

Law No. (6) of 2020

Amending some provisions of the Criminal Procedure Code issued by Law No. (23) of 2004

We, Tamin bin Hamad Al Thani, Emir of the State of Qatar,

After perusal of the Constitution,

The Penal Code issued by Law No. (11) of 2004, amended by Law No. (24) of 2009,

The Criminal Procedure Code issued by Law No. (23) of 2004, amended by Law No.(24) of 2009,

The Law No. (20) of 2019 on Combatting Money Laundering and Terrorism Financing,

The Draft- Law submitted by the Council of Ministers, and

After having consulted the Shura Council (Advisory Council),

Have decided the following:

Article (1)

The following texts shall replace the texts of Articles (407), (409/ Item 2), (427) and (428) of the Criminal Procedure Code referred to, as follows:

Article (407)

“Without prejudice to the provisions of the applicable international agreements, and subject to the principle of reciprocity, the judicial authorities in the State of Qatar shall cooperate with foreign and international judicial authorities, and provide them with mutual legal assistance in criminal matters, in conformity with the provisions of the Law”.

Article (409 /Item2)

“2- The crime is a felony or a misdemeanor punishable under the Qatari Law and the Law of the country requesting the extradition, by a custodial penalty for at least one year, or by a more severe penalty, or that the person sought for extradition because of such crime is sentenced to imprisonment for at least six (6) months”.

Article (427)

“ If a foreign country wants to conducts its investigation with the knowledge of the judicial authorities in the State of Qatar, requests for mutual legal assistance from foreign competent authorities shall be submitted to the Public Prosecutor by diplomatic means, in Arabic

language, or in any other language, provided it is accompanied by a translation into Arabic .
The request for mutual legal assistance shall include:

- 1- The identity of the authority that requested mutual legal assistance, and the nature of such assistance.
- 2- The facts underlying the assistance, and the legal texts applicable to the acts that are the subject to the request.
- 3- Description of the procedures to be taken or investigations to be conducted and their purpose;
- 4- Identity of any person in question, in addition to the address and nationality of such person, where applicable.

The request shall also include any papers or documents necessary for implementing such assistance.

The Public Prosecutor may refer the request to the competent judicial authority to take the appropriate action, as it may deem necessary.

In case of urgency, and upon the request of the country requesting assistance, necessary procedures may be taken before the receipt of the request and the afore-mentioned enclosed documents and papers”.

Article (428)

“The request for mutual legal assistance may be denied for any of the following cases:

- 1- If the requested procedures are prohibited under the Law or are inconsistent with the Public Order in the State of Qatar.
- 2- In case the request involves the execution of coercive actions, and the conduct underlying the assistance does not constitute a crime under the Qatari Law, provided that the defendant explicitly agrees to the execution of the request.

Article(2)

The following Articles shall be added to the Criminal Procedure Code:

Article (77 bis)

“ The member of the Public Prosecution may by a written order from the Public Prosecutor, use undercover operations for the investigation of money laundering, predicate offences and terrorism financing, search for perpetrators, and gather evidence. Such operations shall include working under cover, using assumed identity, fake names and characters, aliases, and any other necessary means”.

Article (297 bis)

“The Court of Cassation shall decide on the appeal in the counseling chamber, after the Chief of the Court appoints the reporting Judge; and if it deems that the appeal merits consideration, either because it is likely to be accepted or because deciding thereon requires the

determination of a legal principle that the Court of Appeal has not previously determined, it shall appoint a hearing or order a stay of execution until the appeal is decided.

However, if it deems that the appeal is unaccepted in form or is invalid, it shall reject it by an irrevocable decision; and in such case, the decision shall be mentioned in the hearing minute, with a brief explanation of the reasons.

Article (3)

All competent authorities, each within its own competence, shall implement this Law, which shall come into force on the day following its publication in the Official Gazette.

Tamim bin Hamad Al Thani

Emir of the State of Qatar

Issued at the Emiri Diwan on 13/5/1441 A.H, corresponding to 8/1/2020 AD