

Riyadh Arab Agreement for Judicial Cooperation

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ENDORSED BY THE COUNCIL OF ARAB MINISTERS OF JUSTICE, 6 APRIL 1983

PART I - 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, pamphlets and studies, and journals containing legal statutes and judgements, as well as information pertaining to judicial regulations;

they shall also take measures to reconcile legislative texts and coordinate legal systems in the contracting parties, 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 other experts for the purpose of following developments in the legislative and judicial fields shall also be encouraged by the parties, as will the exchange of opinions on legal problems arising, and study visits by personnel from each state.

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

Communications on all these matters shall be direct between Ministries of Justice, provided 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 bodies to demand and defend their rights; and it is specifically prohibited to subject them to any form of security, personal or in kind, if 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 where the litigation takes place. 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 Legal assistance.

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

Certificates of financial insufficiency shall be issued to applicants by the competent authorities at their chosen place of residence if they reside in the territories of one of the contracting parties; otherwise, such certificate shall be delivered by the competent consul of his own country or the person substituting the consul.

If the person concerned resides in the country where the application was made, additional information can be obtained from the competent authorities in the contracting party whose citizenship he carries.

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 final legal judgements pronounced against its citizens or persons born or residing within its territory and entered in the criminal records (legal register) in accordance with the local legislation of the sender contracting party.

In the case of a charge being made by a judiciary body or other bodies of inquiry or prosecution in any contracting party, such bodies may obtain directly from the competent authorities the criminal record 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 in the possession of the other contracting party, subject to the conditions and limits contained in the legislation of the said party.

PART II - PUBLICATION AND NOTIFICATION OF JUDICIAL AND NON-JUDICIAL DOCUMENTS AND PAPERS

Article 6 Civil, commercial, administrative, penal and personal statute cases.

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

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.

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

Publication or 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 requiring the publication or notification.

Article 7 Non-competence of the body required to publish or notify.

If the body requested to publish or notify judicial and non-judicial documents and papers is not the competent body 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 inform the body making the request of its action in either case.

Article 8 Enclosures with the request of publication or notification and information pertaining to such enclosures.

Requests for judicial and non-judicial documents and papers shall be accompanied by a document containing the following information:

- (a) the authority issuing the judicial or non-judicial document or paper;
- (b) the type of judicial or non-judicial document or paper to be transmitted;

(c) the full name of each of the persons to be informed or notified, his profession and address, and nationality if possible, and the legal seat of legal persons and their address, as well as the full name of their legal representative, should there be one, and his address.

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

Article 9 Publication 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 publish or communicate to persons residing in such territory all judicial and non-judicial documents and papers in civil, commercial, administrative or personal statute cases.

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

Article 10 Refusal to implement the request for publication or notification.

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

No request may be denied on the grounds that the law of the contracting party receiving the request accords it exclusive jurisdiction to try the case 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 body to whom it was made shall promptly notify the requesting authority and set forth the reasons for rejecting it.

Article 11 Method of publication or notification.

The publication or notification of documents and papers shall be carried out by the contracting party requested to do so in accordance with its own legal regulations, and they may be delivered to the person to be notified if he voluntarily accepts this.

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

Article 12 Method of delivery of documents and papers.

The task of the competent body in the contracting party requested to deliver the documents and papers shall be restricted to the delivery thereof to the person to be notified.

Evidence of delivery will be the signature of the person to be notified on a copy of the document or paper, the date of receipt, or a certificate by the competent body explaining the method in which the request was carried out, the date of implementing the request, and the person to whom it was delivered and, where necessary, the reason for failure to implement the request.

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

Article 13 Charges and costs.

Publication or notification of judicial or non-judicial documents or papers shall not entitle the authority requested to do so to any charges or costs incurred thereby.

PART III - ROGATORY COMMISSION

Article 14 Scope.

Any contracting party may request any other such party to undertake on its behalf in the latter's territory any judicial procedure relating to an actual lawsuit, particularly to hear the testimony of witnesses, receive the reports of experts and hold discussions with them, perform inspections and administer oaths.

Article 15 Civil, commercial, administrative, penal and personal statute cases.

(1) Requests for a rogatory commission in civil, commercial, administrative and personal statute actions shall be dispatched directly by the competent body in the requesting contracting party to the body requested to carry out the commission in any other contracting party; if the requested body is noncompetent in this respect, it shall automatically refer the request to the competent authority or, should this prove impracticable, to the Ministry of Justice, and shall promptly notify the requesting body of its action in either case.

The preceding provisions shall not preclude granting permission to any of the contracting parties to hear the testimony of its nationals in respect of the cases referred to above directly through their respective consular or diplomatic representatives. Should a dispute arise over the nationality of the person to be heard, such nationality shall be determined in accordance with the laws of the contracting party requested to have the judicial procuration undertaken in its territory.

(2) Requests for a rogatory commission in penal matters in any of the contracting parties shall be dispatched directly through their respective Ministries of Justice.

Article 16 Specification and request for a rogatory commission and the relevant representations.

The request for a rogatory commission shall be written in accordance with the laws of the requesting contracting party, and shall carry the relevant date, the signature and seal of the requesting body along with all accompanying papers, but neither request nor enclosures need be officially certified.

The request shall include the type of legal action sought, the name of the requesting body, the name of the body requested to execute the action, and all the detailed representations related to the facts of the action, the undertaking to be carried out, particularly the names of witnesses, their domiciles, and the questions to be put to them.

Article 17 Rejection of impracticability of carrying out requests for a rogatory commission.

The party requested to conduct such a rogatory commission is obliged to do so in accordance with the provisions of the present agreement, and shall not refuse to carry out such requests except in the following cases:

- (a) If such implementation is not within the competence of the judicial authority requested to do so.
- (b) If such implementation would prejudice the sovereignty of the contracting party requested, or public order in its territory.
- (c) If the request concerns a crime considered by the contracting party requested to be a crime of a political nature.

In the case of refusal to carry out the request or the impracticability thereof, the requested party shall promptly notify the requesting party to this effect, return the relevant papers, and set forth the reasons behind the refusal or impracticability of carrying out the request.

Article 18 Method of carrying out rogatory commissions.

A rogatory commission shall be carried out in accordance with the legal procedures set by the law of the requested party.

Should the requesting contracting party wish, by virtue of an explicit demand to this effect, that the commission be carried out in a specific manner, the contracting party so requested shall respond to such wish so long as it does not contradict its laws or regulations.

Should the requesting party state its wish to be informed in a timely fashion of the date and place of carrying out the commission so that the parties concerned or their representatives could be present, this shall be done within the limits permissible by the laws of the requested party.

Article 19 Persons whose testimonies are to be heard.

Persons whose testimonies are to be heard shall be instructed to attend in accordance with the procedures followed by the contracting party in whose territory such testimonies are to be heard.

Article 20 Legal effect of a rogatory commission.

Procedures implemented by a rogatory commission according to the provisions of this agreement shall have the same legal effect as though they were carried out before the competent body in the requesting party.

Article 21 Fees or costs of carrying out a rogatory commission.

No right to charge any fees or costs shall ensue from implementing a rogatory commission except for the fees of experts, if justified, and the costs of witnesses, which shall be borne by the requesting party, and a statement of which shall be dispatched with the dossier.

The requested party shall be entitled to receive in accordance with its laws the charges set for papers presented in the course of carrying out the commission.

PART IV - ATTENDANCE OF WITNESSES AND EXPERTS IN PENAL CASES

Article 22 Immunity of witnesses and experts.

Any witnesses or experts - regardless of their nationality - served notice to attend in the territory of any contracting party, and doing so voluntarily for this purpose before the judicial bodies of the requesting party, shall enjoy immunity of penal action against them, or arrest, or imprisonment on the basis of previous actions in their part, or in the execution of convictions made prior to their entry to the territory of the requesting party.

The body serving a witness or an expert with a subpoena ad testificandum must inform them in writing of such immunity before their first appearance.

The immunity of the witness or expert shall lapse after 30 days of the date on which the judicial bodies of the requesting party dispense with his presence in the said party's territory - provided that no reasons beyond the person's control arise to prevent his departure - or if he voluntarily returns to such territory after having departed.

Article 23 Costs of travel and sojourn of witnesses and experts.

A witness or expert shall have the right to recover costs incurred by travel and sojourn, as well as lost wages or income, from the requesting party. An expert shall also have the right to claim fees for giving his opinion, and all this shall be determined on the basis of tariffs and regulations applicable in the territories of the requesting party.

The sums due to the witness or expert shall be stated in the notification papers, and the requesting party shall pay such sums in advance if the witness or expert so wishes.

Article 24 Detained witnesses and experts.

Each contracting party undertakes to transport persons detained by them - if they are duly notified under the provisions of this agreement - to appear before a judicial body of any other contracting party requesting to hear their testimony or opinion as witnesses or experts, and the requesting party shall bear the costs of transporting such persons.

The requesting party undertakes to keep such persons in detention, and to return them as soon as possible or within the time period prescribed by the contracting party receiving such requests, subject to the provisions of Article 22 of this agreement.

The contracting party requested to transport such detainees in accordance with this Article may refuse to do so under the following circumstances:

- (a) If their presence in the territory of the contracting party requested to transport them is necessitated by penal procedures underway at the time.
- (b) If transporting such persons to the territory of the requesting contracting party prolongs their detention.
- (c) If there are special or insurmountable considerations preventing their transportation to the requesting party.

PART V - RECOGNITION OF JUDGEMENTS PRONOUNCED IN CIVIL, COMMERCIAL, ADMINISTRATIVE AND PERSONAL STATUTE ACTIONS

Article 25 Power or res adjudicata.

(a) In the application of this Part, judgement means every decision - regardless of nomenclature - made in pursuance of judicial or jurisdictional procedures of the courts or any competent authority of any party.

(b) Subject to the provisions of Article 30 of this Agreement, each contracting party shall recognize the judgements made by the courts of any other contracting party in civil cases including judgements related to civil rights made by penal courts and in commercial, administrative and personal statute judgements having the force of res adjudicata and shall implement them in its territory in accordance with the procedures stipulated in this Part, if the courts of the contracting party which made the said judgements are competent under the provisions of the rules of jurisdiction in force in the requested party, and if the legal system of the requested party does not retain for its courts or the courts of another party the exclusive competence to make such judgements.

(c) The present Article shall not apply to:

✂ Judgements made against the government of the requested party or against any of its employees in respect of acts undertaken in the course of duty or exclusively on account thereof.

✂ Judgements the recognition or implementation of which would be inconsistent with international treaties and agreements applied by the requested party.

✂ Provisional and precautionary measures and judgements made in cases of bankruptcy, taxes and fees.

Article 26 Jurisdiction in disputes over the competence of the person requesting implementation of his personal status.

The courts of the contracting party of which the person concerned is a national at the time of submitting the request are deemed competent in cases of legal capacity and personal status if the dispute concerns the capacity of such person or his personal status.

Article 27 Jurisdiction in cases of real estate.

The courts of the contracting party in whose territory the property is situated shall have jurisdiction.

Article 28 Jurisdiction of the courts of the contracting party where the judgement is made.

Except in the cases provided for in Articles 16 and 27 of this Agreement, the courts of the contracting party where the judgement was made shall be considered to have jurisdiction in the following cases:

- (a) If the domicile or place of residence of the defendant at the time of hearing (opening the case) was in the territory of the said contracting party.
- (b) If the defendant had at the time of hearing (opening the case) a place or branch of business or industry or any other such activity in the territory of the said contracting party, and the action instituted against him pertained to a dispute concerning the activities undertaken in such place or branch.
- (c) If the contractual obligation subject of the dispute has been executed, or be mandatory in the contracting party under an express or implied agreement between the plaintiff and the defendant.
- (d) In cases of non-contractual liability, if the act incurring such liability had occurred in the territory of the said contracting party.
- (e) If the defendant had expressly accepted to be subject to the jurisdiction of the courts of the said contracting party, be it through the designation of an elected domicile or through agreement of such jurisdiction, provided that the law of the said contracting party does not prohibit such agreement.
- (f) If the defendant made a defence in the substance of the case without raising a plea of non-jurisdiction of the court before which the dispute was brought.

(g) If the matter pertained to incidental requests when such courts had been deemed competent to examine the initial request under the text of the present Agreement.

Article 29 Scope of jurisdiction of the courts of the contracting party requested to recognise or implement the judgement.

The courts of the contracting party requested to recognize or implement a judgement, when considering the basis of the jurisdiction of the courts of the other contracting party, shall have regard to the facts included in the judgement, unless the judgement is made in absentia.

Article 30 Refusal to recognize judgements.

Recognition of judgements shall be refused in the following cases:

(a) If recognition would be in contradiction with the stipulations of the Islamic Shari'a, the provisions of the constitution, public order, or the rules of conduct of the requested party.

(b) If the judgement was passed in absentia without notifying the convicted party of the proceedings in an appropriate fashion that would enable him to defend himself.

(c) If the law of the requested party applicable to legal representation of ineligible persons or persons of diminished eligibility were not taken into consideration.

(d) If the dispute has given rise to another final judgement in the requested state, or in a third state and if the requested party has already recognized such a final judgement.

(e) If the dispute is also the subject of a case being heard by the courts of the requested party and the action has been brought before the courts of the requested party on a date preceding the presentation of the dispute to the court of the requesting party.

The judicial body examining the request for recognition in accordance with the text of this Article may observe the rule of law in its own country.

Article 31 Execution of the judgement.

(a) Judgements made by the courts of any contracting party and duly recognized by the other contracting parties in accordance with the provisions of this Agreement shall be executed in the territory of that contracting party so long as they are so in the territory of the contracting party whose courts had made the said judgements.

(b) Procedures pertaining to the recognition of a judgement or the execution thereof shall be subject to the laws of the requested party if not otherwise governed by the provisions of this Agreement.

Article 32 Duties of the competent judicial body of the contracting party requested to recognize or execute the judgement.

The duties of the competent judicial body of the contracting party requested to recognize or to execute the judgement concerned shall be confined to establishing that the judgement complies with the provisions of this Agreement without examining the subject matter thereof; the said body shall do this automatically and confirm the outcome in its relevant decision.

The competent judicial body of the contracting party requested to recognize the judgement shall order - as soon as it deems necessary - that appropriate measures be taken to give the judgement the same enforceable status as it would have had if it had been made by the requested party.

The request for the order to enforce may concentrate on the operative text of the judgement or parts thereof if it is divisible.

Article 33 Consequences of the execution order.

The execution order shall be binding on all parties to an action who domiciled in the territory of the contracting party where the judgement was made.

Article 34 Documents pertaining to the request to recognize or execute a judgement.

Any authority recognizing a judgement by any other contracting party must submit the following:

- (a) A full and official copy of the judgement the signatures on which must be authenticated by the competent authority.
- (b) A certificate attesting that the judgement is final and has the power of res adjudicata, unless this be specified in the text of the judgement itself.
- (c) A copy of the document whereby notice of the judgement was served attested to as a true copy or any other document demonstrating that the defendant had been duly and expressly notified of the action on which the judgement was pronounced when this was pronounced in absentia.

In the case of a request that the judgement be executed, a certified copy of the order to enforce such judgement must accompany the aforementioned documents. The documents enumerated in this Article shall carry the necessary official signatures and the seal of the competent court without any further attestation by any other authority, except for the document mentioned in provision (a) of this Article.

Article 35 Conciliation before competent authorities.

Conciliation proved before the competent judicial authorities in accordance with the provisions of this Agreement in the territory of any of the contracting parties shall be recognized and effective in the territories of all other contracting parties after ascertaining that it has the force of an executive document with the contracting party in whose

territory it was concluded, and that it does not contain any texts in contradiction of the provisions of Islamic Shari'a or the constitution or public order or rules of conduct of the contracting party required to recognize such conciliation or put it into force.

The party requesting recognition of such conciliation or the execution thereof shall provide a certified copy of it and an official certificate attesting that it has the force of an executive document issued by the judicial authority before which it had been so proved.

In this case the third paragraph of Article 34 of this Agreement shall apply.

Article 36 Writs of execution.

Writs of execution of a contracting party in whose territory they were issued shall be put into force by the other contracting parties in accordance with the procedures followed in the case of judicial judgements if such writs be subject to the said procedures, provided that the application thereof does not conflict with the provisions of Islamic Shari'a, or the constitution, public order or the rules of conduct of the contracting party required to give effect to such writs. The authority requesting recognition and execution of a documented writ by the other contracting party shall submit an official copy thereof carrying the seal of the authenticating officer or office duly certified, or a certificate issued by the latter stating that the writ has the force of an executive document. In this case, the third paragraph of Article 34 of this Agreement shall apply.

Article 37 Adjudications or arbitrators.

Without prejudice to the provisions of Articles 28 and 30 of this Agreement adjudications of arbitrators shall be recognized and executed by any contracting party in the manner stipulated in this Part subject to the legal norms of the requested party, and the competent judicial authority of the requested party may not discuss the subject of such arbitration nor refuse to execute the judgement except in the following cases:

- (a) If the law of the requested party does not permit the settlement of the subject of the dispute by arbitration.
- (b) If the adjudication of the arbitrators is made in execution of a condition or arbitration contract that is void or has not become final.
- (c) If the arbitrators are non-competent under the contract or condition of arbitration or under the law on the basis of which the adjudication was made.
- (d) If the litigants have not been served subpoenas in the proper manner.
- (e) If any part of the adjudication be in contradiction with the provisions of Islamic Shari'a, the public order or the rules of conduct of the requested party.

The authority requesting recognition of the adjudication of arbitrators and the execution thereof shall submit a certified copy of the adjudication accompanied by a certificate issued by the said authority stating that the adjudication has executive force.

If there be a proper, written agreement under which the parties had consented to submit to the competence of the arbitrators in settling a certain dispute or whatever other disputes arising between the two parties in respect of a certain legal relationship, a certified copy of such agreement must be submitted.

PART VI - EXTRADITION OF ACCUSED OR CONVICTED PERSONS

Article 38 Persons charged with, or convicted of, having committed crimes.

Each contracting party hereby undertakes to extradite persons found on its territory charged with having committed a crime by the competent authority or convicted of having done so by a judicial body of any other contracting parties, subject to the rules and conditions laid down in this Part.

Article 39 Extradition of nationals.

Each of the contracting parties may refuse to extradite its nationals provided that it undertakes within the limits covered by its jurisdiction to charge whichever such national who has committed crimes punishable by law in the territories of any other contracting party, whenever the laws of the two states concerned impose a detentive penalty of at least one year, or if a more severe penalty is foreseen in the laws of any of the two contracting parties, once the other contracting party issues a request for legal prosecution accompanied by the appropriate files, documents and information in its possession. The requesting party shall be notified of measures taken in this regard.

The nationality of the accused shall be determined as on the date on which the crime for which extradition is requested was committed.

Article 40 Obligation to extradite.

Extradition shall be obligatory with respect to the following persons:

- (a) Individuals charged with committing acts punishable by the laws of each of the two contracting parties - that requesting extradition and that requested to extradite - with a detentive penalty of one year or a more severe penalty in the laws of either party - whatever the maximum or minimum limits in the gradation of the stipulated penalty.
- (b) Individuals charged with acts not punishable by the laws of the requested party requested or where the stipulated penalty for such acts in the laws of the requesting party has no equivalent in the laws of the requested party. The same penalty shall apply if the individuals prosecuted are nationals of the requesting party of another contracting party.
- (c) Individuals convicted in presence or in absentia by the courts of the requesting party in case of a detentive penalty of one year or a more severe penalty in respect of acts punishable by the laws of the requested party.

(d) Individuals convicted in presence or in absentia by the courts of the requesting party who are not punishable by the laws of the requested party or who are subject to a penalty for which there is no equivalent in its laws, if such individuals are nationals of the requesting party or of another contracting party applying the same penalty.

Article 41 Crimes not subject to extradition.

No extradition may be carried out in the following cases:

- (a) If the crime for which extradition is requested is considered by the laws of the requested party as a crime of a political nature.
- (b) If the crime for which extradition is requested is limited to a breach of military duties.
- (c) If the crime for which extradition is requested was committed in the territory of the requested party, except when such crime has caused damage to the interests of the requesting party and its laws stipulate that perpetrators of such crime be prosecuted and punished.
- (d) If the crime has been the subject of a final judgement in the requesting party.
- (e) If the legal action, at the time of receipt of the request for extradition, had lapsed or had been revoked, or the penalty had lapsed by passage of time in accordance with the laws of the requesting party.
- (f) If the crime had been committed outside the territories of the requesting party by a person not carrying its nationality, and the law of the requested party does not provide for prosecution of such person when this crime is committed outside its territory.
- (g) If an amnesty has been issued by the requesting party.
- (h) If charges relating to any crime have been made in the territory of the requested party, or if a judgement had been passed in respect of such crime in the territory of a third contracting party.

In the application of the provisions of this Agreement, the following crimes, even when they have a political purpose, shall not be considered crimes of a political nature in accordance with paragraph (a) of this Article:

- (1) Assault on kings and presidents of the contracting parties or their wives or their ascendants or descendants.
- (2) Assault on heirs apparent or vice-presidents of the contracting parties.
- (3) Murder and robbery committed against individuals, authorities, or means of transport and communications.

Article 42 Method of submitting extradition requests and enclosures.

The extradition request shall be submitted in writing by the competent authority of the requesting party to the competent authority of the requested party, and shall be accompanied by the following:

(a) A detailed statement of the identity of the individual to be extradited, his description, nationality and photograph if possible.

(b) A writ of arrest for the individual to be extradited or any other document having the same force issued by the competent authorities, or the original conviction made in accordance with the modes laid down by the law of the requesting party, or an official copy thereof duly certified by the competent authority of the requesting party.

(c) A submission containing the date and place of the acts for which extradition is requested, their characterization and the shariite or legal provisions applicable thereto, as well as a certified copy of such provisions, and a statement from the investigating authority setting forth the actual evidence against the person whose extradition is requested.

Article 43 Detention of the person whose extradition is requested.

In case of urgency, and on the basis of a request by the competent authority of the requesting party, a person may be arrested and temporarily detained pending the arrival of the extradition request and the documents listed in Article 42 of this Agreement. The request for arrest or detention shall be transmitted to the competent authority of the requested party, either directly by post, telegram or any other means verifiable in writing: such request must indicate the existence of one of the documents set forth in paragraph (b) of Article 42, with an express statement of intention to forward the extradition request, the record of the crime committed, the penalty prescribed or pronounced, the date and place of the crime, as precise a description of the person to be extradited as possible, pending the arrival of the request duly made out in conformity with the provisions of Article 42 of the Agreement.

The requesting party shall be notified of the measures taken in this regard without delay.

Article 44 Release of the person to be extradited.

The person whose extradition is requested shall be released if the requested party does not receive within a period of 30 days following the date of arrest the documents listed in paragraph (b) of Article 42 of this Agreement or a request for the extension of detention.

In no circumstances may the period of detention exceed 60 days.

The person whose extradition is requested may be released at any time provided that the contracting requested party take all necessary measures to prevent his escape.

The release of the person to be extradited does not preclude re-arrest and extradition if the extradition request were completed later.

Article 45 Supplementary explanations.

If the requested party finds it necessary to obtain supplementary explanations to verify that the provisions of this Part are complied with, it shall notify the requesting party before it rejects such request, and the requested party may set a new deadline for receiving such explanations.

Article 46 Multiplicity of extradition requests.

If extradition is requested by several contracting parties for the same crime, priority of extradition shall be accorded to the contracting party whose interests were damaged by the crime, followed by the contracting party in whose territory the crime was committed, followed by the contracting party of which the person whose extradition is requested was a national at the time of committing the crime.

If circumstances converge preference shall be accorded to the first contracting party to submit the extradition request, but if extradition requests pertain to several crimes, weighing them one against the other shall be based on the circumstances of the crime, its seriousness, and the place in which it occurred.

This Article shall not prejudice the right of the requested party to freely decide on the requests submitted to it from various contracting parties taking into consideration all relevant circumstances.

Article 47 Surrender and delivery of things and objects acquired or yielded by the crime, used in it, or pertaining to it.

If it is decided to extradite the person wanted, the things and objects used in the crime, yielded by it or pertaining to it which can be taken as evidence of the said crime, and which are in the possession of the person to be extradited at the time of arrest or are discovered at later point, shall be surrendered to the requesting party, at its request.

Such things and objects may be surrendered even if the person involved is not extradited either because he has escaped or died, but the requested party shall reserve its acquired rights, or those of other parties, over the said things and objects in all this, which shall be done without prejudice to the rules of law in force in the territory of the requested party, and such things and objects shall be returned to the requested party at the expense of the requesting party as soon as such rights are established following the determination of indictment procedures initiated by the requesting party.

The requested party may temporarily retain the seized things and objects if it needs them in its penal proceedings, and it may reserve, at the time it surrenders them, the right to recover them for the same reason, but undertake to re-surrender them in its turn when it finds it possible to do so.

Article 48 Deciding on extradition requests.

The competent authority of each of the contracting parties shall decide on extradition requests submitted to it in accordance with the laws in force at the time of such submission.

The requested party shall inform the competent authority of the requesting party of its decision in this respect. Rejection of the extradition request as a whole or in part must be justified, and in case of acceptance of the request the requesting party shall be duly notified of the date and place of extradition.

The representatives of the requesting party shall receive in custody the person extradited at the specified time and place. If the person in question is not thus taken at the specified time and place he may be released 15 days thereafter, and he shall be released in any case 30 days after the date specified for his supposed extradition; no other request for his extradition on account of the act or acts for which he was to be extradited may be made again. If, however, exceptional circumstances prevent his extradition or the taking into custody by the requesting party, the contracting party concerned shall notify the other contracting party within the time limit set forth, and the two parties shall agree on a final deadline for extradition after which the person in question shall be released, and no other extradition request may be made thereafter for the same act or acts in respect of which the extradition request had been made in the first instance.

Article 49 Request to extradite an individual under investigation or being tried for another crime in the territory of the contracting party requested to extradite him.

If there be another charge made against the person to be extradited, or if he has been convicted by the requested party for a crime other than that for which extradition was requested, the latter contracting party must, nevertheless, decide on the extradition request, and notify the requesting party of its decision in accordance with the provisions of Article 48 of this Agreement.

If the request is accepted, the extradition of the person concerned shall be postponed until the end of the trial by the requested party, or if he is convicted, until such time as he has served the penalty or sentence, in which case the stipulations of Article 49 shall apply.

The provisions of the said Article shall not, however, prevent the temporary dispatch of the person concerned to appear before the judicial authorities of the requesting party, provided that the latter undertakes to return the said person as soon as the judicial authorities have decided upon his case.

Article 50 Modifications in the characterization of the crime for which the person has been extradited.

If, in the course of legal proceedings and after the person concerned has been extradited, a modification appears in the characterization of the crime for which the person had been extradited, he may not be charged or tried again unless the constituent components of the crime in their new characterization permit such extradition.

Article 51 Deduction of the period of detention.

The period of remand effected in accordance with Article 43 of this Agreement, shall be deducted from any penalty or sentence delivered against the extradited person in the territory of the requesting party.

Article 52 Trying a person for a crime other than that for which he was extradited.

No charge, trial in presence, or imprisonment in execution of a penalty for a crime prior to the date of extradition or other than such crime as he had been extradited for and crimes related to it or crimes committed after extradition, may be made, conducted, or effected in respect of the said person except in the following cases:

- (a) If the person extradited had the freedom and the means to leave the territory of the contracting party to whom he was extradited and did not do so within 30 days of his final release, or had departed and voluntarily returned to it.
- (b) If the contracting party which had extradited him agrees to such procedures, provided that a new request, accompanied by the documents listed in Article 42 of this Agreement and a judicial record containing the statements of the extradited person concerning the extension of extradition indicating that he has been given a chance to present his defense to the competent authorities of the contracting party requested to extradite, is made.

Article 53 Extraditing persons to a third state.

No contracting party may extradite a person to a third state following the extradition of such person to the said contracting party - except in the case prescribed in paragraph (a) of Article 52 of this Agreement - unless it obtains the consent of the extraditing party, and even then, the contracting party requested to extradite shall submit an application to the contracting party from which it had received such person to that effect, accompanied by the documents presented by the said third state.

Article 54 Facilitating the passage of persons to be extradited.

The contracting parties shall agree to the passage through their territories of the person extradited to any one of them by another state on the basis of a request submitted by the party concerned. Such request must be accompanied by the necessary documents demonstrating that the case in question pertains to a crime leading to extradition in accordance with the provisions of this Agreement.

If the person whose extradition has been decided is to be transported by air, the following rules shall be observed:

- (a) If the aircraft is not landing in the territory of one of the parties but merely crossing its air space, the requesting contracting party shall notify the state concerned of the existence of the documents enumerated in Article 42 of the present Agreement.

In case of an emergency landing, the contracting party concerned may, in accordance with the provisions of Article 43 of this Agreement, request the detention of the person whose extradition had been decided, pending the submission of a request to the state in whose territory such landing was made for his passage as provided for by the first paragraph of this Article.

(b) If the aircraft carrying the person being extradited is scheduled to land, the requesting contracting party must submit a request for the person's passage; but if the state requested to consent to such passage also wishes to have the same person delivered to it, such passage will not occur until the requesting contracting party and the said state have reached an agreement on the matter.

Article 55 Execution of judgements involving detentive penalties in the territory of the contracting party where the convicted person is present.

Subject to the consent of the convicted person and the contracting party requested to give effect to such sentence, judgements involving detentive penalties of less than one year may be executed in the territory of any of the contracting parties where the convicted person is present in pursuance of a request made to this effect by the contracting party which had made the judgement.

Article 56 Extradition costs.

The contracting party requested to extradite shall bear all costs incurred by the extradition procedure carried out in its territory, whereas the requesting party shall bear the costs of the person's passage outside the territory of the requested party.

The requesting party shall also bear all the costs of returning the extradited person to the location he was in at the time of his extradition if he proves to be innocent or is acquitted.

Article 57 Coordinating extradition request procedures with the Arab Criminal Police Bureau.

The contracting parties shall undertake coordination of extradition request procedures stipulated in this Agreement with the Arab Organization for Social Defense Against Crime (Arab Criminal Police Bureau), through the liaison offices concerned as set forth in the agreement establishing the Organization; the contracting party requested to extradite shall supply the Bureau with a copy of the decision taken in respect of the extradition request.

PART VII - EXECUTION OF SENTENCES AGAINST CONVICTED PERSONS IN THEIR OWN STATES

Article 58 Conditions of execution.

Penal verdicts passed in the territory of any contracting party which have become final may be enforced in the territory of any other contracting party of which the convict is a national, if it is so requested, subject to the following conditions:

- (a) That the detentive sentence or what remains of it, or the executable part thereof, is no less than six months.
- (b) That the penalty is for a crime where extradition does not apply in accordance with Article 41 of the present Agreement.
- (c) That the penalty for the crime in the territory of the contracting party requested to execute is one of detention for no less than six months.
- (d) That both the contracting party which had made the judgement and the person convicted consent to the execution request.

Article 59 Circumstances in which execution may not be effected.

Penal judgements may not be executed in the following circumstances:

- (a) When the penalty execution system of the contracting party requesting execution is inconsistent with the execution system of the contracting party where the judgement was pronounced.
- (b) If the penalty has elapsed by prescription in accordance with the laws of the contracting party where the sentence was passed or that of the contracting party requesting execution.
- (c) If the penalty is considered reformatory, disciplinary, one of controlled liberty, or secondary or supplementary in accordance with the laws and legal system of the contracting party requesting execution.

Article 60 Execution of penalty.

Execution of penalties shall be carried out in accordance with the system in effect in the territory of the contracting party requesting such execution, provided that the period spent in remand and the part of the sentence already served for the same crime are deducted.

Article 61 Consequences of general or special amnesty.

Both general and special amnesties issued by the contracting party which had passed sentence shall apply to the person convicted.

A special amnesty issued by the contracting party requesting execution of penalty shall not apply to the said person.

But if a general amnesty issued by the contracting party requesting execution includes the person convicted, the latter shall notify the contracting party which had passed the sentence, which may request that the convict be returned to it to serve the remaining period of his sentence.

If no such request is submitted within 15 days of the date of notification, it shall be deemed that the party concerned has disregarded the recovery of the said person, in which case the general amnesty shall apply to him.

Article 62 Application of secondary and supplementary penalties stipulated by the laws of the contracting party requesting execution of judgements.

The contracting party requesting execution may apply to the person convicted such secondary and supplementary penalties as would correspond to the penalty administered in accordance with its laws if the sentence does not stipulate such penalty or its equivalent.

Article 63 Costs of transportation and of execution of penalty.

The contracting party where the sentence was made shall bear the costs of transporting the person convicted to the territory of the contracting party requesting the execution of the sentence, and this latter party shall bear the costs of executing the penalty in question.

PART VIII - FINAL REGULATIONS

Article 64 Taking the necessary internal measures to give effect to the Agreement.

Each body concerned of the parties signatory to this Agreement shall take the necessary measures for the issuance of laws and regulations to give effect to this Agreement.

Article 65 Ratification, acceptance and endorsement.

This Agreement shall be subject to ratification, acceptance or endorsement by the signatories, and the ratification, acceptance or endorsement documents shall be deposited with the General Secretariat of the League of Arab States no later than 30 days from the date of ratification, acceptance or endorsement, and the General Secretariat shall notify the Member States and the General Secretariat of the Arab Organization for Social Defense against Crime of each such deposit and the date thereof.

Article 66 Date of coming into force.

This Agreement shall come into force 30 days after the date of depositing the documents of ratification, acceptance or endorsement by one third of the Member States of the League of Arab States.

Article 67 Accession to the Agreement.

Any state member of the Arab League not signatory to the Agreement may accede to it by virtue of an application dispatched to the Secretary-General of the Arab League.

The state requesting accession shall be considered bound by this Agreement as soon as it deposits the document of ratification, acceptance or endorsement, and after 30 days of the date of deposit.

Article 68 Provisions of the Agreement are binding to the Parties.

(a) The provisions of this Agreement shall be binding to all its contracting parties, and no two or more contracting parties may agree on whatsoever is in contravention of its provisions.

(b) If the provisions of the present Agreement conflict with those of any previous special agreement, the text most effectual in extraditing persons facing charges or convicted shall apply.

Article 69 Inadmissibility of reservations contrary to the provisions of the Agreement.

None of the parties may make any reservation involving an explicit or implicit contravention of the provisions of this Agreement or departure from its objectives.

Article 70 Withdrawal from Agreement.

No contracting party may withdraw from the Agreement except by a substantiated written application dispatched to the Secretary-General of the League of Arab States.

Such withdrawal shall take effect six months after the date of dispatching the application to the Secretary-General of the League of Arab States.

Provisions of the Agreement shall remain in effect concerning extradition requests submitted during the said period even if the extradition were to occur thereafter.

Article 71 Revocation and annulment of Agreements in effect at present.

The present Agreement shall replace, in respect of the states which have ratified it, the three agreements concluded in 1952 within the framework of the League of Arab States in force at present and pertaining to judicial notifications and procurations, execution of penalties, and extradition of criminals.

In affirmation of the above, the authorised representatives whose names appear after this Agreement have duly affixed their signatures on behalf, and in the name, of their respective Governments.

This agreement was written in Arabic at the city of Riyadh, Capital of the Kingdom of Saudi Arabia on this day Wednesday the sixth day of April 1983 in one original deposited at the General Secretariat of the League of Arab States and an exact and true copy of which shall be delivered to each of the parties signatory to this Agreement or acceding to it.

