of the Convention

This Convention shall enter into force 30 days after the date of deposit of the documents of ratification, acceptance or approval by one third of the State members of the **League of the Arab States**.

Article (68)

Accession to the Convention

Any State of the League of the Arab States which did not sign the Convention may join it by a request addressed to the Secretary-General of the League.

The State requesting to accede shall be deemed to be bound by this Convention as soon as its document of ratification, acceptance or approval has been deposited and 30 days have elapsed from the date of deposit.

Article (69)

Convention Provisions Binding to the Parties

This Convention is without prejudice to the special conventions between certain State members. In the event that the provisions of this Convention conflict with the provisions of any special convention, the convention most conducive to the extradition of the accused and convicted persons and the achievement of security and judicial cooperation in other areas shall apply.

Article (70)

Inadmissibility of Reservations Incompatible with the Provisions of the Convention

No party may make any reservation which is expressly or implicitly contrary to the provisions of this Convention or contrary to its objectives.

Article (71)

Denunciation

No contracting party may withdraw from the Convention except upon a reasoned written request to be sent to the Secretary-General of the League of the Arab States.

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

The provisions of the Convention shall remain in force with respect to the extradition requests made during that period, even if such extradition takes place thereafter.

Article (72)

Revocation of Conventions Currently in Force

This Convention shall replace, for the States which have ratified it, the three Conventions concluded in 1952 within the framework of the League of the Arab States, which are currently in force, relating to **announcements**, letters rogatory, implementation of **judgements** and extradition of offenders.

In support of the foregoing, the **Plenipotentiaries** whose names are listed after this Convention have signed on behalf of and in the name of their respective governments.

This Convention was drawn up in the Arabic language in Riyadh, the capital of the Kingdom of Saudi Arabia, on Wednesday the twenty-third of Jumada al-Thani in 1403 AH, corresponding to April the sixth 1983, out of one original to be preserved in the Secretariat-General of the League of the Arab States and a replica of the original shall be delivered to each of the signatories or **acceding** to this Convention.

For the Government of

Hashemite Kingdom of Jordan
Sultanate of Oman
United Arab Emirates
Palestine
State of Bahrain
State of Qatar
Republic of Tunisia
State of Kuwait
People's Democratic Republic of Algeria
Republic of Lebanon
The Republic of Djibouti
Socialist People's Libyan Arab Jamahiriya
Kingdom of Saudi Arabia
Kingdom of Morocco
Democratic Republic of Sudan
The Islamic Republic of Mauritania
Syrian Arab Republic
Yemen Arab Republic
Democratic Republic of Somalia
People's Democratic Republic of Yemen
Republic of Iraq