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EUROMED JUSTICE **EuroMed Fiches**

CrimEx

EuroMed Justice Group of Experts in Criminal Matters

ALGERIA, EGYPT, ISRAEL, JORDAN, LEBANON, MOROCCO, PALESTINE, TUNISIA

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Table of Contents

LIST OF MUTUAL ASSISTANCE POSSIBILITIES – 8 DIFFERENT INVESTIGATIVE MEASURES	4
LIST OF BILATERAL AGREEMENTS AND CONVENTIONS.....	23
ALGERIA	33
EGYPT	127
ISRAEL.....	210
JORDAN.....	300
LEBANON	383
MOROCCO.....	456
PALESTINE.....	523
TUNISIA.....	613

List Of Mutual Assistance Possibilities – 8 Different Investigative Measures

1. TRACING AND INTERCEPTION OF (TELE) COMMUNICATIONS

Interception, recording and transcription of telecommunications (101)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognise the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Tracing of telecommunications (102)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognise the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
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Interception and recording of other forms of communication (103)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognise the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Interception of mail (104)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognise the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Observation (105)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognise the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)

6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Interception of telecommunication without the technical assistance of another State (106)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognise the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

2. AGENTS AND INFORMERS – INFILTRATION

Infiltration by undercover agents of the requested State (201)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognise the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
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 - b. Other useful information

Infiltration by agents of the requesting State in the territory of the requested State (202)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognise the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Infiltration by an informer of the requested State (203)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognise the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Handling of informers (204)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognise the measure (if other than the receiving authority)
4. Accepted languages for the request/decision

5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

3. EXAMINATION, BODY SEARCH AND EXPERT EVALUATION

Superficial body search (301)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Invasive body search (302)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Psychiatric medical examination (303)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Control of identity, measures for judicial identification (304)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Technical or scientific examinations or expert evaluations (305)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)

6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

4. DOCUMENTS - OBTAINING

Spontaneous exchange of information (401)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Order to produce documents (402)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Other possibilities of obtaining information concerning taxes or bank accounts (403)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Access to public documents in judicial files (404)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Communication of individual police records (405)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision

5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Sending and service of procedural documents (406)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Transfer of proceedings (407)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

5. ASSETS - SEQUESTRATION, CONFISCATION AND RESTITUTION

Sequestration of assets (501)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Freezing of bank accounts (502)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Restitution (503)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)

4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Interim measures in view of confiscation (504)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Confiscation (505)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

6. PLACES - VISIT AND SEARCH

Visit to and search of homes (601)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Visit and search on the site of an offence (602)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

7. WITNESSES, VICTIMS, SUSPECTS - SUMMONING AND HEARING

Summoning witnesses (701)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State

3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Hearing witnesses: standard procedure (702)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information**

Hearing witnesses: by video conference (703)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Hearing witnesses: by telephone (704)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
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Hearing children (705)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
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Hearing persons collaborating with the inquiry (706)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)

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6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Hearing victims/plaintiffs (707)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Hearing experts (708)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Summoning suspects/persons accused (709)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation

- b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Hearing suspects/persons accused: standard procedure (710)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Hearing suspects/persons accused: by video conference (711)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Hearing suspects/persons accused: by telephone (712)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Confrontation (713)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
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8. CROSS-BORDER OPERATIONS

Cross-border observation (801)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation

- b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
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Cross-border hot pursuit (802)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
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Cross-border tracking (by placing a beeper on a vehicle or a person (803)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
 - a. Special requirements
 - b. Other useful information

Controlled deliveries (804)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
4. Accepted languages for the request/decision
5. Deadlines for the execution of the request/decision (where applicable)
6. Concise legal practical information
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Joint investigation teams (805)

1. Is this measure possible in your State under International Judicial Cooperation?
2. International legal framework applicable for this measure in your State
3. Competent authority to:
 - a. Receive the request/decision for judicial cooperation
 - b. Execute/recognize the measure (if other than the receiving authority)
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List of Bilateral Agreements and Conventions

BILATERAL AGREEMENTS

ALGERIA	
Mutual Legal Assistance & Extradition	
Belgium	Convention of 12 June 1970 regarding extradition and mutual legal assistance in criminal matters between the Kingdom of Belgium and the Democratic People's Republic of Algeria (Title II, MLA , art. 18-31)
Bulgaria	Agreement for judicial and legal assistance on Civil, Commercial, Family and Criminal Matters between the People's Republic of Bulgaria and the Algerian Democratic People's Republic dated 1975 (in force since 1 April 1985)
Chad	Convention on Mutual Assistance in Criminal Matters, signed 7 February 2016, ratified through Presidential Decree n° 18-55 of 05/02/2018
Croatia	Agreement on legal assistance in civil and criminal matters between the Socialist Federal Republic of Yugoslavia and the Democratic People's Republic of Algeria signed on 31 March 1982 (Articles 27-30). Entry into force: 20 December 1984
Czech Republic	Treaty between the Czechoslovak Socialist Republic and the Algerian Democratic and Popular Republic on Legal Assistance in Civil, Family and Criminal Matters, Algiers, 17 February 1981. Entry into force: 23 November 1983
France	"Protocole judiciaire" of 28 August 1962 entered into force on 30 August 1962 completed by one "échange de lettres" of 18 September 1980 Convention on Mutual Assistance in Criminal Matters, signed 5 October 2016, ratified through Presidential Decree n° 18-55 of 05/02/2018
Hungary	Treaty on Mutual Assistance in Civil, Family and Criminal Matters, Algiers, 7 February 1976; promulgated as law-decree no.15 of 1985, applied since 13 May 1984
Italy	Bilateral Convention on judicial cooperation in criminal matters between the Government of the Republic of Italy and the Government of the Democratic and Popular Republic of Algeria, concluded in Algiers on 22 July 2003. Entry into force: 25 November 2008
Jordan	Convention on legal and judicial co-operation 25 June 2001
Poland	Agreement on legal assistance in civil and criminal matters from 9 November 1976. Entry into force: 26 February 1982
Portugal	Convention on Mutual Assistance in Criminal Matters between the Portuguese Republic and the Democratic and Popular Republic of Algeria, concluded in Algiers on 22 January 2007. Entry into force: 11 February 2009. See text in Diário da República (Official Gazette) of 16 September 2008
Romania	Convention on Mutual Legal Assistance in Civil, Family and Criminal Matters, 28 June 1979
Slovakia	Treaty between the Czechoslovak Socialist Republic and the Algerian Democratic and Popular Republic on Legal Assistance in Civil, Family and Criminal Matters, Alger, 1981. Entry into force: 23 November 1983

EUROMED JUSTICE

EuroMed Fiches

Slovenia	Treaty of 31 March 1982 on Mutual Legal Assistance in Civil and Criminal Matters between the Socialist Federal Republic of Yugoslavia and the Democratic People's Republic of Algeria (Official Gazette of SFRY no. 2/83). Entry into force: 26 February 1983
Spain	Convention on Mutual Assistance in Criminal Matters, 7 October 2002
Tunisia	Convention on Mutual Assistance and Judicial and Legal Co-operation, 28 July 1963
The United Kingdom	Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Democratic Republic of Algeria on Mutual Legal Assistance in Criminal Matters. Date of Signature: 11 July 2006. Entry into force: 27 March 2007
Morocco	Convention on Mutual Assistance and Judicial Cooperation, supplemented by the Protocol signed at Ifran entered into force 17 April 1963
Tunisia	Convention on Mutual Assistance and Judicial Cooperation. Entry into force on: 14 November 1963
Egypt	Convention on Mutual Assistance and Judicial Cooperation. Entry into force on: 29 July 1965
Mauritania	Convention on Mutual Assistance and Judicial Cooperation. Entry into force: 15 January 1970
Syria	Convention and Additional Agreement on Mutual Assistance and Judicial Cooperation. Entry into force: 27 April 1981 and 29 March 2001
Libya	Convention on Mutual Assistance and Judicial Cooperation. Entry into force: 12 November 1995
Jordan	Convention on Mutual Assistance and Judicial Cooperation. Entry into force: 25 March 2003
Yemen	Convention on Mutual Assistance and Judicial Cooperation. Entry into force: 17 March 2003
France	Convention on Exequatur and Extradition and the Exchange of letters amending the Algerian-French judicial protocol of 28 August 1965. Entry into force: 29 July 1965
Belgium	Convention on Extradition and Mutual Assistance in Criminal Matters. Entry into force: 8 October 1970
Bulgaria	Convention on judicial cooperation in civil, commercial, family and criminal matters. Entry into force: 24 December 1977
Hungary	Convention on Mutual Assistance in Judicial and Legal Matters in Civil, Family and Criminal Matters. Entry into force: 11 February 1984
Poland	Convention on Judicial and Legal Cooperation. Entry into force: 6 September 1980
Romania	Convention on Mutual Assistance in Judicial and Legal Matters in Civil, Family and Criminal Matters. Entry into force: 28 July 1984
Czech Republic	Convention on Mutual Assistance in Judicial and Legal Matters in Civil, Family and Criminal Matters. Entry into force: 11 December 1982
Russia	Convention on Judicial and Legal Cooperation. Entry into force: 9 July 1983
Former Yugoslavia	Convention on Mutual Assistance in Judicial and Legal Matters in Civil and Criminal Matters entered into force 23 July 1983
Turkey	Convention on judicial cooperation. Entry into force: 16 November 2000
Spain	Convention on Mutual Assistance in Criminal Matters entered into force 7 February 2004 and Convention on Extradition. Entry into force: 9 March 2008
Italy	Convention on Mutual Assistance in Criminal Matters. Entry into force: 13 February 2005; and Convention on extradition. Entry into force: 13 February 2005
Mali	Convention on Mutual Assistance and Judicial and Legal Cooperation. Entry into force: 18 June 1983

EUROMED JUSTICE

EuroMed Fiches

Niger	Convention on Cooperation and Legal Aid. Entry into force: 23 April 1985
Nigeria	Convention on extradition. Entry into force: 28 May 2005
South Africa	Convention on extradition entered into force 8 February 2003 and Convention on judicial cooperation in criminal matters entered into force 28 May 2005
Cuba	Convention on Legal and Judicial Cooperation. Entry into force: 6 March 2002
Pakistan	Convention on extradition entered into force 19 April 2004 and Convention on Mutual Assistance in Criminal Matters entered into force 11 February 2006
Iran	Convention on extradition . Entry into force: 11 March 2006
United Kingdom and Northern Ireland	Convention on Mutual Assistance in Criminal Matters entered into force 11 December 2006 Convention on extradition entered into force 11 December 2006
Switzerland	Convention on Mutual Assistance in Criminal Matters. Entry into force: 11 December 2006
South Korea	Convention on Mutual Assistance in Criminal Matters entered into force 14 January 2007 and Convention on extradition entered into force 23 September 2007
China	Convention on Mutual Assistance in Criminal Matters entered into force 6 June 2007 and Convention on extradition entered into force 6 June 2007
United Arab Emirates	Convention on the judicial cooperation of notifications, letters rogatory, exequatur and extradition. Entry into force: 23 October 2007
Sudan	Convention on Judicial and Legal Cooperation. Entry into force: 23 October 2007
Portugal	Convention on Mutual Assistance in Criminal Matters entered into force 24 September 2007 and Convention on extradition entered into force 24 September 2007
United States of America	Agreement on Mutual Assistance in Criminal Matters. Entry into force: 1 June 2011
Vietnam	Convention on Mutual Assistance in Criminal Matters entered into force 15 December 2013 and Convention on extradition entered into force 15 December 2013
Saudi Arabia	Convention on extradition. Entry into force: 20 July 2015
Kuwait	Convention on Mutual Assistance in Criminal Matters entered into force 5 October 2015 and Convention on extradition entered into force 5 October 2015
Transfer of Criminal Proceedings	
Poland	Agreement on legal cooperation in civil and criminal matters from 9 November 1976
Mutual Legal Assistance & Extradition in the phase of ratification	
Bosnia & Herzegovina	Convention on Mutual Assistance in Criminal Matters, signed 20 September 2011 Convention on extradition, signed 20 September 2011
Chad	Convention on extradition, signed 7 February 2016
Russia	Convention on Mutual Assistance in Criminal Matters, signed 10 October 2017

EUROMED JUSTICE

EuroMed Fiches

EGYPT	
Mutual Legal Assistance	
Cyprus	Agreement between the Republic of Cyprus and the Government of the Arab Republic of Egypt on Judicial and Legal Assistance in Civil and Criminal Matters, signed on 8 July 1992, in force since 27 February 1994
France	Bilateral convention on judicial cooperation in criminal matters of 15 March 1982 (Official Journal 19 July 1983 p. 2228) . Entry into force: on 7 August 1983
Greece	Bilateral treaty of 22 December 1986 between the Governments of the Hellenic Republic and the Arabic Republic of Egypt on mutual legal assistance in criminal matters, in force since 1 April 1990 (ratification law 1760/1988)
Hungary	Treaty on Mutual Assistance in Criminal Matters, Transfer of Persons in Custody for the Purpose of Executing Judicial Decisions in Criminal Procedures, and Extradition, Cairo, 14 December 1987; promulgated as law-decree no. 11 of 1989, applied since 4 October 1988
Poland	Agreement on legal assistance in criminal matters, transfer of sentenced and extradition from 17 May 1992. Entry into force: 21 February 1993
Transfer of Criminal Proceedings	
Greece	Bilateral treaty of 22 December 1986 between the Governments of the Hellenic Republic and the Arabic Republic of Egypt on transfer of sentenced persons, in force since 22 January 1987 (ratification law 1765/1988)
Poland	Agreement on legal assistance in criminal matters, transfer of sentenced and extradition of 17 May 1992

ISRAEL	
Mutual Legal Assistance	
All EU Member States	No bilateral agreements but Israel is a party to the European Convention on Mutual Assistance in Criminal Matters
Germany	Agreement of 20 July 1977 between the Federal Republic of Germany and the State of Israel to Supplement the European Convention of 20 April 1959 on Mutual Assistance in Criminal Matters and to Facilitate its Application. Entry into force: 6 March 1981 Arrangement of 20 July 1977 between the Government of the Federal Republic of Germany and the Government of the State of Israel on the German-Israeli Agreement to Supplement the European Convention on Mutual Assistance in Criminal Matters and to Facilitate its Application Arrangement of 16/27 April 1981 between the Government of the Federal Republic of Germany and the Government of the State of Israel on the German-Israeli Agreement to Supplement the European Convention on Mutual Assistance in Criminal Matters and to Facilitate its Application

JORDAN	
Mutual Legal Assistance	
Algeria	Convention on legal and judicial co-operation, 25 June 2001

EUROMED JUSTICE

EuroMed Fiches

LEBANON	
Mutual Legal Assistance	
Belgium	Extradition Treaty between Belgium and Lebanon, 24 December 1953, Additional Agreement, 8 March 1968 (re. drug offences). Articles 16-19 regarding MLA
Bulgaria	Agreement between the government of the Republic of Bulgaria and the government of the Republic of Lebanon for mutual assistance in Criminal Matters from 20 March 2001. Entry into force: 10 April 2004
Greece	Bilateral treaty of 5 April 1975 between the Hellenic Republic and the Republic of Lebanon on mutual legal assistance in civil, commercial and criminal matters. Entry into force: 4 August 1986 (ratification law 1099/1980)
Italy	Bilateral Convention on mutual judicial assistance in Civil, Commercial and Criminal Matters, Execution of Judgments, Arbitration decisions and Extradition, concluded in Beirut on 10 July 1970. Entry into force: 17 May 1975

MOROCCO	
Mutual Legal Assistance	
Belgium	Convention of 7 July 1997 between the Kingdom of Belgium and the Kingdom of Morocco regarding Mutual Legal Assistance in Criminal Matters and Additional Protocol of 19 March 2007
Bulgaria	Agreement for legal assistance in Criminal Matters between the Republic of Bulgaria and the Kingdom of Morocco, signed on 15 March 2005 (not yet in force)
France	Bilateral convention on mutual assistance, 18 April 2008 (Official Journal, 18 August 2011 p13986) . Entry into force: 1 June 2011
Germany	Exchange of notes of 14/17 July 1958
Italy	Bilateral Convention on mutual judicial assistance, Execution of Judgements and Extradition, concluded in Rome on 12 February 1975. Entry into force: 22 May 1975
The Netherlands	Agreement between the Kingdom of the Netherlands and the Kingdom of Morocco on mutual legal assistance in criminal matters (20 September 2010)
Poland	Agreement on legal assistance in civil and criminal matters from 21 May 1979. Entry into force: 27 November 1982
Portugal	Convention between the Portuguese Republic and the Kingdom of Morocco on Legal Assistance in Criminal Matters concluded at Evora on November 14, 1998 and entered into force on 1 September 2001. See text in Diário da República (Official Gazette), no. 55, of 6 March 2000
Romania	Treaty of 1972
United Kingdom	Convention on mutual legal assistance in criminal matters of 8 July 2013
Poland	Agreement on legal assistance in civil and criminal matters of 21 May 1979. Entry into force: 27 November 1982
	Transfer of Criminal Proceedings
Poland	Agreement on legal assistance in civil and criminal matters from 21 May 1979. Entry into force: 27 November 1982

EUROMED JUSTICE

EuroMed Fiches

TUNISIA	
Mutual Legal Assistance	
Algeria	Convention on Mutual Assistance and Judicial and Legal Co-operation of 28 July 1963
Belgium	Convention of 27 April 1989 between the Kingdom of Belgium and the Tunisian Republic regarding Extradition and Mutual Legal Assistance in Criminal Matters (Title II MLA, art. 20-32)
Bulgaria	Agreement between the People's Republic of Bulgaria and the Republic of Tunisia for legal assistance in Civil and Criminal Matters of 16 October 1975, in force since 31 August 1976
Czech Republic	Treaty between the Czechoslovak Socialist Republic and the Republic of Tunisia on Mutual Legal Assistance in Civil and Criminal Matters, on Recognition and Execution of Judicial Decisions and on Extradition, signed 12 April 1979. Entry into force: 21 February 1981
Germany	Agreement of 19 July 1966 on Extradition and Mutual Assistance in Criminal Matters (entry into force 13 March 1970)
Greece	Bilateral treaty of 6 July 1994 between the Hellenic Republic and the Republic of Tunisia on extradition and mutual legal assistance in criminal matters, in force since 3 December 1995 (ratification law 2312/1995)
Hungary	Treaty on Mutual Assistance in Civil and Criminal Matters, Recognition and Execution of Judicial Decisions, and Extradition, Budapest, 6 December 1982; promulgated as law-decree no.2 of 1985, applied since 24 November 1984
Italy	Bilateral Convention on mutual judicial assistance in Civil, Commercial and Criminal Matters, Recognition and Execution of Judgments and Extradition, concluded in Rome on 15 November 1967. Entry into force: 19 April 1972
Poland	Agreement on legal assistance in civil and criminal matters from 22 March 1985. Entry into force: 11 December 1986
Portugal	Treaty of Mutual Legal Assistance in Criminal Matters between the Portuguese Republic and Republic of Tunisia, concluded in Tunis on 11 May 1998. Entry into force: 4 August 2000. See text in Diário da República (Official Gazette), no. 76, of 30 March 2000
Romania	Treaty of 1971
Slovakia	Treaty between the Czechoslovak Socialist Republic and the Republic of Tunisia on Mutual Legal Assistance in Civil and Criminal Matters, on Recognition and Execution of Judicial Decisions and on Extradition, 1981. Entry into force: 21 February 1981
Transfer of Criminal Proceedings	
Poland	Agreement on legal assistance in civil and criminal matters of 22 March 1985

INTERNATIONAL CONVENTIONS

ALGERIA	
United Nations Convention against Transnational Organized Crime	Ratified 7 October 2002
Trafficking in Persons Protocol	Ratified 9 March 2004
Migrants Protocol	Ratified 9 March 2004
Firearms Protocol	Acceded 25 August 2004
United Nations Convention against Corruption	Ratification 25 August 2004
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	Ratification 9 May 1995
International Convention for the Suppression of Acts of Nuclear Terrorism, 2005	Ratification 3 November 2010
International Convention for the Suppression of Terrorist Bombings	Ratification 23 December 2000
International Convention for the Suppression of the Financing of Terrorism	Ratification 23 December 2000
Arab Convention for the Suppression of Terrorism, 1998	Ratification 7 December 1998
Arab Convention against Transnational Organized Crime	Ratification 8 September 2014
Arab Convention against Corruption, 2010	Ratification 8 September 2014
Arab Convention on Combatting Information Technology Offences, 2010	Ratification 8 September 2014
Arab Convention against Money Laundering and the Financing of Terrorism, 2010	Ratification 8 September 2014
Riyadh Arab Agreement on Mutual Legal Assistance (Riyadh)	Ratification 11 February 2001
African Union Convention on Preventing and Combating Corruption, 2003	Ratification 10 April 2007
African Union Convention on the Prevention and Combating of Terrorism, 1999	Ratification 9 April 2000
Protocol to the OAU Convention on Preventing and Combating Terrorism, 2004	Ratification 6 June 2007
Convention of the Organization of the Islamic Conference to Combat International Terrorism, 1999	Ratification 23 September 2007
Convention of the Organization of the Islamic Conference to Combat International Terrorism, 1999	Ratification 23 September 2007
Convention of Slavery, 1926	Ratification 20 November 1963
Supplementary Convention on the Abolition Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1957	Ratification 14 September 1963

EUROMED JUSTICE

EuroMed Fiches

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1951	Ratification 31 October 1963
Additional Protocol to the United Nations Convention Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially women and Children, 2000	Ratification 25 December 2003
Additional Protocol to the United Nations Convention Transnational Organized Crime against the Smuggling of Migrants by Land, Sea and Air, 2000	Ratification 25 December 2003

EGYPT

United Nations Convention Against Transnational Organized Crime	Ratified 5 March 2004
Trafficking in Persons Protocol	Ratified 5 March 2004
Migrants Protocol	Acceded 1 March 2005
United Nations Convention against Corruption	Ratification 25 February 2005
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	Ratification 15 March 1991
Arab Convention on Combating Information Technology Offences, 2010	Ratification 21 December 2010
United Nations Convention for the Suppression of Terrorist Bombings, 1997	Ratification 9 August 2005
United Nations Convention for the Suppression of the Financing of Terrorism, 1999	Ratification 1 March 2005
Arab Convention for the Suppression of Terrorism, 1998	Ratification 22 April 1998

ISRAEL

United Nations Convention Against Transnational Organized Crime	Ratified 27 December 2006
Trafficking in Persons Protocol	Ratified 23 July 2008
United Nations Convention against Corruption	Ratification 4 February 2009
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	Ratification 20 March 2002

JORDAN

United Nations Convention against Transnational Organized Crime	Ratified 22 May 2009
Trafficking in Persons Protocol	Acceded 11 June 2009

EUROMED JUSTICE

EuroMed Fiches

United Nations Convention against Corruption	Ratification 24 February 2005
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	Ratification 9 16 April 1990
Arab Convention on Combatting Information Technology Offences, 2010	Ratification

LEBANON

United Nations Convention against Transnational Organized Crime	Ratified 5 October 2005
Trafficking in Persons Protocol	Ratified 5 October 2004
Migrants Protocol	Ratified 5 October 2004
Firearms Protocol	Ratified 13 November 2006
United Nations Convention against Corruption	Acceded 22 April 2009
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	Acceded 11 March 1996

MOROCCO

United Nations Convention against Transnational Organized Crime	Ratified 19 September 2002
Trafficking in Persons Protocol	Acceded 25 April 2011
Firearms Protocol	Acceded 8 April 2009
United Nations Convention against Corruption	Ratification 9 May 2007
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	Ratification 28 October 1992

PALESTINE

United Nations Convention against Transnational Organized Crime	Acceded 2 January 2015
Arab Convention on Combatting Information Technology Offences, 2010	Ratification 2014

TUNISIA

United Nations Convention against Transnational Organized Crime	Ratified 19 June 2003
Trafficking in Persons Protocol	Ratified 14 July 2003

EUROMED JUSTICE

EuroMed Fiches

Migrants Protocol	Ratified 14 July 2003
Firearms Protocol	Ratified 10 April 2008
United Nations Convention against Corruption	Ratification 23 September 2008
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	Ratification 20 September 1990
United Nations Convention for the Suppression of the Financing of Terrorism, 1999	Ratification 15 November 2002

ALGERIA



1. Tracing and Interception of (TELE) Communications

Interception, recording and transcription of telecommunications (101)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 65 bis 05 of the Code of Criminal Procedure allows the interception, representation, transmission and recording of correspondence, private or confidential statements by one or several individuals in private or public places, and images of one or several individuals in a public space, in the course of a rapid-response investigation or preliminary investigation into the following offences:

- drug trafficking offences;
- transnational organised crime;
- subverting automated data processing systems;
- money laundering;
- terrorism;
- infringements of the law on foreign exchange;
- Corruption; as well as
- smuggling by virtue of Art 33 of Ordinance 05-06 of 23 August 2005 related to the fight against smuggling.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, it is standard practice to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor.

The authorisations laid down in article 65 bis 05 of the Code of Criminal Procedure must contain all the information allowing the identification of the connections to be intercepted, the places of residence or other that are targeted, and the offence justifying the application of these measures as well as their duration.

For the implementation of the technical measure, the authorisation allows the introduction of goods into any place of residence or other, including outside of the hours laid down in article 47 of the Code of Criminal Procedure or without the consent of the persons who may have a right of ownership in respect of said goods.

These operations are conducted without prejudice to professional secrecy as provided for in article 45 of the Code of Criminal Procedure.

Authorisations are given in writing for a maximum duration of four months, which may be renewed depending on the needs of the investigation or the requirements in terms of form and duration (Article 65 bis 07 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Tracing of telecommunications (102)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 65 bis 05 of the Code of Criminal Procedure allows the interception, representation, transmission and recording of correspondence, private or confidential statements by one or several individuals in private or public places, and images of one or several individuals in a public space, in the course of a rapid-response investigation or preliminary investigation into the following offences:

- drug trafficking offences;
- transnational organised crime;
- subverting automated data processing systems;
- money laundering;
- terrorism;
- infringements of the law on foreign exchange;
- Corruption; as well as
- smuggling by virtue of Art 33 of Ordinance 05-06 of 23 August 2005 related to the fight against smuggling.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

In the absence of a conventional bilateral framework, it is standard practice to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 Against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.

- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor.

The authorisations laid down in article 65 bis 05 of the Code of Criminal Procedure must contain all the information allowing the identification of the connections to be intercepted, the places of residence or other that are targeted and the offence justifying the application of these measures and their duration.

For the implementation of the technical measure, the authorisation allows the introduction of goods into any place of residence or other, including outside of the hours laid down in article 47 of the Code of Criminal Procedure or without the consent of persons who may have a right of ownership in respect of said goods.

These operations are conducted without prejudice to professional secrecy as provided for in article 45 of the Code of Criminal Procedure.

EUROMED JUSTICE

EuroMed Fiches

Authorisations are given in writing for a maximum duration of four months, which may be renewed depending on the needs of the investigation or the requirements in terms of form and duration (Article 65 bis 07 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Interception and recording of other forms of communication (103)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000

EUROMED JUSTICE

EuroMed Fiches

on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.

- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It assesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor.

The authorisations laid down in article 65 bis 05 of the Code of Criminal Procedure must contain all the information allowing the identification of the connections to be intercepted, the places of residence or other that are targeted, and the offence justifying the application of these measures as well as their duration.

For the implementation of the technical measure, the authorisation allows the introduction of goods into any place of residence or other, including outside of the hours laid down in article 47 of the Code of Criminal Procedure or without the consent of persons who may have a right of ownership in respect of said goods.

These operations are conducted without prejudice to professional secrecy as provided for in article 45 of the Code of Criminal Procedure.

Authorisations are given in writing for a maximum duration of four months, which may be renewed depending on the needs of the investigation or the requirements in terms of form and duration (Article 65 bis 07 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

When failing, an alternative measure with the same purpose can also be found in:

- Searching information systems for preliminary and judicial investigations (Article 5 of Law 09-04 of 05 August 2009 containing specific rules on the prevention and the fight against offences linked to Information and Communication Technologies).
- Electronic surveillance is also provided for in the law on the prevention and fight against corruption, in order to facilitate the gathering of evidence in corruption cases. (Article 56 Act 06-01 of 20/02/2006).

Interception of mail (104)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 Against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.

- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor.

The authorisations laid down in article 65 bis 05 of the Code of Criminal Procedure must contain all the information allowing identification of the connections to be intercepted, the places of residence or other that are targeted, and the offence justifying the application of these measures and their duration.

For the implementation of the technical measure, the authorisation allows the introduction of goods into any place of residence or other, including outside of the hours laid down in article 47 of the Code of Criminal Procedure or without the consent of persons who may have a right of ownership in respect of said goods.

These operations are conducted without prejudice to professional secrecy as provided for in article 45 of the Code of Criminal Procedure.

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Authorisations are given in writing for a maximum duration of four months, which may be renewed depending on the needs of the investigation or the requirements in terms of form and duration (Article 65 bis 07 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Observation (105)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible in cases relating to:

- drug trafficking;
- organised cross-border crime;
- attacks at the automated data system;
- money laundering;
- terrorism; and
- offences connected with exchange legislation.

Article 16 bis of the Code of Criminal Procedure is applicable.

Article 40 of Ordinance 05-06 of 23 August 2005 related to the fight against smuggling.

Algerian law does not set a monitoring period in opposition to other investigative techniques such as the interception of telecommunications or the fixation of images.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 Against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor.

EUROMED JUSTICE

EuroMed Fiches

The authorisations laid down in article 65 bis 05 of the Criminal Code of Procedure must contain all the information allowing the identification of the connections to be intercepted, the places of residence or other that are targeted, and the offence justifying the application of these measures as well as their duration.

For the implementation of the technical measure, the authorisation allows the introduction of goods into any place of residence or other; inter alia outside of the hours laid down in article 47 of the Criminal Code of Procedure or without the consent of persons who may have a right of ownership in respect of said goods.

These operations are conducted without prejudice to professional secrecy as provided for in article 45 Criminal Code of Procedure.

Authorisations are given in writing for a maximum duration of four months, which may be renewed depending on the needs of the investigation or the requirements in terms of form and duration (Article 65 bis 07 of the Criminal Code of Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

When failing, there is no alternative measure with the same purpose that can be found elsewhere in the law.

Interception of telecommunication without the technical assistance of another State (106)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 65 bis 05 of the Code of Criminal Procedure allows the interception, representation, transmission and recording of correspondence, private or confidential statements by one or several individuals in private or public places, and images of one or several individuals in a public space, in the course of a rapid-response investigation or preliminary investigation into the following offences:

- drug trafficking offences;
- transnational organised crime;
- subverting automated data processing systems;
- money laundering;
- terrorism;
- infringements of the law on foreign exchange;
- corruption; as well as
- smuggling by virtue of Art 33 of Ordinance 05-06 of 23 August 2005 related to the fight against smuggling.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a

EUROMED JUSTICE

EuroMed Fiches

request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor.

The authorisations laid down in article 65 bis 05 of the Code of Criminal Procedure must contain all the information allowing the identification of the connections to be intercepted, the places of residence or other that are targeted, and the offence justifying the application of these measures as well as their duration.

For the implementation of the technical measure, the authorisation allows the introduction of goods into any place of residence or other, including outside of the hours laid down in article 47 of the Code of Criminal Procedure or without the consent of persons who may have a right of ownership in respect of said goods.

These operations are conducted without prejudice to professional secrecy as provided for in article 45 of the Code of Criminal Procedure.

Authorisations are given in writing for a maximum duration of four months, which may be renewed depending on the needs of the investigation or the requirements in terms of form and duration (Article 65 bis 07 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the incrimination of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

When failing, there is no alternative measure with the same purpose that can be found elsewhere in the law.

2. AGENTS AND INFORMERS – INFILTRATION

Infiltration by undercover agents of the requested State (201)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this is possible.

Article 65 bis 11 of the Code of Criminal Procedure authorises infiltration when needed in the course of the investigation or preliminary investigation into one of the offences listed in article 65 bis 05 of the Code of Criminal Procedure mentioned below. Offences are the following:

- Drug-trafficking;
- Transnational organised crime;
- Subverting automated data processing systems;
- Money laundering;
- Terrorism;
- Offence against the foreign exchange legislation;
- Corruption;
- Smuggling (Art 33 of Ordinance 05-06 related to the fight against smuggling).

For a judicial police officer or a judicial police constable acting under the responsibility of an officer of the judicial police tasked with coordinating the operation, infiltration consists of the surveillance of persons suspected of committing a crime or misdemeanour by presenting themselves to such persons as their fellow perpetrators, accomplices or receivers of stolen goods (Article 65 bis 12 of the Code of Criminal Procedure).

On that basis, (s)he is authorised to undertake the following operations:

- Obtaining, keeping, transporting, delivering or releasing substances, goods, products, documents or information deriving from the commission of such offences.
- Using or making available to persons who commit such offences resources of a legal or financial nature as well as means of transport, storage, accommodation, preservation and telecommunications (article 65 bis 14 of the Code of Criminal Procedure).
- This measure is also possible under the Law 06-01 on the prevention and the fight against corruption.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 Against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor.

This measure may be enforced upon authorisation by a public prosecutor or examining magistrate, as the case may be. An authorisation issued under article 65 bis 11 of the Code of Criminal Procedure must be in writing and state the reasons. If not it is invalid. It will mention the offence that justifies the use of this procedure and the identity of the judicial police officer tasked with coordinating the operation.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

When failing, there is no alternative measure with the same purpose that can be found elsewhere in the law.

Infiltration by agents of the requesting State in the territory of the requested State (202)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

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Infiltration is a measure that can only be conducted by Algerian State agents. The agent must be a judicial police officer and only in very special situations (Art. 65 bis 11 to 65 bis 18 of the Code of Criminal Procedure). Very special situations means that the use of this technique can only be used for offenses related to:

- organized crime;
- corruption;
- money laundering;
- foreign exchange offenses;
- drugs trafficking;
- terrorism;
- cybercrime; and
- smuggling.

This measure is all the more special since it can only be decided by the competent public prosecutor or an investigating judge with reasons for their decisions.

The Code of Criminal Procedure does not allow foreign police agents to conduct an infiltration operation on Algerian territory. However, it is possible to allow the presence of foreign magistrates or police officers on Algerian territory under the scope of the execution of a legal request. Nonetheless, the actual infiltration must always be carried out by Algerian State agents.

2. International legal framework applicable for this measure in your State

See the comment provided under 202.1.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

See the comment provided under 202.1.

b. Execute/recognize the measure (if other than the receiving authority)

See the comment provided under 202.1.

4. Accepted languages for the request/decision

See the comment provided under 202.1.

5. Deadlines for the execution of the request/decision (where applicable)

See the comment provided under 202.1.

6. Concise legal practical information

a. Special requirements

See the comment provided under 202.I.

b. Other useful information

See the comment provided under 202.I.

Infiltration by an informer of the requested State (203)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

According to Algerian law it is not allowed for infiltration measures to be carried out by informants. According to the Code of Criminal Procedure, infiltration operations can only be carried out by a judicial police officer or a constable appointed by a judicial police officer tasked with coordinating the operation (article 65 bis 12 of the Code of Criminal Procedure).

It is a measure that can only be carried out after a written authorisation of the competent magistrate, either a public prosecutor or an investigating judge (art. 65 bis 11 and 65 bis 15 of the Code of Criminal Procedure).

2. International legal framework applicable for this measure in your State

See the comment provided under 203.I.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

See the comment provided under 203.I.

b. Execute/recognize the measure (if other than the receiving authority)

See the comment provided under 203.I.

4. Accepted languages for the request/decision

See the comment provided under 203.I.

5. Deadlines for the execution of the request/decision (where applicable)

See the comment provided under 203.I.

6. Concise legal practical information

a. Special requirements

See the comment provided under 203.I.

b. Other useful information

See the comment provided under 203.I.

Handling of informers (204)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible. Algerian law does not yet have a legal framework for handling informants.

In the absence of an Algerian law regulating informants, it is possible to receive legal requests in order to be able to respond to them on issues concerning informants (interviewing informants, undertaking investigations concerning them, undertaking protective measures in respect of them, or any other measures which do not contradict national laws).

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

EUROMED JUSTICE

EuroMed Fiches

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

3. EXAMINATION, BODY SEARCH AND EXPERT EVALUATION

Superficial body search (301)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

It is not covered yet by any legal or regulatory text. It is, however, not excluded that a strip search may be required or executed under the scope of a legal request.

Measure taken by: law enforcement agents, in the case of a presumption, judicial police officers or constables, in particular concerning suspects caught in flagrante delicto or as a preventative measure for persons in police custody, and in the case of the fight against fraud and narcotics (Article 42 of Customs Code).

When failing, other detection methods and equipment are more often used, like the use of metal detectors when trying to achieve the same result.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognise the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time.

Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

The assessment is made on a case-by-case basis and in compliance with the public policy of the requested State.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible on a case-by-case basis.

Invasive body search (302)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible. It is not yet covered by any legal or regulatory text.

It is, however, possible in case of medical examination or expertise, in the context of a judicial investigation when trying to find the truth or to search for evidence. As this measure affects the privacy of people and their physical integrity, as well as their intimacy, it may be ordered only by a judge. It is possible to execute a sufficiently motivated legal request involving a strip search.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves

EUROMED JUSTICE

EuroMed Fiches

several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time.

Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor, competent examining magistrate or by the President of the Court is the competent authority to authorize the measure. This is done by an order.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible (Article 143 Criminal Code of Procedure).

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Psychiatric medical examination (303)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this is possible but only under a legal framework where there are no alternative measures enabling the legal request to be otherwise executed.

The Criminal Code says that: The individual who was suffering from insanity when the offence was committed is not punishable by law (Article 47-21 Criminal Code).

The aim of the measure is to ensure that the accused was in possession of their senses when (s)he committed the offence.

The investigating judge can order it when necessary.

This measure is possible in the context of a request for mutual legal assistance for any infringement. There are no restrictive lists of offenses that may be subject to this measure.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

Any examining and adjudicating jurisdiction (Article 143 of the Code of Criminal Procedure) is the competent authority to authorize the measure. This can be a local public prosecutor or competent examining magistrate.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Control of identity, measures for judicial identification (304)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. This is possible in the context of a request for mutual assistance for any infringement. There are no restrictive lists of offenses that can be the subject of this measure. It must not be contrary to Algerian public policy.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.

EUROMED JUSTICE

EuroMed Fiches

- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor. This measure can be executed by the judicial police officer in the course of a judicial enquiry (Art 50 of the Code of Criminal Procedure) and by the public prosecutor, examining magistrate or the President of the Court (Articles 59, 100 and 343 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Technical or scientific examinations or expert evaluations (305)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible as part of legal, but also police or customs cooperation.

When failing, there is no alternative measure with the same purpose.

2. International legal framework applicable for this measure in your State

For legal cooperation:

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

For police cooperation: Through the Interpol mechanisms.

For customs cooperation: Through the World Customs Organization (WCO).

EUROMED JUSTICE

EuroMed Fiches

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The measure may be authorized by the public prosecutor, the investigating or adjudicating jurisdiction.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

4. DOCUMENTS - OBTAINING

Spontaneous exchange of information (401)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible but it is very rarely used by magistrates, as the spontaneous exchange of information tends to be used by police and information agencies, as can be seen in the financial information units and customs organisations.

The measure exists through different channels: Interpol for the exchange of information (police cooperation), exchange of electronic mail between operational magistrates, exchange of information through the liaison magistrate (Algeria-France), Financial Intelligence Unit (article 25 of the Law on the prevention and fight against money-laundering and the financing of terrorism), and in the context of the fight against corruption (articles 60 and 69 of the law on the prevention and fight against corruption) and in matters related to criminal records (article 643 of the Code of Criminal Procedure).

2. International legal framework applicable for this measure in your State

1. For legal cooperation:

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 Against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.

- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

2. As regards the spontaneous exchange of information in police matters, this mechanism comes under the scope of the security conventions and Interpol mechanisms.

3. As regards the spontaneous exchange of financial information through financial information units, according to FATF (Financial Action Task Force) standards.

4. As regards the spontaneous exchange of customs information, in accordance with the World Customs Organization (WCO).

EUROMED JUSTICE

EuroMed Fiches

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Order to produce documents (402)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

It is possible, under the scope of a legal request, to proceed with the execution of a request to produce documents in certain procedures regarding a search (article 84 of the Code of Criminal Procedure) or forgery/counterfeiting (articles 532, 533 and 534 ff of the Code of Criminal Procedure). It is also possible to proceed similarly in cases that are connected with corruption (article 21 of Law 06-01 on the Prevention and the Fight against Corruption).

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 Against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It assesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves

several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

Any competent judicial authority but at least a local public prosecutor or competent examining magistrate can authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Other possibilities of obtaining information concerning taxes or bank accounts (403)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The possibility of obtaining fiscal information or information relating to bank accounts is provided for in articles 21, 25 et seq. of the law on the prevention and fight against money-laundering and the financing of terrorism and also article 60 of the law on the prevention of corruption.

EUROMED JUSTICE

EuroMed Fiches

The measure is also possible within the framework of conventions or in accordance with the principle of reciprocity.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure. Operations authorised in this manner are undertaken under the direct supervision of the competent public prosecutor.

Under article 25 of the Law on the Prevention and the Fight against Money Laundering and the Financing of Terrorism and article 60 of the Law on the Prevention of Corruption, the competent judicial authority and institutions can authorize the measure.

The competent judicial authority can be:

- The public prosecutor;
- The investigating judge;
- The Judge of the Court;
- The other competent non-judicial institutions in this context are:
 - The CTRF (Financial Intelligence Unit) for banking cases and the financing of terrorism;
 - The ONPLC (the national body for the prevention and fight against corruption) and
 - The OCRC (the Central Office for the Suppression of Corruption).

The latter two bodies are empowered to exchange information on the prevention and fight against corruption.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Access to public documents in judicial files (404)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. In the context of a legal request, public judicial documents or certified copies, judicial archives, judicial documents, etc. can be provided.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognise the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time.

Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

EUROMED JUSTICE

EuroMed Fiches

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Communication of individual police records (405)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The law gives the possibility to exchange individual police records (articles 643, 644 and 645 of the Code of Criminal Procedure).

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

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3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The competent judicial authority, like a local public prosecutor or competent examining magistrate is the competent authority to authorize the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

See also articles 643, 644 and 645 of the Criminal Code of Procedure subject to compliance with the conventional framework or in accordance with the principle of reciprocity as the case may be.

b. Other useful information

So far there has been no such example in this kind of matter where the assistance or participation of agents of the requesting State in the execution of the measure has been requested nor been accepted.

Sending and service of procedural documents (406)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. It is possible or provided for in the law (articles 723 and 725 of the Code of Criminal Procedure), subject to compliance with the conventional framework or in accordance with the principle of reciprocity as the case may be.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions,

the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Transfer of proceedings (407)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

If the question concerns the official denunciation, this mechanism is covered by article 583 of the Code of Criminal Procedure that provides: any act defined as an offence, by Algerian law or by the legislation of the country where it was committed, may be prosecuted and tried in Algeria, when the perpetrator is an Algerian citizen.

The prosecution or judgment can occur under the conditions provided for in article 582, paragraph 2 of the Code of Criminal Procedure.

The transfer of proceedings is possible, be it for an Algerian national or for a foreigner who committed a crime abroad (articles 582 and 583 of the Code of Criminal Procedure; both articles concern Algerian nationals who commit a crime abroad. As for foreigners, article 588 of the Code of Criminal Procedure is applicable). It is also possible for Algeria to report to a foreign authority the acts committed by a foreigner in Algeria. This, of course, under the rules of reciprocity, as well as the conventions and traditions of criminal cooperation.

Furthermore, when the offence is committed against a private individual, the proceedings can take place only upon request by the public prosecutor based on the complaint filed by the injured party or on a denunciation by the authorities of the country where the offence was committed.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the event of the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 Against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It assesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing the transfer of proceedings. The Ministry of Justice directs them to the competent Prosecutor General. Once the transfer has been executed and a final decision was taken by the competent jurisdictions, the decision is returned to the Ministry of Justice, which, after verifying it all, will send an answer to the requesting State.

The competent judicial authority, like a local public prosecutor or competent examining magistrate, is the competent authority to execute the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the transfer of proceedings is required. The transfer of proceedings should always be accompanied by the complete and original version of the file/dossier drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Transfers of proceedings are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost to execute them as quickly as possible.

6. Concise legal practical information

a. Special requirements

Any transfer of proceedings should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, confidentiality, by the complete and original version of the file/dossier drawn up in the official language of the requesting country and all other information relevant to the executing authority to perform the execution of the transfer of proceedings as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

5. ASSETS - QUESTRATION, CONFISCATION AND RESTITUTION

Sequestration of assets (501)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Law 06-01 defines seizure as follows: temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority (Art 02 paragraph H).

This is a precautionary measure taken by an officer of the judicial police or the examining magistrate, as the case may be, for the needs of an investigation or a judicial inquiry in order to ascertain the truth (assets, documents, etc.) (Art 44-45-84-40 bis 5 CCP).

EUROMED JUSTICE

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Illicit proceeds and property (movable or immovable) deriving from one or more offences laid down by the law 06-01 may be seized or frozen by a decision of the judge or by order of the competent body (Art 51).

This measure is also provided for in Law 05-01 (Art.30): judicial cooperation can concern investigation requests, international letters rogatory, extradition of individuals wanted under the law, as well as detection and seizure of proceeds of money laundering and those intended for the financing of terrorism for purposes of confiscation.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

Any competent judicial authority, like a local public prosecutor or competent examining magistrate, is the competent authority to authorize the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email addresses), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible on a case-by-case basis.

Freezing of bank accounts (502)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. It is possible by sending a legal request.

Law 06-01 defines freezing as follows: temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority (Art 02 paragraph H).

Illicit proceeds and property (movable or immovable) deriving from one or more offences may be seized or frozen by a decision of the judge or by order of the competent body (Art 51 of Law 06-01).

In the context of the fight against money laundering, the specialised body (Financial Intelligence Unit) may, as a precautionary measure, oppose, for a maximum duration of 72 hours, the execution of all banking operations for a natural or legal person in respect of whom/which there are strong presumptions of money laundering or financing of terrorism. This measure may only be maintained beyond 72 hours by a judicial decision of the president of the Court of Algiers after consultation with the public prosecutor (Art 17, 18

EUROMED JUSTICE

EuroMed Fiches

of Law 05/01 of 06/02/2005 on the prevention of and the fight against money laundering or financing of terrorism).

Assets can (also) be frozen as part of the prevention of and fight against the financing of terrorism, through an administrative decision decreed by the Minister of Finance in application of Security Council Resolution 1267, in compliance with Article 18 bis I of Law 15-06 of 15/02/2015, amending and completing Law 05-01 of 06/02/2005 on the prevention and fight against money laundering and the financing of terrorism.

Just like it is possible that the public prosecutor at the Court of Algiers receives the request made by States under the scope of international cooperation for the freezing or seizure of assets and their products linked with the offences envisaged by the law on the fight against money laundering and the financing of terrorism. These requests are submitted accompanied by the requisitions to the President of the Court of Algiers, who orders the freezing or seizure of assets and objects concerned by the request if there is sufficient evidence in accordance with article 18 bis of the Law on the prevention and fight against money laundering and the financing of terrorism and article 64 of the Law on the prevention and fight against corruption.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to

EUROMED JUSTICE

EuroMed Fiches

these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

Any competent judicial authority, like a local public prosecutor or competent examining magistrate or other competent bodies (see Article 51 of Law 06/01, Art 17 and 18 of Law 05/01 and Art 40 bis 5 of the Code of Criminal Procedure), can be the competent authority to authorize the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible on a case-by-case basis.

Restitution (503)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. See also article 720 of the Code of Criminal Procedure.

Any person who claims entitlement to an object placed in the hands of the justice system may request restitution by an application to either the examining magistrate or the competent court (articles 86 – 163 paragraph 3 – 316 paragraphs 4, 5 and 6 - 372 of the Code of Criminal Procedure).

When no court has been seized or when, after a non-suit decision, the examining magistrate did not rule on the return of seized items, the public prosecutor may decide ex officio or upon request to return these items if their ownership is not seriously challenged (article 36bis of the Code of Criminal Procedure).

It should be noted that as regards corruption, Algerian jurisdictions are competent to examine civil matters brought by States party to the United Nations Convention against Corruption with a view to recognising the existence of a right of ownership over assets acquired as a result of corruption. Algerian legislation also envisages this measure through international cooperation.

Foreign legal decisions ordering the confiscation of assets acquired by means of one of the offences connected with corruption or means used to commit it, are enforceable on the national territory in accordance with the rules and procedures established.

When failing there is no other alternative measure with the same purpose.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request

EUROMED JUSTICE

EuroMed Fiches

to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

Any competent judicial authority, like a local public prosecutor or competent examining magistrate, is the competent authority to authorize the measure (see also articles 720, 86 and 36bis of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Interim measures in view of confiscation (504)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. See also article 720 of the Code of Criminal Procedure.

Any person who claims entitlement to an object placed in the hands of the justice system may request restitution by an application to either the examining magistrate or the competent court (articles 86 – 163 paragraph 3 – 316 paragraphs 4, 5 and 6 - 372 of the Code of Criminal Procedure).

When no court has been seized or when, after a non-suit decision, the examining magistrate did not rule on the return of seized items, the public prosecutor may decide *ex officio* or upon request to return these items if their ownership is not seriously challenged (article 36bis of the Code of Criminal Procedure).

It should be noted that as regards corruption, Algerian courts are competent to examine civil matters brought by States parties to the United Nations Convention against Corruption with a view to recognising the existence of a right of ownership over assets acquired as a result of corruption. Algerian legislation also envisages this measure through international cooperation.

Foreign legal decisions ordering the confiscation of assets acquired by means of one of the offences connected with corruption or means used to commit it, are enforceable on the national territory in accordance with the rules and procedures established.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

EUROMED JUSTICE

EuroMed Fiches

Any competent judicial authority, like a local public prosecutor or competent examining magistrate is the competent authority to authorize the measure (See articles 720, 86 and 36bis of the Criminal Code of Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible on a case-by-case basis.

Confiscation (505)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Algerian Criminal Code defines confiscation as the definitive transfer to the State of one or several specific assets, in the absence of an amount equivalent to their value – article 15.

Law 06-01 defines confiscation as a permanent deprivation of property by order of a judicial body – article 02 paragraph I.

EUROMED JUSTICE

EuroMed Fiches

In the criminal code, confiscation is foreseen as an additional penalty: mandatory in case of conviction for a crime, and where the law expressly provides this in the case of misdemeanours or minor offences (article 15 bis 1).

It is also provided as a security measure, regardless of the legal decision, for objects whose manufacturing, use, carrying, detention or sale constitutes an offence, as well as for objects qualified by the law or regulations as dangerous or harmful (article 16 of the Criminal Code).

In the context of the fight against corruption, the confiscation of illicit income and assets is mandatory in case of conviction for one of the offences covered in law 06-01.

Where a money laundering offence has been committed or any other offence within the jurisdiction of an Algerian court, the confiscation of assets of foreign origin acquired by means of one of the offences covered in law 06-01 or used to commit these offences can be ordered and pronounced, even in the absence of a criminal conviction because of a termination of public prosecution or for any other cause (article 63 paragraph 2 and 3 of the Criminal Code).

In the context of the fight against narcotics, the competent court orders the confiscation of installations, equipment and other movable or immovable property used or intended to be used for the commission of the offence, regardless of who their owner is, unless the owner establishes their good faith (article 33 of Law 04-18).

Articles 32 and 34 of the same law also provide for the confiscation of plants and substances seized, and the money used in committing the offences covered in law 04-18.

When no court has been seized or when, after a non-suit decision, the examining magistrate did not rule on the return of seized items, the public prosecutor may decide ex officio or upon request to return these items if their ownership is not seriously challenged (article 36bis of the Code of Criminal Procedure).

It should be noted that as regards corruption, Algerian courts are competent to examine civil matters brought by States parties to the United Nations Convention against Corruption with a view to recognising the existence of a right of ownership over assets acquired as a result of corruption. Algerian legislation also envisages this measure through international cooperation.

Foreign legal decisions ordering the confiscation of assets acquired by means of one of the offences connected with corruption or means used to commit it, are enforceable on the national territory in accordance with the rules and procedures established.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000

EUROMED JUSTICE

EuroMed Fiches

on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.

- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It assesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

Any competent judicial authority, like a local public prosecutor or competent examining magistrate, is the competent authority to authorize the measure (see articles 720, 86 and 36bis of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

See the above mentioned articles and also the articles 66 et seq. of Law 06-01 and 720, 721, 86 and 36bis of the Code of Criminal Procedure.

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible on a case-by-case basis.

6. PLACES – VISIT AND SEARCH

Visit to and search of homes (601)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

Most of the conventions ratified by Algeria include clear provisions concerning this measure and where there is no convention, requests for mutual judicial assistance are dealt with in compliance with Algerian law and the principle of reciprocity (Art 721 of the Code of Criminal Procedure).

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The competent body for authorising this measure will depend on the procedural stage of the case:

- The public prosecutor at the stage of the preliminary investigation (articles 44, 64 and 79 of the Code of Criminal Procedure);
- The Examining Judge at the stage of the judicial investigation (articles 44, 64 and 79 of the Code of Criminal Procedure);
- One of the members of the indictment chamber in the case of an additional enquiry (article 190 of the Code of Criminal Procedure);
- The judge ordering an additional inquiry (article 356 of the Code of Criminal Procedure);
- The competent judicial body in the context of a request for mutual judicial assistance.

In addition to this, the following:

The State guarantees the inviolability of the home. See article 40 of the Constitution. A search is provided for in articles 43, 44, 45, 47 and 64 of the Code of Criminal Procedure. The legislator requires a written authorisation from the competent judicial body.

Judicial police officers (in the case of a rapid-response investigation or one of the offences referred to in articles 37 and 40 of the Code of Criminal Procedure) may only enter the homes of persons who appear to have participated in a crime, retain documents or objects relating to the actions with which such persons are charged and search the premises subject to an authorisation in writing from the public prosecutor or examining magistrate with an obligation to produce this document before entering the home and proceeding to search it (article 44 of the Code of Criminal Procedure).

Searches, home visits and seizures cannot be commenced before 5 a.m. and after 8 p.m., unless they are requested by the owner of the house, calls from inside the house or subject to the exceptions laid down by the law (article 47 of the Code of Criminal Procedure).

EUROMED JUSTICE

EuroMed Fiches

During the preliminary investigation, searches, home visits and the seizure of documents as evidence may not be undertaken without the express consent of the person in whose home the operation takes place. This consent must take the form of a declaration in the hand-writing of the interested party or, if that person cannot write, (s)he may be assisted by a third party of their choice; this will be mentioned in the report, and so will the fact of their consent (articles 44 to 47 and 64 of the Code of Criminal Procedure also apply).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required.

The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible if the convention provides for it in the framework of letters rogatory and the principle of reciprocity.

Visit and search on the site of an offence (602)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. It is foreseen in bilateral and multilateral conventions or by virtue of the principle of reciprocity (article 720 of the Code of Criminal Procedure).

The visit and search on the site of an offence allows to directly observe the different circumstances likely to provide information on the commission of the offence or the identity of the perpetrator, especially in flagrante delicto cases (articles 79 to 86 of the Code of Criminal Procedure).

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When failing, there is no other alternative measure with the same purpose.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The judicial police is tasked with confirming offences, assembling evidence and looking for the perpetrators (by all methods, including visits), either ex officio or upon instruction from the public prosecutor, until a judicial investigation is opened (articles 12, 36, 42, 56 and 63 of the Code of Criminal Procedure).

Once a judicial investigation has been opened, the judicial police will follow instructions from the investigating courts (article 13 of the Code of Criminal Procedure).

The public prosecutor and examining magistrate may decide to attend the visit and search (at their discretion) (articles 79, 80, 57 and 60 of the Code of Criminal Procedure).

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The examining magistrate and public prosecutor may go to the premises to make any useful observations there (articles 56, 60 and 79 of the Code of Criminal Procedure).

Article 79 of the Criminal Code of Procedure provides that the examining magistrate may attend the visit and search, subject to the following conditions:

- He or she must advise the public prosecutor;
- He or she must always be assisted by a court clerk;
- He or she must draw up a report on their operation;
- He or she must give advance notice to the public prosecutor at the court into whose jurisdiction the examining magistrate is travelling and mention the reasons for their visit in the report (if (s) he travels to places that come under the jurisdiction of adjacent Courts) (article 80 of the Code of Criminal Procedure).

The last condition also applies where a public prosecutor travels into the jurisdiction of adjacent courts (article 57 of the Code of Criminal Procedure).

The court, either ex officio or on request of the Prosecution, a plaintiff or the accused, may order any useful visits with a view to ascertaining the truth (article 235 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible when the convention provides for it in the framework of letters rogatory and the principle of reciprocity.

7. WITNESSES, VICTIMS, SUSPECTS - SUMMONING AND HEARING

Summoning witnesses (701)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

Most of the conventions ratified by Algeria include clear provisions concerning this measure and where there is no convention, requests for mutual judicial assistance are dealt with in compliance with Algerian law, subject to the principle of reciprocity (article 721 of the Code of Criminal Procedure).

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions,

EUROMED JUSTICE

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the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The following competent authorities can authorize the measure:

- The judicial police officer or law enforcement agent (articles 65-I and 338 of the Code of Criminal Procedure);
- The public prosecutor (article 440 of the Code of Criminal Procedure);
- The examining magistrate (article 88 of the Code of Criminal Procedure);
- The Judge (article 223 of the Code of Criminal Procedure).

In addition to this, the following:

The summons served on a witness obliges them to appear and give evidence before the Investigating Court or the adjudicating Court or before the judicial police in the context of a preliminary investigation. (Articles 65-I, 88 and 220 of the Code of Criminal Procedure).

Subject to provisions to the contrary in the laws and regulations, the provisions in the Code of Civil Procedure regarding summonses and notification will apply (article 439 of the Code of Criminal Procedure).

A summons will be issued at the request of the prosecution and any administration qualified to make such a request. The agent serving the summons must carry out the visit without delay. The summons states the charge and refers to the text of the law that sanctions it.

It indicates the court at which the proceedings will be held, the place, time and date of the hearing and whether the addressee has been summonsed as a defendant, party incurring civil liability or a witness.

The summons served on a witness must also mention that, a failure to appear, refusal to testify, or giving false evidence, will be sanctioned by the law (article 440 of the Criminal Code of Procedure).

The judicial police officer may, with the public prosecutor's prior consent, use force to oblige persons who have failed to respond to two summonses to appear in court (article 65-I of the Code of Criminal Procedure).

An examining magistrate may, through a law enforcement agent, summons to appear before them any person whose testimony (s)he deems useful. A copy of the summons is served to the person summonsed by an ordinary letter by the administrative channel or, alternatively, (s)he may appear voluntarily (article 88 of the Code of Criminal Procedure).

Witnesses, in case of flagrante delicto, may be called before the court verbally by any judicial police officer or law enforcement agent. They are bound to appear subject to sanctions, as laid down in the law (article 338 2 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible when provided for in the convention or in accordance with the principle of reciprocity.

Hearing witnesses: standard procedure (702)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

When failing, there is no other alternative measure with the same purpose.

2. International legal framework applicable for this measure in your State

Most of the conventions ratified by Algeria include clear provisions concerning this measure and where there is no convention, requests for mutual judicial assistance are dealt with in compliance with Algerian law and subject to the principle of reciprocity (article 721 of the Code of Criminal Procedure).

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- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It assesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor (article 440 of the Code of Criminal Procedure), the examining magistrate (article 88 of the Criminal Code of Procedure), the adjudicating Court (article 223 of the Code of Criminal Procedure) and judicial police officers (articles 90, 224 ET 225 and 301 of the Code of Criminal Procedure) are the competent authorities to authorize the measure.

Witnesses are heard by officers of the judicial police in the course of a preliminary investigation and by the examining magistrate, public prosecutor, and adjudicating Court.

Witnesses are heard separately and without the presence of the accused, by the examining magistrate, assisted by their court clerk. Their statement is reported (article 90 of the Code of Criminal Procedure).

Witnesses who have been heard regarding the facts are invited to state their family name, first name, age, profession, residence, to say whether they are related to or allied with the parties and whether they lack legal capacity. Each witness will take an oath (article 93 of the Code of Criminal Procedure).

The provisions in articles 220 and 94 to 97 of the Code of Criminal Procedure are applicable.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible when the convention provides for it in the framework of letters rogatory and the principle of reciprocity.

Hearing witnesses: by video conference (703)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible under a conventional framework and subject to the principle of reciprocity.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

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In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.

- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The competent judicial authority for implementing a request for mutual judicial assistance is the competent authority to authorize the measure. This can be the local public prosecutor or competent examining magistrate.

In addition to this, the following:

Algerian legislation envisages this method for reasons of absence or in the interests of the correct administration of justice; the hearing or interview of parties may be carried out by video conference (witnesses, victims, civil parties, experts) (Art. 14, 15, 16 of Law no. 15-03 of 1 February 2015 on the modernisation of the justice system).

- The hearing or interview by video conference takes place in the nearest court to the place of residence of the person whose declarations are required in the presence of the public prosecutor with local jurisdiction and a clerk.
- The public prosecutor verifies the identity of the person to be heard and draws up the minutes.

EUROMED JUSTICE

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- If it is an inmate, the video conference takes place in the penitentiary where the person is held.
- The hearing is recorded on a storage device attached to the procedure file and transcribed onto minutes signed by the judge and clerk.

When failing the following alternative measure with the same purpose is an option: If a witness is unable to appear, the examining magistrate will travel to hear them, or issue letters rogatory for this purpose (article 99 of the Code of Criminal Procedure). Certain conventions provide for the possibility of transferring persons to the territory of the requesting State for them to be heard.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

There is no precedent in this context when it comes to assistance or participation of agents of the requesting State in the execution of the measure.

Hearing witnesses: by telephone (704)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible under Algerian law.

It is not, however, excluded that such legal requests may be granted or accepted after studying the case in detail, provided that the other mechanisms envisaged (video-conference) are not appropriate.

When failing, the following alternative measure with the same purpose is an option: If a witness is unable to appear, the examining magistrate will travel to hear them, or issue letters rogatory for this purpose (article 99 of the Code of Criminal Procedure). Certain conventions provide for the possibility of transferring persons to the territory of the requesting State for them to be heard.

There is, so far, no precedent in this context.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The competent judicial authority for implementing a request for mutual judicial assistance is the competent authority to authorize the measure. This could be the local public prosecutor or competent examining magistrate. There has been, however, so far no precedent in this context.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner, and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

There is no precedent in this context when it comes to the assistance or participation of agents of the requesting State in the execution of the measure.

Hearing children (705)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, it is possible under a conventional framework and subject to the principle of reciprocity.

It is possible at the stages of preliminary investigation, judicial investigation, and judgement, provided that they are in the presence of their parents, custodian or known guardian.

It should be pointed out that Algerian law deems a person a child if they were under 18 years of age at the time at which the acts in question occurred.

The law protects children who are victims of crimes and misdemeanours in articles 67 and 82 of Law No. 15-12 of 15/07/2015 in on child protection.

The new provisions of Law No. 15-12 of 15-07-2015 on child protection define the corresponding rules and mechanisms.

When failing, there is no alternative measure with the same purpose.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The public prosecutor, the examining magistrate, the adjudicating Court, the judicial police officer, and the Juvenile Court Judge (article 454 of the Code of Criminal Procedure) are the competent authorities to authorize the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible when the convention provides for it or in accordance with the principle of reciprocity.

Hearing persons collaborating with the inquiry (706)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. No special rules or special treatments apply.

Witnesses are heard by officers of the judicial police in the course of a preliminary investigation and by the examining magistrate, public prosecutor and adjudicating Court.

Witnesses are heard separately and without the presence of the accused, by the examining magistrate, assisted by their court clerk. Their statement is reported (article 90 of the Code of Criminal Procedure).

Witnesses who have been heard regarding the facts are invited to state their family name, first name, age, profession, residence, to say whether they are related to or allied with the parties and whether they lack legal capacity. Each witness will take an oath (article 93 of the Code of Criminal Procedure).

EUROMED JUSTICE

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The provisions in articles 220 and 94 to 97 of the Code of Criminal Procedure apply.

When failing, there is no other alternative measure with the same purpose.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It assesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time.

Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate, the adjudicating court and the judicial police officer are competent authorities to authorize the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner, and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Hearing victims/plaintiffs (707)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible if provided for in bilateral conventions and under the principle of reciprocity.

Any person who considers himself/herself victim of a crime, an offence or a contravention can file civil proceedings before the examining magistrate (article 72 of the Code of Criminal Procedure), prior to the hearing by a written declaration/statement to the Registrar (article 240 of the Code of Criminal Procedure) or during the hearing (article 239 of the Code of Criminal Procedure).

The practical hearing modalities of the complainants before the examining magistrate are provided for in articles 103 to and 108 of the Code of Criminal Procedure. The hearing modalities during the hearing are provided for in art. 355 of the Code of Criminal Procedure.

When failing, there is no other alternative measure with the same purpose.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time.

Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate, the adjudicating Court, and the judicial police officer are competent authorities to authorize the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

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5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner, and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Hearing experts (708)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. This is also going to be possible by video conference in accordance with the law on the modernisation of the justice system.

Yes, it is also possible under a conventional framework and subject to the principle of reciprocity. No special treatment has been legislated concerning the hearing of experts, except in the case of experts who have not been approved and who must take an oath before the examining magistrate or competent court.

Algerian legislation envisages this method for reasons of absence or in the interests of the correct administration of justice (articles 14, 15, and 16 of Law no. 15-03 of 1 February 2015 on the modernisation of the justice system).

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Conven-

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tion of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.

- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It assesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The public prosecutor, the examining magistrate, the adjudicating Court and the judicial police officer are the competent authorities to authorize the measure.

In addition to this, the following:

Experts may be heard by officers of the judicial police in the course of a preliminary investigation and/or by the examining magistrate, public prosecutor or an adjudicating Court (articles 49, 143 of the Criminal Code of Procedure).

The hearing of experts takes place in the nearest court to the place of residence of the person whose declarations are required in the presence of the public prosecutor with local jurisdiction and a clerk.

Experts are heard separately and without the presence of the accused, by the examining magistrate, assisted by their court clerk.

The hearing is recorded on a storage device attached to the procedure file and transcribed onto minutes signed by the judge and clerk (article 90 of the Criminal Code of Procedure).

Experts who have been heard regarding the facts are invited to state their family name, first name, age, profession, residence, to say whether they are related to or allied with the parties and whether they lack

legal capacity. Their identity is verified. Each expert will take an oath (article 93 of the Code of Criminal Procedure).

The provisions in articles 220 and 94 to 97 of the Code of Criminal Procedure are also applicable.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner, and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Summoning suspects/persons accused (709)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Most of the conventions ratified by Algeria include clear provisions concerning this measure and where there is no convention, requests for mutual judicial assistance are dealt with in compliance with Algerian law, subject to the principle of reciprocity (article 721 of the Code of Criminal Procedure).

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The competent requested authority: the public prosecutor, the examining magistrate, the adjudicating Court or the judicial police officer are the competent authorities to authorize the measure.

In addition to this, the following:

The summons served on a suspect/person accused obliges them to appear and give evidence before the Investigating Court or the adjudicating Court or before the judicial police in the context of a preliminary investigation (Articles 65-I, 88 and 220 of the Code of Criminal Procedure).

A summons will be issued upon request of the prosecution and any administration qualified to make such a request. The agent serving the summons must carry out the visit without delay. The summons states the charge and refers to the text of the law that penalizes it.

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It indicates the Court at which the proceedings will be held, the place, time and date of the hearing and whether the addressee has been summonsed as a defendant, party incurring civil liability or a witness.

When a suspect/person accused refuses to appear, the following measures can be executed:

- The use of public force, bench warrant (mandat d'amener) and arrest warrant are options to be carried out. An officer of the judicial police may, with the prior consent of the public prosecutor, use public force to oblige persons to appear in Court when they have failed to reply to two summonses to appear (article 65-1 of the Code of Criminal Procedure);
- In the case of a flagrante delicto and if the examining magistrate has not yet been referred to, the public prosecutor may issue a bench warrant against any person suspected of having taken part in the offence (article 58 of the Code of Criminal Procedure);
- The examining magistrate may issue a bench warrant or an arrest warrant (Article 109 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner, and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible when the convention provides for it in the context of letters rogatory or in accordance with the principle of reciprocity.

Hearing suspects/persons accused: standard procedure (710)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The majority of the conventions ratified by Algeria (bilateral or multilateral) envisage provisions on the hearing of people facing criminal charges (defendants, and accused persons); in the absence of a convention, requests for assistance are fulfilled in compliance with Algerian law, subject to reciprocity (article 721 of the Code of Criminal Procedure).

When failing, there is no other alternative measure with the same purpose.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions,

the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The public prosecutor, the examining magistrate, the adjudicating Court or the judicial police officer are competent authorities to authorize the measure.

In addition to this, the following:

The criminal process allows both sides to be heard; the accused person chooses their own means of defence. The following four options appear:

- The judicial police interrogate suspects in the course of the preliminary investigation.
- The public prosecutor interrogates the suspect caught in flagrante delicto. The public prosecutor interrogates the person brought before them in the presence of the accused's lawyer. If a person presents themselves spontaneously, accompanied by their lawyer, (s)he will be interrogated in the presence of the latter (article 58 of the Code of Criminal Procedure).
- The examining magistrate and adjudicating Court will interrogate the accused in criminal cases (minor offences, misdemeanours, and felonies) (articles 100, 302 of the Code of Criminal Procedure).

At the person's first appearance, before the hearing, the examining magistrate will confirm the identity of the accused, expressly inform them of each of the charges against him/her and advise him/her that he/she is not obliged to make a statement. This warning is mentioned in the transcript. If the accused wishes to make any statements, these will be immediately admitted by the examining magistrate. The latter will inform the accused of their right to choose a lawyer and, if (s)he does not do so, the Magistrate will appoint one, if the accused so requests it. This will be mentioned in the transcript. The Magistrate will also advise the accused that (s)he must inform the court of any change of address. The accused may choose to reside within the court's jurisdiction (article 100 of the Code of Criminal Procedure).

- The adjudicating Court interrogates the accused directly or, on their lawyer's request, through the magistrate (article 302 of the Code of Criminal Procedure).

Reference should be made to articles 350 and 353 of the Code of Criminal Procedure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner, and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Hearing suspects/persons accused: by video conference (711)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible under a conventional framework and subject to the principle of reciprocity.

When failing there is an alternative measure with the same purpose. The interrogation can then take place at home or at a penitentiary (article 350 of the Code of Criminal Procedure).

2. International legal framework applicable for this measure in your State

If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.

If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The competent judicial authority for implementing a request for mutual judicial assistance is the competent authority to authorize the measure. This can be the local public prosecutor or competent examining magistrate.

In addition to this, the following:

- Algerian legislation envisages this method for reasons of absence or in the interests of the correct administration of justice; the hearing or interview of parties may be carried out by video conference (Witnesses, victims, civil parties, experts) (Art. 14, 15, 16 of Law no. 15-03 of 1 February 2015 on the modernisation of the justice system).
- The hearing or interview by video conference takes place in the nearest court to the place of residence of the person whose declarations are required, in the presence of the public prosecutor with local jurisdiction and a clerk.
- The public prosecutor verifies the identity of the person to be heard and draws up the minutes.
- If it is an inmate, the video conference takes place in the penitentiary where the person is held.
- The hearing is recorded on a storage device attached to the procedure file and transcribed onto minutes signed by the judge and clerk.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner, and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

There is no precedent in this context when it comes to assistance or participation of agents of the requesting State in the execution of the measure.

Hearing suspects/persons accused: by telephone (712)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is basically not possible under Algerian law.

However, it is not excluded that such legal requests may be granted or accepted after studying the case in detail, if the other mechanisms envisaged (video-conference) are not appropriate.

When failing, the following alternative measure with the same purpose is an option: If a witness is unable to appear, the examining magistrate will travel to hear them, or issue letters rogatory for this purpose (article 99 of the Code of Criminal Procedure). Certain conventions provide for the possibility of transferring persons to the territory of the requesting State for them to be heard.

There is, so far, no precedent in this context.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

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- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The competent judicial authority for implementing a request for mutual judicial assistance is the competent authority to authorize the measure. This could be the local public prosecutor or competent examining magistrate. There has been, however, no precedent in this context so far.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner,

and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

There is no precedent in this context when it comes to the assistance or participation of agents of the requesting state in the execution of the measure.

Confrontation (713)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
in the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the single convention on narcotic drugs of 1961, the united nations convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the

request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The examining magistrate or the adjudicating Court are competent authorities to authorize the measure (articles 96 and 101 of the Code of Criminal Procedure).

The examining magistrate may immediately proceed to an interrogation and to confrontations between the accused, witness, and plaintiff (Art 102 of the Code of Criminal Procedure). The adjudicating Court may arrange confrontations (between the accused, witness, and plaintiff) directly or upon request of the lawyers, through the magistrate.

See articles 96 and 101 of the Code of Criminal Procedure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), the rules applicable to the hearing of witnesses or suspects in a specific manner, and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

8. CROSS-BORDER OPERATIONS

Cross-border observation (801)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is so far non-existing under Algerian legislation.

2. International legal framework applicable for this measure in your State

There is no precedent.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

There is no precedent.

b. Execute/recognize the measure (if other than the receiving authority)

There is no precedent.

4. Accepted languages for the request/decision

There is no precedent.

5. Deadlines for the execution of the request/decision (where applicable)

There is no precedent.

6. Concise legal practical information

a. Special requirements

There is no precedent.

b. Other useful information

There is no precedent.

Cross-border hot pursuit (802)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is relatively possible.

The Law 05-17 of 23/08/2005 on the fight against smuggling (article 40) and that on the prevention and fight against corruption (article 56) envisage provisions on controlled delivery.

To this end, the feasibility of such a process is not excluded, subject to specific agreement with the country concerned, under the scope of multilateral conventions such as the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions and the Vienna convention on drugs.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the

EUROMED JUSTICE

EuroMed Fiches

request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure.

The authorisations laid down in article 65 bis 05 above must contain all the information allowing the identification of the connections to be intercepted, the places of residence or other that are targeted, and the offence justifying the application of these measures as well as their duration.

For the implementation of the technical measure, the authorisation allows the introduction of goods into any place of residence or other, including outside of the hours laid down in article 47 of the Code of Criminal Procedure or without the consent of persons who may have a right of ownership in respect of said goods.

These operations are conducted without prejudice to professional secrecy as provided by in art 45 Criminal Code of Procedure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Cross-border tracking (by placing a beeper on a vehicle or a person) (803)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is relatively possible.

The Law 05-17 of 23/08/2005 on the fight against smuggling (article 40) and that on the prevention and fight against corruption (article 56) envisage provisions on controlled delivery.

To this end, the feasibility of such a process is not excluded, subject to specific agreement with the country concerned, under the scope of multilateral conventions such as the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions, and the Vienna convention on drugs.

This measure is governed by the Code of Criminal Procedure in the chapter entitled “interception of correspondences of sounds and image freezing”.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or competent examining magistrate is the competent authority to authorize the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible.

Controlled deliveries (804)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

EUROMED JUSTICE

EuroMed Fiches

Yes, it is possible to accept this measure in accordance with a specific agreement with the countries concerned, under a conventional framework or in accordance with the principle of reciprocity.

The Law 05-17 of 23/08/2005 on the fight against smuggling (article 40) and that on the prevention and fight against corruption (article 56) envisage provisions on controlled delivery.

To this end, the feasibility of such a process is not excluded, subject to specific agreement with the country concerned, under the scope of multilateral conventions such as the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 Against Corruption and UN Resolutions, and the Vienna convention on drugs.

This measure is governed by the Code of Criminal Procedure in the chapter entitled “interception of correspondences of sounds and image freezing”.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions,

the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor is the competent authority to authorize the measure (article 40 of the law on the fight against smuggling).

After authorisation by the competent public prosecutor, the qualified bodies in fight against smuggling matters, may, with knowledge of the case and under their surveillance, authorise the movement of illicit or suspect goods into, out of, or in transit through the Algerian territory with a view to discovering and combating smuggling (articles 40 and 41 of the law on the fight against smuggling).

Assistance is not granted when this undermines national sovereignty, the laws and treaty-based obligations, security, law and order, or when it would harm commercial and professional interests.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

There is no precedent when it comes to the assistance or participation of agents of the requesting State in the execution of the measure.

Joint investigation teams (805)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not provided for in the Algerian legislation.

However, it is possible to proceed to specific agreements with the countries concerned so as to implement joint investigation teams in accordance with the Palermo and Merida conventions.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
In the absence of a conventional bilateral framework, the standard practice is to refer to regional conventional mechanisms (Arabic or African) or multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and UN Resolutions). The measures requested in a legal request can be carried out in compliance with the procedures applicable in the requesting State.
- If the multilateral conventions ratified by Algeria provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all the international legal requests for assistance in criminal matters at first. It assesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local Prosecutor General according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

As a rule, local jurisdictions are in charge of executing legal requests. The Ministry of Justice directs them to the competent Prosecutor General according to the questions asked in the request. When a request involves several tasks to be carried out in different jurisdictional areas, the Ministry of Justice sends the request to these areas at the same time. Once the tasks have been executed by the competent jurisdictions, the answers are returned to the Ministry of Justice, which, after verifying all materials, will send the documents back to the requesting State.

The local public prosecutor or the examining magistrate is the competent authority to authorize the measure.

4. Accepted languages for the request/decision

The language accepted depends on the conventional framework. As a rule, a translation into Arabic, the official language, of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

Apart from extraditions which entail timeframes according to the relevant convention, legal requests are not subject to any timeframes for the execution thereof. However, the requested authority will do its utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

There is no precedent when it comes to the assistance or participation of agents of the requesting State in the execution of the measure but it would be possible.

"The information contained in this tool equivalent to the "Fiches Belges" is based on the information which has been provided by the experts and representatives of the concerned beneficiary countries in the framework of the work carried out under the Euromed Justice Project. The Consortium implementing the project cannot be held responsible for its accuracy, actuality or exhaustiveness, nor can it be made liable for any errors or omissions contained in this document."

EGYPT



1. TRACING AND INTERCEPTION OF (TELE) COMMUNICATIONS

Interception, recording and transcription of telecommunications (101)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that they do not conflict with national laws.

Articles 95, 206, 206 bis of the Code of Criminal Procedure allow the Investigative Judge or the public prosecutor to issue an order to record wired and unwired conversations in certain circumstances.

Art. 95 of the Code of Criminal Procedure:

“The investigating judge may order the seizure of all letters, correspondences, newspapers, publications and packages found at post offices and all telegrams found at telegram offices and may order the surveillance of telecommunications or recording of conversations taking place in a specific place whenever deemed necessary for the revelation of the truth in a crime or misdemeanour punishable by incarceration for no less than a three-month period. In all cases, the acts of seizure, inspection, surveillance or recording shall be on the grounds of a justified warrant, for a period of time no longer than thirty days subject to renewal for another equivalent period or periods of time”.

In addition to this, articles 19 and 64 from the Communications Act No. 10/2003 are applicable for this case.

Article 19: “All entities and companies working in the telecommunication field shall provide the NTRA with whatever requested reports, statistics or information related to its activities except for matters related to National Security”.

And article 64 of the same act stipulates that the following:

“Telecommunication Services Operators, Providers, their employees and Users of such services shall not use any Telecommunication Services encryption equipment except after obtaining a written consent from each of the NTRA, the Armed Forces and National Security Entities, and this shall not apply to encryption equipment of radio and television broadcasting. With due consideration to the inviolability of citizens' private life as protected by law, each Operator and Provider shall, at their own expense, provide within the telecommunication networks licensed to them all technical capabilities including equipment, systems, software and communication which enable the Armed Forces, and National Security Entities to exercise their powers within the law.

The provision of the service shall synchronize in time with the availability of the required technical capabilities. Telecommunication Service Providers and Operators and their marketing agents shall have the right to collect accurate information and data concerning Users from individuals and various entities within the State”.

EUROMED JUSTICE

EuroMed Fiches

Judicial assistance is executed in accordance with the law of the requested State and the measure will be executed in conformity with the procedure applicable in the requesting State to the extent acceptable by domestic laws.

2. International legal framework applicable for this measure in your State

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

This measure is executed by police officers and, in certain cases, by the "Department of Computer and Network crimes" at the Egyptian Ministry of Interior.

The Department of Computer and Networks Crimes was created to be part of the Information and Documentation Department according to the Minister of Interior's Decree No. 13507/2002. This department is operated by well-trained police officers who carry out the interception of "emails, IP addresses and social network accounts" in accordance with the requested inquiry without infringing the privacy of other individuals. As mentioned above, this Department issues short reports on the outcome without revealing the technicalities of the interception.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Tracing of telecommunications (102)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that they do not conflict with national laws.

Articles 95, 206, and 206 bis of the Code of Criminal Procedure allow the Investigative Judge or the public prosecutor to issue an order to record wired and unwired conversations in certain circumstances.

In addition to this, articles 19 and 64 from the Communications Act No. 10/2003 are applicable to this case.

EUROMED JUSTICE

EuroMed Fiches

Article 19: "All entities and companies working in the telecommunication field shall provide the NTRA with whatever requested of reports, statistics or information related to its activities except for matters related to National Security".

And article 64 of the same act stipulates that the following:

"Telecommunication Services Operators, Providers, their employees and Users of such services shall not use any Telecommunication Services encryption equipment except after obtaining a written consent from each of the NTRA, the Armed Forces and National Security Entities, and this shall not apply to encryption equipment of radio and television broadcasting. With due consideration to the inviolability of citizens' private life as protected by law, each Operator and Provider shall, at their own expense, provide within the telecommunication networks licensed to them all technical capabilities including equipment, systems, software and communication which enable the Armed Forces, and National Security Entities to exercise their powers within the law.

The provision of the service shall synchronize in time with the availability of required technical capabilities. Telecommunication Service Providers and Operators and their marketing agents shall have the right to collect accurate information and data concerning Users from individuals and various entities within the State".

Judicial assistance is executed in accordance with the law of the requested State and the measure will be executed in conformity with the procedure applicable in the requesting State to the extent acceptable by domestic laws.

2. International legal framework applicable for this measure in your State

- If bilateral conventions with the requesting state ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

EUROMED JUSTICE

EuroMed Fiches

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution “International Cooperation Office” and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

This measure is executed by police officers and, in certain cases, by the “Department of Computer and Network crimes” at the Egyptian Ministry of Interior.

The Department of Computer and Networks Crimes was created to be part of the Information and Documentation Department according to the Minister of Interior’s Decree No. 13507/2002. This Department is operated by well-trained police officers who carry out the interception of “emails, IP addresses and social network accounts” in accordance with the requested inquiry without infringing the privacy of other individuals. As mentioned above, this Department issues short reports on the outcome without revealing the technicalities of the interception.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interception and recording of other forms of communication (103)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that they do not conflict with national laws.

Articles 95, 206, and 206 bis of the Code of Criminal Procedure allow the Investigative Judge or the public prosecutor to issue an order to record wired and unwired conversations in certain circumstances.

In addition to this, articles 19 and 64 from the Communications Act No. 10/2003 are applicable to this case.

Article 19: "All entities and companies working in the telecommunication field shall provide the NTRA with whatever requested of reports, statistics or information related to its activities except for matters related to National Security".

And article 64 of the same act stipulates that:

"Telecommunication Services Operators, Providers, their employees and Users of such services shall not use any Telecommunication Services encryption equipment except after obtaining a written consent from each of the NTRA, the Armed Forces and National Security Entities, and this shall not apply to encryption equipment of radio and television broadcasting. With due consideration to the inviolability of citizens' private life as protected by law, each Operator and Provider shall, at their own expense, provide within the telecommunication networks licensed to them all technical potentials including equipment, systems, software and communication which enable the Armed Forces, and National Security Entities to exercise their powers within the law. The provision of the service shall synchronize in time with the availability of required technical potentials. Telecommunication Service Providers and Operators and their marketing agents shall have the right to collect accurate information and data concerning Users from individuals and various entities within the State".

Judicial assistance is executed in accordance with the law of the requested State and the measure will be executed in conformity with the procedure applicable in the requesting State to the extent acceptable by domestic laws.

2. International legal framework applicable for this measure in your State

If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the

EUROMED JUSTICE

EuroMed Fiches

Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

This measure is executed by police officers and in certain cases executed by the "department of Computer and Network crimes" at the Egyptian Ministry of Interior.

The Department of Computer and Networks Crimes was created to be part of the Information and Documentation Department according to the Minister of Interior's Decree No. 13507/2002. This department is operated by well-trained police officers who carry out the interception of "emails, IP addresses and social network accounts" in accordance with the requested inquiry without infringing the privacy of other individuals. As mentioned above, this Department issues short reports on the outcome without revealing the technicalities of the interception.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interception of mail (104)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that they do not conflict with national laws.

Articles 95, 206, and 206 bis of the Code of Criminal Procedure allow the Investigative Judge or the public prosecutor to issue an order to record wired and unwired conversations in certain circumstances.

Art. 95 Code of Criminal Procedure:

“The investigating judge may order the seizure of all letters, correspondences, newspapers, publications and packages found at post offices and all telegrams found at telegram offices and may order the surveillance of telecommunications or recording of conversations taking place in a specific place whenever deemed necessary for the revelation of the truth in a crime or misdemeanour punishable by incarceration for no less than a three-month period. In all cases, the acts of seizure, inspection, surveillance or recording shall be on the grounds of a justified warrant, for a period of time no longer than thirty days subject to renewal for another equivalent period or periods of time”.

Judicial assistance is executed in accordance with the law of the requested State and the measure will be executed in conformity with the procedure applicable in the requesting State to the extent acceptable by domestic laws.

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EuroMed Fiches

2. International legal framework applicable for this measure in your State

- If bilateral conventions with the requesting state ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It assesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Police officers and postal service providers.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

EUROMED JUSTICE

EuroMed Fiches

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Observation (105)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is so far non-existing under Egyptian law.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Interception of telecommunication without the technical assistance of another State (106)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that they do not conflict with national laws.

Articles 95, 206, and 206 bis of the Code of Criminal Procedure allow the Investigative Judge or the public prosecutor to issue an order to record wired and unwired conversations in certain circumstances.

Art. 95 Code of Criminal Procedure:

“The investigating judge may order the seizure of all letters, correspondences, newspapers, publications and packages found at post offices and all telegrams found at telegram offices and may order the surveillance of telecommunications or recording of conversations taking place in a specific place whenever deemed necessary for the revelation of the truth in a crime or misdemeanour punishable by incarceration for no less than a three-month period. In all cases, the acts of seizure, inspection, surveillance or recording shall be on the grounds of a justified warrant, for a period of time no longer than thirty days subject to renewal for another equivalent period or periods of time”.

Judicial assistance is executed in accordance with the law of the requested State and the measure will be executed in conformity with the procedure applicable in the requesting State to the extent acceptable by domestic laws.

2. International legal framework applicable for this measure in your State

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of

EUROMED JUSTICE

EuroMed Fiches

the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Police officers and national security agents.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request through the central authority that will send requests to the concerned authorities.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

2. AGENTS AND INFORMERS – INFILTRATION

Infiltration by undercover agents of the requested State (201)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. The Court of Cassation accepted this measure only to be carried out by domestic agents.

2. International legal framework applicable for this measure in your State

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The investigating judge or the public prosecutor. In addition to this, police officers who are the ones who actually execute these orders.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible by law, although the Court of Cassation case law has accepted it in several cases.

Infiltration by agents of the requesting State in the territory of the requested State (202)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Infiltration by an informer of the requested State (203)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. The Court of Cassation accepted this measure only to be carried out by domestic agents.

2. International legal framework applicable for this measure in your State

- If bilateral conventions with the requesting state ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The investigating judge or the public prosecutor. In addition to this, police officers who are the ones who actually execute these orders.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible by law, although the Court of Cassation case law has accepted it in several cases.

Handling of informers (204)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

3. EXAMINATION, BODY SEARCH AND EXPERT EVALUATION

Superficial body search (301)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible in accordance with the Code of Criminal Procedure, since the request is based on a criminal offense which allows for body search procedures according to Egyptian laws.

However, for administrative purposes, the measure is possible but has no relation with any criminal offenses committed or is in no relation to the search for evidence in criminal cases. Its use is conditional on the existence of a regulation by the competent authority to authorize such inspection. The Egyptian Court of Cassation case law accepted the evidence collected through an administrative search (Appeal 16121 for the judicial year 73, session 26/1/2004).

Examples are:

- Inspection of prisoners;
- Inspection carried out by customs officers;
- Inspection carried out by security personnel at airports;
- Inspection carried out by ambulance's staff.

2. International legal framework applicable for this measure in your State

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It assesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The authority authorized to conduct administrative inspections is any authority that has the right to conduct inspections under legal regulations, whether it is legislative or administrative regulations, or regulations.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

On top of that, organizing mutual agreements that authorize the legality of evidence derived from the administrative inspection.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Invasive body search (302)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

An invasive body search is a measure that can be performed within the scope of an ongoing criminal investigation, as a suspect may be subjected to a medical procedure such as blood/urine test that may be used as evidence in the criminal investigation by any member of the judicial police or the authority executing an arrest warrant. Its legality is subordinated to the existence of a legal justification (Appeal 21492 for the judicial year 69, session 17/1/2002).

Judicial assistance is executed in accordance with the law of the requested State and the measure will be executed in conformity with the procedure applicable in the requesting State to the extent acceptable by domestic laws.

2. International legal framework applicable for this measure in your State

All international judicial cooperation requests are executed in accordance with the Code of Criminal Procedure, provided that they do not breach other national laws.

- If bilateral conventions with the requesting state ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The public prosecutor and the police officer or any authority responsible for executing a decision requiring the aforementioned invasive search.

The actual search is made by doctors at local governmental hospitals or forensic doctors at the Forensic Medicine Department at the Egyptian Ministry of Justice.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Psychiatric medical examination (303)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

This measure is conducted by the primary investigating authority, which is the Public Prosecution, or by the final authority represented by the Court in charge of the criminal case. These judicial bodies can be assisted by a doctor or committee of medical specialists to examine the mental and psychological status of the accused and to decide on whether or not (s)he was in full possession of their faculties when (s)he committed the crime.

Judicial assistance is executed in accordance with the law of the requested State and the measure will be executed in conformity with the procedure applicable in the requesting State to the extent acceptable by domestic laws.

2. International legal framework applicable for this measure in your State

All international judicial cooperation requests are executed in accordance with the Code of Criminal Procedure, provided that they do not breach other national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of

EUROMED JUSTICE

EuroMed Fiches

the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Department of Forensic Medicine at the Ministry of Justice upon request from the Public Prosecution or competent Court.

According to article 338 of the Code of Criminal Procedure and article 24 from the law 71/2009 regarding psychiatric patient care, the Public Prosecution or the Court adjudicating the criminal case may order to transfer a suspect to a local psychiatric hospital to be subjected to a medical examination by a panel of three doctors for a period of 45 days. This period might be renewed according to each case at the discretion of the prosecution and the court, and according to the report made by the panel after the end of the 45 days.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

The 45 days deadline provided for in article 338 of the Code of Criminal Procedure is applicable.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible under the mutual assistance agreements.

Control of identity, measures for judicial identification (304)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. It shall be adopted by the competent authority of the country to verify the official identity of the suspect and accused and to check it with the official data on a passport, travel document or any other authentic official document proving the identity of the suspect or the accused.

The judicial procedure refers to the measures taken by the competent authorities to ensure that the person against whom a particular legal action has been taken is the person who committed a particular crime or is suspected of having committed it.

Judicial assistance is executed in accordance with the law of the requested State and the measure will be executed in conformity with the procedure applicable in the requesting State to the extent acceptable by domestic laws.

2. International legal framework applicable for this measure in your State

All international judicial cooperation requests are executed in accordance with the Code of Criminal Procedure, provided that they do not breach other national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Ministry of Interior in coordination with the Public Prosecution.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of executing the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name,

telephone number; email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

If this person is on the territory of their State of nationality, there is no problem. Conversely, if the person is on the territory of another State, the complete file that includes the name of the accused or suspect, their crime and all the measures that have been taken about them, either at investigation or trial stage, must be sent.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible under the mutual assistance agreements.

Technical or scientific examination or expert evaluations (305)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that they do not conflict with national laws.

Articles 85 to 89 of the Code of Criminal Procedure lay down the procedures whereby a prosecutor or a judge may resort to experts' technical assistance. Article 29 of the Code of criminal procedure stipulates that it is allowed for police officers to use technical experts in their work.

Expertise means technical advice sought by the Court or the Public Prosecution to assess the technical issues that require technical knowledge or know-how not available to those in charge of the investigation due to their work nature, whether those technical issues are related to the accused himself or the tool or materials used to commit the crime. Examples include autopsy to determine the cause of death and writing simulation to find out the writer's identity.

Since the expertise aims to assist those undertaking the investigation to find the truth, the experts who have such expertise should be accurate, impartial, and upstanding when conducting that work. If there is a reason that would affect the impartiality and integrity of the expert, the court or prosecution can disqualify them if there any grounds in addition to what is specified under article 89. The Egyptian legislator provided for this possibility in Article 89 of the Code of Criminal Procedure (litigants have the right to disqualify an expert if they find serious grounds to do so).

Judicial assistance is executed in accordance with the law of the requested State and the measure will be executed in conformity with the procedure applicable in the requesting State to the extent acceptable by domestic laws.

2. International legal framework applicable for this measure in your State

All international judicial cooperation requests are executed in accordance with the Code of Criminal Procedure, provided that they do not breach other national laws.

If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

This measure may be taken upon request of the Public Prosecution or the competent Court through the Department of Experts at the Ministry of Justice or through any governmental authority having experts. The latter may be:

- The Central Accounting Authority, and
- The Department of Control over the banks at the Central Bank if the case is related to bank accounts, or
- The Building Research Centre at the Ministry of Housing if the technical matter is related to engineering matters.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible under the bilateral and multilateral mutual legal assistance agreements.

4. DOCUMENTS - OBTAINING

Spontaneous exchange of information (401)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that they do not conflict with national laws.

Free flow of information is a relatively new and non-traditional idea and is not present in Egypt, unless the information relates to investigations, prosecutions, or a criminal procedure. The information may, however, be obtained with the agreement of the public prosecutor or the competent Court.

Judicial assistance is executed in accordance with the law of the requested State and the measure will be executed in conformity with the procedure applicable in the requesting State to the extent acceptable by domestic laws.

2. International legal framework applicable for this measure in your State

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The competent Court or Public Prosecution.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible under the bilateral and multilateral mutual legal assistance agreements.

Order to produce documents (402)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that they do not conflict with national laws.

An order to obtain documents concerning the preliminary investigation or trial can be made. In such a case, the public prosecutor or the competent Court shall issue a permission to obtain such documents or any other documents to rely upon during the proceedings of the case.

The requesting State can request from Egypt to produce documents. It should be considered in this regard that, if the requested document was part of an investigation or a case at the Court, the requested State can only send authentic copies and not originals from the document. In this case, the approval will depend on whether or not this procedure does not conflict with national laws such as the law 88/2003 of the Central Bank (secrecy of bank accounts). In addition to this, the approval will also depend on whether there is an international treaty, regional treaty, or bilateral agreement between both countries allowing for this measure or not. If there is not any from the above, this might be subject to the reciprocity or courtesy principles.

Judicial assistance is executed in accordance with the law of the requested State and the measure will be executed in conformity with the procedure applicable in the requesting State to the extent acceptable by domestic laws.

2. International legal framework applicable for this measure in your State

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution in case of criminal investigation; and The civil Court if the dispute is related to a civil action.

The Public Prosecution is the body responsible for executing legal requests. The Public Prosecution is the body responsible for executing legal requests. In addition to this, the International Cooperation Department at the Egyptian Ministry of Justice and the Public Prosecution can request criminal Courts, civil courts or other entities to produce documents.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible with the consent of the competent authority executing the production.

Other possibilities of obtaining information concerning taxes or bank accounts (403)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, in principle, this measure is possible and is implemented in accordance with the laws of the requested State and in the manner specified by the requesting State, provided that they do not conflict with national laws.

However, this measure may not be taken unless there is an ongoing criminal investigation in Egypt. Indeed, Egypt did not organize the access to customer accounts if there is an ongoing investigation in the requesting State, despite the fact that Egypt signed the UN Convention against Corruption. This measure may be organized to be taken within the framework of judicial cooperation agreements on mutual legal assistance.

The requesting State may, with one of the banks that are subject to the provisions of the present Law, submit the request referred to in the previous clause to the competent Cairo Court of Appeal.

Furthermore, article 98 of the Law No. 88 of 2003 is applicable. It states the following:

“The Attorney General or anyone (s)he delegates from among the first Advocates General may, of their accord or upon request of an official party or interested party, ask the Cairo Court of Appeal to adopt an

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order to access to or obtain any data or information related to any accounts, deposits, trusts, or safes prescribed in the previous article, or their relevant transactions, whenever this is required to reveal a fact in a felony or misdemeanour the perpetration of which is established by serious evidence.

Any interested party, on declaration of one's wealth when a garnishment order is served on one of the banks subject to the provisions of this Law, may submit the request referred to in the previous clause to the relevant Court of appeal.

The Court, held in chamber, shall decide the request within the three days subsequent to the date of its submission, after hearing the statement of the Public Prosecution or the interested party.

The Attorney General or the one (s)he delegates from among the first Advocates General and the concerned parties according to each case, shall notify the bank and interested parties of the Court order within the three days subsequent to passing it.

The time determined for declaring one's wealth shall begin from the date of notifying the bank with the said Court order.

The Attorney General, or the one (s)he delegates from among the first Advocates General shall directly order the access to, or the obtainment of any data or information related to the accounts, deposits, trusts, or safes prescribed in article 97 of this Law, or their related transactions.

(S)he shall give this order if this is required to reveal a fact in one of the crimes prescribed in Book – 2, Part – 2, Section – 1, of the Penal Code, and in the crimes prescribed in the Anti Money Laundering Law as promulgated by Law No. 80 of 2002.

The Court shall decide on the request within the three days subsequent to the date of its submission, after the statement of the Public Prosecution or the concerned party”.

2. International legal framework applicable for this measure in your State

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Court that examines the case or the Public Prosecution for money laundering crimes and the crimes set forth in Section I of Part II of the Second Book of the Penal Code, which deal with the encroachment on State security from abroad.

Most of the legal requests are made by the Public Prosecution at the Cairo Court of Appeal, which is the body responsible to decide on the request, since most of the requested cases involve criminal offenses. Other requests of interested parties might be in the context of other cases such as family cases at the family Courts in cases of requesting the income of the husband through disclosing the secrecy of their bank account. The relevance of money laundering should be noted in this regard.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible. In certain exceptional cases, an agent from the requesting country may participate in the investigation, such as doing expert work.

Access to public documents in judicial files (404)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible under certain circumstances.

If the requested documents are related to a case being subject of an investigation by the Public Prosecution or an ongoing case before a Court, the Egyptian Authorities will have the discretion whether to grant access to this document or not according to several conditions, such as:

- a bilateral treaty with the requesting State and the conditions stipulated in it, such as dual criminality and the double jeopardy rule (if the documents relate to an investigation in the requesting State for the same offence);
- the relation with the requesting State (reciprocity and courtesy);
- the discretion of the requested State (Public Prosecution) on whether these documents can be subject of a request or not and if they might be classified confidential.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1954, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption)

ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent local authority according to the tasks assigned in the legal request so it can be executed.

The Ministry of Foreign Affairs sends all the legal requests to the Ministry of Justice, as it is the Central Authority to receive such legal requests, and, in certain cases, these legal requests are sent directly to the Public Prosecution if it is related to a criminal investigation or extradition.

It should be differentiated if the requested document is related to a criminal matter or civil matter. As for criminal matters, the Public Prosecution is the body which has discretion in this case to decide whether the request is feasible and enforceable or not.

In case the requested document is part of a file of an ongoing criminal case at the court, the Public Prosecution is the body responsible to request from the court to have a copy of that document and, in this case, the court has discretion to decide whether to accept providing the prosecution with it or not. Conversely, if the documents are related to a civil matter, such as a document related to a file at the family courts, the International Cooperation Department at the Egyptian Ministry of Justice (the Central Authority) is the body which shall decide whether to approve and execute the legal request.

b. Execute/recognize the measure (if other than the receiving authority)

The competent Court and the Public Prosecution.

The Public Prosecution is the competent body to execute the legal request and in case the request is related to a document in the file of an ongoing criminal case, the competent Court is the body which shall decide to approve it or not after it is requested by the Public Prosecution.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Communication of individual police records (405)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of the principle of reciprocity or courtesy.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

It will be carried out by the Ministry of the Interior on its own initiative or upon request of the person concerned, in order to ascertain whether the suspect or the person under investigation has in the past committed any crimes, to determine the nature of the crimes, the convictions and the date they were pronounced.

As a general rule, the Public Prosecution is the responsible body for executing all requests related to criminal matters and accordingly it is also the body responsible to request the documents from the police.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Sending and service of procedural documents (406)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. Upon request of the requesting State, Egypt shall implement the request of sending and serving procedural documents and send it back upon implementing the requested procedure.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance be it in criminal or civil matters. However, in certain exceptional cases, the request might be

EUROMED JUSTICE

EuroMed Fiches

sent directly through diplomatic channels from the Egyptian Ministry of Foreign Affairs to the Public Prosecution.

b. Execute/recognize the measure (if other than the receiving authority)

It will be carried out by the Public Prosecution (General Prosecution) according to the provisions listed in the Pleadings Law and related to the service abroad of summons and documents.

If the request is related to a civil case, this measure will be recognized and executed by the International Cooperation Department at the Egyptian Ministry of Justice, while if the request is related to a criminal case, the International Cooperation Office at the Egyptian Ministry of justice is the body which shall recognize and execute the measure.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

This procedure shall be executed by the Public Prosecution which shall send and serve the procedural documents through the assistance of the Ministry of Interior, such as in cases of summons.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Transfer of proceedings (407)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Egypt has ratified the UN Convention against Transnational Organized Crime and the UN Convention against Corruption which include that measure and Egypt is committed to the provisions listed in those conventions.

Additionally, Egypt has finalized the preparation of a draft law on international judicial cooperation in criminal matters that legalizes all provisions listed in international instruments.

The idea is based on the following: a State submits a request for the transfer of proceedings to another State regarding a crime considered a criminal act in both States. The objective is to concentrate the proceedings, as the suspect holds the nationality of the requested State and the committed act is subject to the law of the requesting State.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a

EUROMED JUSTICE

EuroMed Fiches

request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution “International Cooperation Office” and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The investigating Judge and the Public Prosecution.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

RESTITUTION

Sequestration of assets (501)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible but it will rather be in a civil context and according to a judgment, as this measure is only applicable in Egyptian law if there is a judgment appointing a trustee for managing the property of a bankrupt and dividing the money among the creditors. Accordingly, this measure is only applicable if there is a civil judgment in relevance to Egyptian civil law.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto.

- If bilateral conventions with the requesting state ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Freezing of bank accounts (502)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Under this measure, a sequestration measure of the assets of the accused person may be adopted as well as preventing them from disposing or managing it.

In this case, the Attorney General may give a temporary order to prevent the accused person, their spouse, or minor children from disposing or managing their assets. This order may be referred to the Court within a maximum of seven days from the date of issuing the request for a judgment to prevent the disposition or the management. The Court must pass a judgment within 15 days from the date of referring.

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In Egypt, article 208 bis A of the Penal Code regulates this matter and provides the following:

- The freezing of bank accounts is possible in the cases where the evidence is sufficient in a criminal investigation into any of the offenses set out in Part IV of the Second Book of the Penal Code, the other offenses against State-owned funds, public bodies and institutions, its subsidiaries or other public legal persons, as well as into the crimes under which the law requires the Court to decide - on its own initiative - to refund the amounts or value of the objects of the crime or compensate the victim. If the Public Prosecution determines that precautionary measures are required regarding the suspect's property, including preventing them from disposing of or managing them, it shall bring the matter before the competent criminal Court, which shall seek such a judgment in order to ensure the implementation of any fine, restitution or compensation.
- The public prosecutor may temporarily order when necessary or in cases of urgency that the accused or their spouse or minor children be prevented from disposing or managing their property. The order of prevention must include the appointment of a person to manage the funds in custody.
- The prevention request shall be brought before the competent Court within seven days from the date of its issuance, otherwise it will be considered void.

According to the article, this measure may be applicable in the context of a judicial cooperation request, provided that there is dual criminality and it does not conflict with Egyptian legislation.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting state ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution “International Cooperation Office” and the request is studied. If approved the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution and under the supervision of Judges in case of urgency and upon a decision from the Court in the other cases.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address) and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Restitution (503)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Restitution is handling back money to their rightful owner after a final court judgment that convicts the accused person and proves the illegality of the money obtained.

Article 208 bis A of the Penal code states that:

The freezing of bank accounts is possible in the cases where the evidence is sufficient in a criminal investigation into any of the offenses set out in Part IV of the Second Book of the Penal Code, the other offenses against State-owned funds, public bodies and institutions, its subsidiaries or other public legal persons, as well as into the crimes under which the law requires the Court to decide - on its own initiative - to refund the amounts or value of the objects of the crime or compensate the victim.

If the Public Prosecution determines that precautionary measures are required for the suspect's property, including preventing them from disposing of or managing them, it shall bring the matter before the competent criminal Court, which shall seek such a judgment in order to ensure the implementation of any fine, restitution or compensation.

The public prosecutor may temporarily order when necessary or in cases of urgency that the accused or their spouse or minor children be prevented from disposing or managing their property. The order of prevention must include the appointment of a person to manage the funds in custody. The prevention request shall be brought before the competent Court within seven days from the date of its issuance otherwise it will be considered void.

According to the mentioned article, this measure may be applicable in the context of a judicial cooperation request, provided that there is dual criminality and it does not conflict with Egyptian legislation.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution under the supervision of Judges in case of urgency, and upon a decision from the Court in the other cases.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the

law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible if not in breach with national legislation.

Interim measures in view of confiscation (504)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible as, according to article 24 of the Penal Code, sanctions are:

- the denial of the rights and benefits provided for in article 25;
- the isolation of princely functions;
- the placement of the convict under the control of the police;
- confiscation.

Article 30 of the Penal Code states that :

“The judge may, if (s)he sentenced of a felony or misdemeanour, order the confiscation of the seized items obtained from the crime as well as the seized weapons and instruments used or to be used therein, without prejudice to the rights of bona fide third parties”.

If the said items are manufactured, used, acquired, or sold, the confiscation shall be imposed in all cases, even if such objects are not the property of the accused.

And article 31 of the Penal Code states that: “Except in the previous cases, it shall be permissible to impose penalties for dismissal from the Emiri (public) post, police supervision and confiscation in the cases provided for by law”.

According to the previous articles, this measure may be applicable as a precautionary measure in the context of a judicial cooperation request, provided that there is dual criminality and it does not conflict with national legislation in Egypt.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Confiscation (505)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes , this measure is possible as according to article 24 of the Penal Code sanctions are:

- the denial of the rights and benefits provided for in article 25;
- the isolation of princely functions;
- the placement of the convict under the control of the police;
- confiscation.

Article 30 of the Penal Code states that :

“The judge may, if (s)he sentenced of a felony or misdemeanour, order the confiscation of the seized items obtained from the crime as well as the seized weapons and instruments used or to be used therein, without prejudice to the rights of bona fide third parties.

If the said items are manufactured, used, acquired or sold, the confiscation shall be imposed in all cases, even if such objects are not the property of the accused”.

And article 31 of the Penal Code states that:“Except in the previous cases, it shall be permissible to impose penalties for dismissal from the Emiri (public) post, police supervision and confiscation in the cases provided for by law”.

According to the previous articles, this measure may be applicable as a precautionary measure in the context of a judicial cooperation request, provided that there is dual criminality and it does not conflict with Egyptian legislation.

EUROMED JUSTICE

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2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

6. PLACES - VISIT AND SEARCH

Visit to and search of homes (601)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Search of homes is one of the acts of the preliminary investigation and it assumes that a crime has been committed. It authorizes the investigator to issue a search order based on a charge of a crime against a person living in the home that will be searched. The search is conducted with the presumption that the person(s) living in the house hold(s) objects or things related to the crime.

Because the search of homes is a heavy measure, the Constitution guarantees that this measure will not be used except in cases defined by law and the person living in the house will be notified before the police enters the premises and carries out the search.

Furthermore, article 58 of the new Egyptian Constitution of 2014 enshrines the sanctity of homes. Except for cases of danger or call for help, homes may not be entered, inspected, monitored or eavesdropped except on the basis of a reasoned judicial warrant specifying the place, the time and the purpose thereof. This is to be applied only in the cases and in the manner prescribed by Law. Upon entering or inspection, the house residents must be apprised and have access to the warrant issued in this regard.

Article 91 of the Code of Criminal Procedure states that searching houses is an act of investigation that may only be resorted to by an order of the investigating judge on the basis of an accusation against a person who resides in the house to be searched for a crime or misdemeanour or for complicity in the commission of the crime, or if there is evidence that (s)he possesses items related to the crime.

The investigating judge may search any place, papers, weapons, and any element that is likely to have been used in the commission of the crime, resulting from the crime, or that is useful in revealing the truth. In all cases, the inspection order must be reasoned.

According to the previous articles, this measure may be applicable in the context of a judicial cooperation request, provided that there is dual criminality, it does not conflict with Egyptian legislation and on the basis of a reasoned order, as stipulated in article 92 of the Code of Criminal Procedure.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal.

When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution or the investigating judge are the competent bodies to authorize orders for searching homes.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Visit and search on the site of an offence (602)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

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The investigator may go to the place where the offence was committed in search for traces and evidence of the crime committed. The examination consists of visualizing, viewing, proving the crime and its physical evidence at the crime scene.

The investigating judge may go to any place whenever (s)he deems necessary and to act in order to prove the case and build the file. (S)he may, whenever necessary and doing so, notify the Public Prosecution and write a report of the visit and the results thereof.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution and police officers under the supervision of the Public Prosecution.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible, provided that they are only monitoring the application of the procedures. In certain exceptional cases, some experts from the requesting State may take part in the process of searching the crime site.

7. WITNESSES, VICTIMS, SUSPECTS - SUMMONING AND HEARING

Summoning witnesses (701)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution is the body responsible for summoning witnesses and hearing them in the context of a legal request.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

Not applicable.

Hearing witnesses: standard procedure (702)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal.

When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution is the body responsible for summoning witnesses and hearing them in the context of a legal request.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible when applied by the Public Prosecution but in exceptional cases only.

Hearing witnesses by video conference (703)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible when interpreting the Code of Criminal Procedure literally. However, Egypt has, for instance, ratified the Palermo Convention of 2000 on Transnational Organized Crime United Nations Convention against Crime Organized and the Merida UN Convention of 2003 Against Corruption, which contain the same provisions. Egypt respects these international conventions.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing witnesses by telephone (704)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible when interpreting the Code of Criminal Procedure literally. However, Egypt has, for instance, ratified the Palermo Convention of 2000 on Transnational Organized Crime United Nations Convention against Crime Organized and the Merida UN Convention of 2003 Against Corruption, which contain the same provisions. Egypt respects and is committed to these international conventions.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing children (705)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The basic principle of the Code of Criminal Procedure is the admissibility of hearing witnesses, but only those who meet eligibility criteria. By exception, children over seven years of age can be heard. Children under the age of four who can be considered lacking discernment may be heard without taking an oath and the Judge will take conclusions as he/she considers appropriate.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- - Multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt do provide not specifically for this possibility in their provisions. The execution, however, can take place in accordance with the general provisions of assisting each other in the widest sense possible.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution or the investigating judge.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing persons collaborating with the inquiry (706)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution or the investigating judge.

The Public Prosecution authorizes any witness who wishes to testify. In such a case, a report of the hearing will and must be made. The witness must sign it, since Egyptian law does not make a difference between a witness who collaborates with the authorities and a witness who does not.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The agents of the requesting State may assist in the monitoring of the hearing.

Hearing victims/ plaintiffs (707)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution can hear witnesses and victims in the context of a legal request.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request. The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State is possible in the monitoring of the hearing of the victim of plaintiff .

Hearing experts (708)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

This measure allows a specialist to give a technical opinion on an important incident in the crime committed, in the event that the Judge cannot comment about it as (s)he lacks the necessary technical competency.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting state and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution can hear experts in the context of a legal request.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State is possible in the monitoring of the hearing of experts.

Summoning suspects/persons accused (709)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

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2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved the decision, will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution can summon suspects and accused persons in the context of a legal request.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

Not applicable.

Hearing suspects/persons accused: standard procedures (710)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto provided that they do not conflict with national laws.

- If bilateral conventions with the requesting state ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of the three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution can hear suspects and accused persons in the context of a legal request.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State is possible in the monitoring of the hearing of the suspect or accused person

Hearing suspects / persons accused by video conference (711)

1. Is this measure possible in your State under International Judicial Cooperation?

No, strictly speaking this measure is not possible as the Code of Criminal Procedure does not provide for any provision for the hearing of suspects or accused by videoconference, although Egypt has ratified two United Nations conventions (the Palermo Convention of 2000 on Transnational Organized Crime plus the Merida UN Convention of 2003 Against Corruption) that include this measure. However, Egypt shall comply with all the provisions of the international conventions to which it has acceded.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing suspects/persons accused by telephone (712)

1. Is this measure possible in your State under International Judicial Cooperation?

No, strictly speaking this measure is not possible as the Code of Criminal Procedure does not provide for any provision for the hearing of suspects or accused by telephone, although Egypt has ratified international conventions that include this measure. However, Egypt shall comply with all the provisions of the international conventions to which it has acceded.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Confrontation (713)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Confrontation means that the accused is faced with the evidence against him. A fundamental principle is the impossibility of questioning the accused or confronting them with crimes in the absence of their lawyer. There are two exceptions to this rule:

- caught red handed; and
- fast actions to prevent the loss of evidence to ensure the rights of the defence.

2. International legal framework applicable for this measure in your State

This measure may be taken under mutual judicial assistance or under the international conventions that Egypt adhered thereto provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime plus two of its three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution "International Cooperation Office" and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution can confront persons in the context of a legal request.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request. The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting state and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this, human rights guarantees should be mentioned in the request.

b. Other useful information

The assistance or participation of agents of the requesting State is possible in the monitoring of the confrontation.

8. CROSS-BORDER OPERATIONS

Cross-border observation (801)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible as the Egyptian Criminal Code stipulates in article 1 that "The provisions of this Law shall apply to any person who commits an offense in the Egyptian territory".

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2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Cross border hot pursuit (802)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible as the Egyptian Criminal Code stipulates in article 1 that "The provisions of this Law shall apply to any person who commits an offense in the Egyptian territory".

2. International legal framework applicable for this measure in your State

Not applicable.

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3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Cross-border tracking (by placing a beeper on a vehicle or person) (803)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible as the Egyptian Criminal Code stipulates in article 1 that "The provisions of this Law shall apply to any person who commits an offense in the Egyptian territory".

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

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b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Controlled deliveries (804)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Joint investigation teams (805)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible strictly speaking.

When failing, an alternative measure with the same purpose can be giving technical assistance or the exchange of information.

2. International legal framework applicable for this measure in your State

This measure is possible under mutual judicial assistance or under the international conventions that Egypt adhered thereto, provided that they do not conflict with national laws.

- If bilateral conventions with the requesting State ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the United Nations Convention on the Law of the Sea, Palermo Convention of 2000 on Transnational Organized Crime plus two of its three Additional Protocols, and the Merida UN Convention of 2003 Against Corruption) ratified by Egypt provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the Central Authority that receives all international legal requests for assistance in criminal matters at first. It accesses and studies it and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Ministry of Justice sends it to the competent authority according to the tasks assigned in the legal request so it can be executed.

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In case there is no treaty between the requesting State and Egypt, the Egyptian Ministry of Foreign Affairs sends the judicial cooperation request directly to the Egyptian Public Prosecution “International Cooperation Office” and the request is studied. If approved, the decision will be sent to the competent authority to be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Public Prosecution, in coordination with the investigative authorities in the various countries.

4. Accepted languages for the request/decision

As a rule, a sworn translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

In the absence of a bilateral treaty with the requesting State, the language used is English. When received by Egypt, the request will be translated into Arabic.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Egyptian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible. In addition to this Human Rights Guarantees should be mentioned in the request.

Coordination with the office of the Egyptian public prosecutor and investigative authorities in various countries without prejudice to the domestic laws of the requested State.

It is implemented in coordination between the Ministry of internal Affairs and Public Prosecution.

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b. Other useful information

Monitoring of agents of the requesting State in the execution of the measure is possible if not in breach with national legislation and in the framework of security and extradition agreements.

"The information contained in this tool equivalent to the "Fiches Belges" is based on the information which has been provided by the experts and representatives of the concerned beneficiary countries in the framework of the work carried out under the Euromed Justice Project. The Consortium implementing the project cannot be held responsible for its accuracy, actuality or exhaustiveness, nor can it be made liable for any errors or omissions contained in this document."

ISRAEL



1. TRACING AND INTERCEPTION OF (TELE) COMMUNICATIONS

Interception, recording and transcription of telecommunications (101)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The relevant law for this purpose is the Wiretapping Law, 1979. It permits monitoring, recording or copying conversations of others without the consent of any of the participants. A Conversation is defined in the law as speech, telephone, mobile phone, radio waves, fax, telex, tele printer, and communication between computers. The measure may be used when necessary for the discovery, investigation, or prevention of an offence in the category of felony (offences punishable by at least 3 years of imprisonment), or for the discovery or capture of criminals who have committed such offences, or in an investigation for purposes of confiscating property connected to these offences.

According to the Legal Assistance between States Law, 1998 (henceforth 'LA'), last revised in 2014), the measure is possible if it is necessary in connection with a criminal matter in the requesting State, regarding one of the following:

- An offence which under the laws of the requesting State is punishable by over 3 years of imprisonment;
- An offence which if committed in Israel would have provided grounds for permitting wiretapping;
- For purposes of confiscation.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The competent authority in cases of wiretapping for national security reasons is the Prime Minister or Minister of Defence.

'Common Law' wiretapping (Article 6 Wiretapping Law 1979):

The President of a District Court or, in their absence, a relieving president of a District Court may, on the application of a competent police officer, by order, permit secret monitoring if (s)he is satisfied that it is necessary to do so to prevent offenses or detect offenders.

An application for a warrant as stated shall be filed by a police officer with a rank of commander (Nitzav Mishneh) and above. The application shall be filed using a standard form, and shall specify, for instance, the factual foundation upon which the application is based, the reasons for the application, and the details of the action requested. The application shall be heard ex parte.

The permit in the warrant shall be given after the competent body has considered the severity of the infringement of privacy, and the measure is necessary for the discovery, investigation, and prevention of an offence in the category of felony (offences punishable by at least 3 years of imprisonment), or for the discovery or capture of criminals who have committed such crimes, or in an investigation for purposes of confiscating property connected to such offences.

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The permit shall specify the identity of the person, the identity of the line or the installation, place or type of conversations and the methods of wiretapping. The duration of the permit shall be for a period of up to three months, and it may be extended from time to time. Once a month, the Police Commissioner will report on the permits issued.

The police commissioner is authorized to issue an urgent permit for 48 hours when there is no time to obtain a permit and it is necessary for the prevention of a felony and the discovery of its perpetrator. The Commissioner shall report to the Attorney General immediately upon issuing the permit and the latter has the authority to revoke it.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted. Article 3 of the Legal Assistance between States Law Regulations is applicable.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The Police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Tracing of telecommunications (102)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The relevant law for this subject is the Criminal Procedure Code (Enforcement Powers – Communications Data) of 2007. The law permits receiving identification data, location data, subscription data, traffic data and telecommunications data, and all other data relating to means of communications and transmissions, apart from the contents of the transmission.

The condition for receiving a warrant under the law is that it is requested in relation to an offence in the category of a felony or misdemeanour (offences punishable by over 3 months of imprisonment) and that it is requested for the purpose of saving or protecting a human life, for the discovery of offences or criminals, or for the confiscation of property.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

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While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The competent body is the Magistrates Court, which is authorized to issue a warrant for the receipt of the communications data at the request of the police officer or other investigating authority.

The application should be submitted in writing, and be supported by a statement that includes, inter alia, the facts constituting the basis of the application, its purpose, the data requested, the requested period, and identification details of the client or device.

The warrant will include the communications data which may be received under the warrant, the time period during which the data can be received, and the date of coming into effect.

In urgent cases, an authorized officer (chief superintendent and above) may permit receiving communications data, if persuaded that the data are necessary for the prevention of an offence in the category of felony (offences punishable by at least 3 years of imprisonment), the discovery of its perpetrator, or to save a human life. This is permitted when the matter does not admit postponement, and it is not possible to receive the warrant from a Court in a timely manner. The permit is valid for 24 hours only.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

Section 4 (c) of Israel's Legal Assistance Law states that: The competent authority shall consider a request for legal assistance in connection with a criminal matter, if the request also specifies the following:

- The type of proceedings for which the assistance is required.
- The facts that constitute the basis for the suspicion that the offense, which is the subject of that request, was committed and the connection between those facts and the requested assistance.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Interception and recording of other forms of communication (103)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The relevant law relating to the subject is the Wiretapping Law, 1979. The law permits monitoring a conversation, its recording or copying by way of an appliance without the consent of any of the participants, when it is necessary for the discovery, investigation, or the prevention of an offence in the category of felony (offences punishable by at least 3 years of imprisonment), or for the discovery or capture of criminals who have committed such crimes, or in an investigation for purposes of confiscating property connected to such offences.

The body authorized to permit monitoring, as stated, is also permitted to allow intrusion into a private place to install the means necessary for that purpose.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The President of the District Court or their authorized deputy is the body authorized to permit wiretapping by a warrant.

An application for a warrant as stated shall be filed by a police officer of the rank of commander (Nitzav Mishneh) and above. The application shall be filed using a standard form, and shall specify, inter alia, the factual foundation upon which the application is based, the reasons for the application, and the details of the action requested. The application shall be heard ex parte.

The permit shall be given after the competent body has considered the severity of the infringement of privacy, and the measure is necessary for the discovery, investigation, and prevention of offences in the category of felony (offences punishable by at least 3 years of imprisonment), or for the discovery or capture of criminals who have committed such offences, or in an investigation for purposes of confiscating property connected to an offence as stated.

The permit shall specify - the identity of the person, the identity of the line or the installation, place or type of conversations, the methods of monitoring, the duration of the permit shall be for a period of up to three months, and it may be extended from time to time. Once a month, the Police Commissioner will report on the permits issued.

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The police commissioner is authorized to issue an urgent permit for 48 hours when there is no time to obtain a permit and it is necessary for the prevention of a felony and the discovery of its perpetrator. The Commissioner shall report to the Attorney General immediately upon issuing the permit and the latter has the authority to revoke it.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Interception of mail (104)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The relevant law relating to the subject is the Criminal Procedure (Arrest and Search) Ordinance, 1969. This law permits the seizing of objects, including postal items, when it is necessary in order to ensure the presentation of the object for purposes of investigation, trial or other proceedings.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

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In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The Magistrates Court Judge is the body to authorize this measure.

The police may apply to the Court to issue a search warrant. The application shall include, inter alia, the details of the offence in respect of which the search warrant is requested, the details of the object requested

and the place where the search is to be conducted. The warrant is issued ex parte, specifying the place where the search will be conducted, the details of the object looked for and its effective date.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The Police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Observation (105)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Police and a person who is a member thereof is authorized to conduct observation - surveillance in the public domain with or without technical means If conducted in a reasonable manner in the framework of and in the fulfilment of their duties.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral

convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

There is no need for a permit to use the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Interception of telecommunication without the technical assistance of another Member State (106)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

2. AGENTS AND INFORMERS – INFILTRATION

Infiltration by undercover agents of the requested State (201)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

An agent may be a policeman or a citizen (who may also be a criminal who is prepared to cooperate with the police).

A police-agent is an agent who is secretly activated in order to gather information, and once completing this activity, continues to serve as a policeman.

A source, or a citizen agent, is a criminal, intelligence source, or other person secretly activated by the Police in the gathering of evidence. Their activation is managed within the framework of an "Activation Agreement".

The activation of an agent depends on the existence of a basis for the suspicion that the target against whom the agent is activated is involved in the commission of criminal offences, generally in the category of felony (offences punishable by at least 3 years of imprisonment).

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral

convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to authorize the measure is the police, with the approval of the District Attorney.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request. In the Police, the investigating unit escorts the activities of the agent by way of “activators” (policemen trained for that purpose), and reports on their activities to the District Attorney’s Office. The agent is obligated to give a report to their activators concerning every act that (s)he performs.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Infiltration by agents of the requesting State in the territory of the requested State (202)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure may be possible although this measure is not defined in the Israeli legislation. But like any other investigatory activity, it may be requested within the framework of the Legal Assistance Law, 1998, and the application will be considered by the authorized body.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

EUROMED JUSTICE

EuroMed Fiches

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The police shall be responsible for the execution of the measure requested in the framework of the assistance.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request. In the Police, the investigating unit escorts the activities of the agent by way of “activators” (policemen trained for that purpose), and reports on their activities to the District Attorney’s Office. The agent is obligated to give a report to their activators concerning every act that (s)he performs.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Infiltration by an informer of the requested State (203)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

An “informer” may be activated on a long term or one time basis, and a privilege is imposed on their identity. Despite the above, in accordance with the Evidence Ordinance, 1971, the Court, upon request of the defendant, may order the disclosure of the identity of the informer if it is crucial to the defence of the defendant. In that situation, the prosecution has the choice of either revealing the identity of the informer or withdrawing the indictment.

The “informer” is a citizen who does not belong to the law enforcement authorities, but is prepared to assist them by giving information concerning offences or criminals, of any kind.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

EUROMED JUSTICE

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In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to authorize the measure is the police, according to the internal guidelines.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Handling of informers (204)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

An “informer” may be activated on a long term or one time basis, and a privilege is imposed on their identity. Despite the above, in accordance with the Evidence Ordinance, 1971, the Court, upon request of the defendant, may order the disclosure of the identity of the informer if it is crucial to the defence of the defendant. In that situation, the prosecution has the choice of either revealing the identity of the informer or withdrawing the indictment.

The “informer” is a citizen who does not belong to the law enforcement authorities, but is prepared to assist them by giving information concerning offences or criminals, of any kind.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Na-

EUROMED JUSTICE

EuroMed Fiches

tions Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to authorize the measure is the police, according to the internal guidelines.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

3. EXAMINATION, BODY SEARCH AND EXPERT EVALUATION

Superficial body search (301)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The scope of the search is finding evidence when arresting a suspect, and asserting the safety of the person making the arrest, the public and the person being searched. This search is not an autonomous power, but it is leaning on the authority to arrest a suspect (see section 22a of the Criminal Procedure Ordinance (arrest & search) [New Version] 5729-1969 meaning that the police may perform the search only when a suspect is arrested.

An exception to this rule is the suspicion that a person is carrying drugs (Dangers Drugs Ordinance [New Version] 5733-1973) or weapons (Enforcement Powers for the Safety of the public, 5765-2005).

In those cases, no arrest is needed. Another exception was ruled by the High Court of Israel. It refers to the possibility of a policeman to ask a person's consent to perform the search.

The definition of this search is a body search, clothing search or personal belongings search, which is not an external or internal search.

The Criminal Procedure Code (Enforcement Powers - Body Search and taking the means of identification), 5756 – 1996, divides invasive search into two types: external search and internal search, which are both defined in detailed lists below.

EUROMED JUSTICE

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Section 2 of the Criminal Procedure Code (Enforcement Powers - Body Search and taking the means of identification) defines the principles of body searches.

An external search is:

- A visual examination of a person's naked body, including photographing;
- Taking body print or impression of any part of the body;
- Taking fingernail scrapings;
- Cutting nails;
- Taking material from the nostrils;
- Taking hair, including the roots;
- Taking material from the body;
- Testing on the skin;
- Providing a urine sample;
- Providing a saliva sample;
- Providing a sample of breath by breath test; and
- Taking a sample of cheek cells.

Internal search:

- Blood test;
- Simulation of the body using ultrasound;
- Mirroring inside of the body using x-ray machine;
- Body simulation using a scanner of some kind;
- Gynaecological examination, including the taking of materials taking tiny blood samples.

If the police has a reasonable suspicion that there is evidence on a suspect's body, (s)he may ask for the suspect's consent to perform an external search. Some types of external search can be performed with force and some not. When the use of force is needed, the search must be approved by a police officer. If the search can damage the suspects' health, there is a need for a M.D approval. Exposer of body parts that are usually concealed are to be done privately.

If a police officer has a reasonable suspicion that in a suspect body there is evidence of a crime (offence with a punishment of more than 3 years imprisonment), (s)he may ask the suspect consent to perform an internal search. If the suspect did not consent, the police officer may ask the Court for an order.

Some types of external or internal searches have to be done by a relevant professional (dentist, x-ray technician and so on).

Concerning both types of searches, the refusal to the search in such a way that the search cannot be performed may amount to a felony in some cases, and can be held against the suspect in evidence aspects.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The police and sometimes other public officers with the authority to arrest a suspect.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Invasive body search (302)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The scope of the search is finding evidence when arresting a suspect, and asserting the safety of the person making the arrest, the public and the person being searched. This search is not an autonomous power, but it is leaning on the authority to arrest a suspect (see section 22a of the Criminal Procedure Ordinance (arrest & search) [New Version] 5729-1969 meaning that the police may perform the search only when a suspect is arrested).

An exception to this rule is the suspicion that a person is carrying drugs (Dangers Drugs Ordinance [New Version] 5733-1973) or weapons (Enforcement Powers for the Safety of the Public, 5765-2005).

In those cases, no arrest is needed. Another exception was ruled by the High Court of Israel. It refers to the possibility of a policeman to ask a person's consent to perform the search.

EUROMED JUSTICE

EuroMed Fiches

The definition of this search is a body search, clothing search or personal belongings search, which is not an external or internal search.

The Criminal Procedure Code (Enforcement Powers - Body Search and taking the means of identification), 5756 – 1996, divides invasive search into two types: external search and internal search which are both defined in detailed lists below.

Section 2 of the Criminal Procedure Code (Enforcement Powers - Body Search and taking the means of identification) defines the principles of body searches.

An external search is:

- A visual examination of a person's naked body, including photographing;
- Taking body print or impression of any part of the body;
- Taking fingernail scrapings;
- Cutting nails;
- Taking material from the nostrils;
- Taking hair, including the roots;
- Taking material from the body;
- Testing on the skin;
- Providing a urine sample;
- Providing a saliva sample;
- Providing a sample of breath by breath test; and
- Taking a sample of cheek cells.

Internal search:

- Blood test;
- Simulation of the body using ultrasound;
- Mirroring inside of the body using x-ray machine;
- Body simulation using a scanner of some kind;
- Gynaecological examination, including the taking of materials taking tiny blood sample.

If a police officer has a reasonable suspicion that there is evidence on a suspect's body, (s)he may ask for the suspect's consent to perform an external search. Some types of external search can be performed with force and some not. When the use of force is needed, the search must be approved by a police officer. If the search can damage the suspects' health, there is a need for a M.D approval. Exposer of body parts that are usually concealed are to be done privately.

If a police officer has a reasonable suspicion that in a suspect body there is evidence of a crime (offence with a punishment of more than 3 years imprisonment), (s)he may ask the suspect consent to perform an internal search. If the suspect did not consent, the police officer may ask the Court for an order.

Some types of external or internal searches have to be done by a relevant professional (dentist, x-ray technician and so on).

EUROMED JUSTICE

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Concerning both types of searches, the refusal to the search in such a way that the search cannot be performed may amount to a felony in some cases, and can be held against the suspect in evidence aspects.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

EUROMED JUSTICE

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While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

- The police for the internal and external search; and also in some cases
- The Magistrate's Court with an order.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Psychiatric medical examination (303)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

A psychiatric medical examination examines the mental state of the person checked and the findings are set forth in an opinion, answering whether the person checked can understand what (s)he did, their ability to understand wrong from right, or their ability to avoid what (s)he did, while committing the offence, as well as the person's fitness to understand the legal actions taken against them. A psychiatric medical examination is performed by a doctor specialized in psychiatry.

EUROMED JUSTICE

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A psychiatric medical examination is performed according to the Law of Treatment of the Mentally Ill, 5751-1991 (articles 15-17).

According to the law, a Court may order the psychiatric medical examination of a person who is a suspect, or who has been arrested or has been charged, by a psychiatric specialist, either upon the request of one of the parties or upon the initiative of the Court, if a suspicion has arisen that the person is mentally ill.

The exam shall be conducted by the District Psychiatrist or psychiatrist appointed by the District Psychiatrist. The District Psychiatrist is a psychiatrist working in the public service, appointed by the Minister of Health. The findings of the exam will be transferred to the Court presiding over the case. If it was found that, due to their mental illness, the defendant did not know right from wrong at the time of the act, then (s)he would be exempt from criminal liability under Section 34H of the Penal Law 5777-1977, and (s)he cannot be punished for the act committed. The legal proceedings against them will be stopped under Section 15 (b) of the Treatment of Mental Patients Law 5751-1991, and the Court may make an order for the patient's treatment in a psychiatric hospital, either as an outpatient or in ambulatory care.

If the exam finds that the defendant, because of their mental illness, is unable to understand the legal proceedings against him, but that when (s)he committed the offence attributed to him, (s)he knew right from wrong, and could refrain from doing the offence, the Court may give an order for the treatment of the defendant, and the Court will order the termination of the proceedings against the defendant according to Section 15 (a) of the Treatment of Mental Patients Law 5751-1991. The prosecution may order the resumption of proceedings in such a case, and legal proceedings against them, after the person being tested was treated and found to be able to understand the legal proceedings against them.

The suspect / detainee / accused may submit to the Court an expert opinion in psychiatry on their own behalf, with findings that contradict the opinion of the District Psychiatrist, in which case the Court will determine which of the expert opinions to accept.

If the Court determines, based on the expert opinions, that the defendant can stand trial and that (s)he knew right from wrong at the time of the offence and could have avoided committing the offence, but that the defendant is mentally ill or suffers from mental health problems that does not justify an exemption from criminal liability, the results of the psychiatric exam may have an effect on the type of punishment and its severity, if (s)he is convicted.

In addition, according to the Treatment of Mental Patients Law 5751-1991, a District Psychiatrist may order a forced exam of a person or the person's involuntary hospitalization, even if no offence has been committed, if evidence was brought to them that (s)he was sick and that their illness may pose an immediate physical risk to them or others, and if (s)he does not agree to be tested or to be hospitalized voluntarily.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral

convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The Court presiding over the case.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

According to the Treatment of Mental Patients Law 5751-1991, the psychiatric medical examination is conducted by a specialist in psychiatry that has a license to practice medicine from the Ministry of Health of Israel. It is possible that, in special circumstances, the District Psychiatrist could collaborate with a psychologist from the requesting State.

Control of identity, measures for judicial identification (304)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

According to the Identity Card Law 1982, anyone above 16 must carry their identity card (or other formal card for non-citizens) and show the card on demand.

When failing, an alternative measure with the same purpose can be found in the Criminal Procedure Law. A Policeman may detain a suspect or a witness to ascertain their identity (section 67 of the Criminal Procedure Law (Enforcement Powers – Arrests)) 5756 – 1996.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral

convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

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In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

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- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The police.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Technical or scientific examinations or expert evaluations (305)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Bringing an expert opinion on behalf of the prosecution or the defence is possible under article 20 of the Evidence Law [New Version] 5771-1971. The Court is permitted to accept as evidence, if it does not see it as a miscarriage of justice, a written opinion of an expert regarding a question of research, art, professional knowledge, or a medical document regarding a person's health.

In addition, in special circumstances that must be noted in the decision of the Court, the Court is permitted to appoint an expert in accounting or another topic that requires a technical examination or calculation (article 111 of the Criminal Procedure Law [Consolidated Version] 5742-1982).

The expert opinion is initiated in most cases by the Police or Prosecution, and in some cases it is initiated by the defendant or the defence. The Court decides whether to accept the expert opinion as evidence or not.

The investigative body, the Israeli Police, has experts on finger prints, drugs, pathology, weapons, DNA, computers, graphology etc. and during the course of the investigation, they examine the relevant evidence and they write reports about their area of expertise. There is not a closed list of topics on which an expert opinion can be submitted.

In their expert opinion, the expert will describe their academic and practical backgrounds that establish the basis of their expertise.

The defendant can present an expert opinion on their behalf, and (s)he must allow the prosecution the right to see and copy the opinion ahead of time (article 83 to the Criminal Procedure Law [Consolidated Version] 5742-1982). If the Court is presented two contradicting opinions, it must decide which opinion to accept while deciding the case.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

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While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The Court presiding over the case.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

4. DOCUMENTS-OBTAINING

Spontaneous exchange of information (401)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Spontaneous exchange of information can be made through the investigating authority and prosecuting authority. The transfer of information held by one of these authorities is subject to the Privacy Act, 5741-1981, and Privacy Regulations (transfer of information to data bases outside state borders) 5761-2001. Concerning specific information, there are specific restrictions (DNA data or individual police records).

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When failing, an alternative measure with the same purpose can also be found under section 43, the order to show documents or objects of the Criminal Procedure Ordinance (arrest & search) [New Version] 5729-1969.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

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While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

Depending on the circumstances: the police, another investigating authority, or the prosecuting authority.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Order to produce documents (402)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

There are legal provisions regarding the service of documents and seizing the legal proceedings from the investigation stage until the suit is brought before the Court, and for the trial phase until the case is decided by the Court.

The Criminal Procedure Ordinance (Arrest and Search) [New Version] 5729-1969, regulates the ways in which it is possible to catch documents or seize them. Sec. 43 authorises the Court to give an order to anyone to produce documents (or other objects) that are needed during the trial or investigation.

According to Article 108 of the Criminal Procedure Law [Consolidated Version] 5752-1982, the Court may, upon request of a party or on the Court's initiative, instruct a witness or any other person to submit to the Court documents in their possession. The Court will grant the request if the requesting party presents reasons to establish that the documents are relevant to the questions considered by the Court.

When failing, an alternative measure with the same purpose is also possible according to Article 23 to the Criminal Procedure Ordinance (Arrest and Search). The Court will grant an order to search the house or anywhere else if the search is necessary to ensure the presentation of object for the investigation or trial, or where the requested search is used for the storage or sale of an object which was used for an offence or was used for any illegal purpose, or if the Judge has reasonable grounds to believe that an offence has been committed in that place or there is a plan to commit an offence against a person in that place. The request shall be submitted to the Court by a police officer, and it will include details regarding the objects or documents requested for the investigation and reasons for the request. Discussion in the request and the Court decision is made *ex parte*.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

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In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

During the investigation it is the Magistrate's Court who has the authority.

During the trial, the Court presiding over the case has the authority.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Other possibilities of obtaining information concerning taxes or bank accounts (403)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Information concerning bank accounts can be received as any other information and documents.

Information regarding tax is confidential, and there is a procedure to remove the confidentiality in order to obtain such information.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information or condition the acceptance of the request.

In practice, requests are received by:

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- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

In coordination with the competent authorities in terms of judicial cooperation, the Israel Money Laundering and Terror Financing Authority established under the Anti-Laundering Law 2000.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Access to public documents in judicial files (404)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Providing information about criminal records is governed by the provisions of the Criminal Register and Rehabilitation of Offenders Law, 5741- 1981. It is possible to provide this information to another country.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

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In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The police.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Sending and service of procedural documents (406)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible under article 14 of the Legal Assistance between States Law 1998 and Regulations 9, 10, 11 of the Legal Assistance between States Law Regulations 1999.

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2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by the Directorate of Courts.

b. Execute/recognise the measure (if other than the receiving authority)

The Minister of Justice may accept and execute the request or authorize the requesting authority to execute it directly to the individual.

4. Accepted languages for the request/decision

Requests may be sent and received in Hebrew or English according to article 3 of the Legal Assistance between States Law Regulations.

5. Deadlines for the execution of the request/decision (where applicable)

No deadline, but as far as possible, so as to comply with the conditions of the request and requesting State.

6. Concise legal practical information

a. Special requirements

Identical to any other judicial cooperation request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Transfer of proceedings (407)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

5. SETS - SEQUESTRATION, CONFISCATION AND RESTITUTION

Sequestration of assets (501)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Assets related to an offence may be seized by the police (Section 32 of the Criminal Procedure Ordinance (arrest & search) [New Version] 5729-1969).

The police may seize an item if they have reason to believe that the item was used or is about to be used for the commission of an offence, that it is likely to serve as evidence in legal proceedings, or that it was given as payment for the commission of an offence or as means of committing it. Under sections 34 and 35, the Court may order the extension of the period in which the police is entitled to seize the item and may issue an order on what to do with the seized asset.

When failing, an alternative measure with the same purpose is possible. Depending on the type of offence, there are many specific laws with confiscation and Sequestration provisions. The main provisions are:

- Dangerous Drugs Ordinance;
- Prohibition on Money Laundering Law;
- Combating Criminal Organizations Law;
- Prohibition on Terrorist Financing Law;
- Prohibition on Trafficking in Human beings.

In some of these provisions, there is a wider possibility of seizing also property of the accused worth of the property related to the offence.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and

various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to authorize the measure is the police and, in some cases, the Magistrate's Court, and, in some cases, the District Court (depending on the type of offence).

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

- The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.
- The Legal Assistance Law contains a requirement for an undertaking of the requesting State guaranteeing that the foreign jurisdiction will cover any damages affecting private parties as a result of the seizure and forfeiture, should the forfeiture ultimately not take place or be found invalid.
- The Minister of Justice has the authority on a case-by-case basis and for appropriate cause, to exempt requesting foreign jurisdictions from providing undertakings for compensation. A freezing order issued by an Israeli Court on the basis of a foreign request is limited to the maximum duration of one year. At the end of that period, a final forfeiture order must be issued in the foreign State or the frozen assets would have to be released.

Freezing of bank accounts (502)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Bank accounts can or may be frozen with a Court order, when there are reasonable grounds to believe that ongoing offences will be subject to confiscation.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

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In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to request the measure is the investigating body, or the prosecution at the Magistrate's Court, and, in some cases, the District Court (depending on the type of offence).

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

- The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.
- The Legal Assistance Law contains a requirement for an undertaking of the requesting state guaranteeing that the foreign jurisdiction will cover any damages affecting private parties as a result of the seizure and forfeiture, should the forfeiture ultimately not take place or be found invalid.
- The Minister of Justice has the authority on a case-by-case basis and for appropriate cause, to exempt requesting foreign jurisdictions from providing undertakings for compensation.
- A freezing order issued by an Israeli Court on the basis of a foreign request is limited to the maximum duration of one year. At the end of that period, a final forfeiture order must be issued in the foreign State or the frozen assets would have to be released.

Restitution (503)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The return of assets or objects to their rightful owners can be done throughout the criminal trial by Court order (section 34 of the Criminal Procedure Ordinance (arrest & search) [New Version] 5729-1969).

In some cases, the confiscation will overcome the right of the rightful owner and in other cases the right of the rightful owner is first in line. The rightful owner may have a civil claim regardless of the criminal procedure. If a person is convicted in Court, and there is a civil claim against them, the criminal Court can decide on the civil claim after the conviction.

Israeli law regarding civil recovery of damages allows a foreign State to bring a suit for the recovery of such damages. Damages in such cases would not necessarily be limited to proceeds present in Israel but temporary measures, such as effective means, can be taken by a Court with respect to such assets.

2. International legal framework applicable for this measure in your State

No.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

Upon request, the body competent to authorize the measure is the Magistrate's Court, and in some cases, the Court sitting in judgment of the criminal case.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Interim measures in view of confiscation (504)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Interim measures or a Court order may be issued to seize assets or objects related to the offence.

Assets related to an offence may be seized by the police (Section 32 of the Criminal Procedure Ordinance (arrest & search) [New Version] 5729-1969).

The police may seize an item if they have reason to believe that the item was used or is about to be used for the commission of an offence, that it is likely to serve as evidence in legal proceedings, or that it was given as payment for the commission of an offence or as means of committing it. Under sections 34 and 35, the Court may order the extension of the period in which the police is entitled to seize the item and may issue an order on what to do with the seized asset.

When failing, an alternative measure with the same purpose is possible. Depending on the type of offence there are many specific laws with confiscation and Sequestration provisions. The main provisions are:

- Dangerous Drugs Ordinance;
- Prohibition on Money Laundering Law;
- Combating Criminal Organizations Law;
- Prohibition on Terrorist Financing Law;
- Prohibition on Trafficking in Human beings.

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In some of these provisions there is a wider possibility of seizing also property of the accused worth of the property related to the offence.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

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While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

Upon request, the body competent to authorize the measure is the police and in some cases the Magistrate's Court.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested. The police will execute the measures requested within the framework of the request.

b. Other useful information

- The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.
- The Legal Assistance Law contains a requirement for an undertaking of the requesting State guaranteeing that the foreign jurisdiction will cover any damages affecting private parties as a result of the seizure and forfeiture, should the forfeiture ultimately not take place or be found invalid.
- The Minister of Justice has the authority on a case-by-case basis and for appropriate cause, to exempt requesting foreign jurisdictions from providing undertakings for compensation.
- A freezing order issued by an Israeli Court on the basis of a foreign request is limited to the maximum duration of one year. At the end of that period, a final forfeiture order must be issued in the foreign State or the frozen assets would have to be released.

Confiscation (505)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Confiscation in Israel can be made under different provisions. Section 39 of the Criminal Procedure Ordinance enables the confiscation of objects related to the offence. Objects can be seized by the police under section 32 or section 33 (see sec. 501 above). "Objects" include a document, computer material, bank accounts, and rights.

When failing, an alternative measure with the same purpose is possible. Depending on the type of offence, there are many specific laws with confiscation provisions. The main provisions are:

- Dangerous Drugs Ordinance;
- Prohibition on Money Laundering Law;
- Combating Criminal Organizations Law;
- Prohibition on Terrorist Financing Law;
- Prohibition on Trafficking in Human beings.

The above-mentioned laws authorize to a large extent confiscation in case of connection between the property and the offence, procedural proceedings, rights of third party, evidentiary presumptions, and change in the burden of proof (for example "civil forfeiture").

Property includes real estate, personal property, money and rights, including property that is consideration for the aforesaid property, and any property that was generated or obtained in consideration from profits of such property.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo

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Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 of the Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The competent Public Prosecution Agency requests via a Court order for the confiscation.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

- The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.
- The Legal Assistance Law contains a requirement for an undertaking of the requesting State guaranteeing that the foreign jurisdiction will cover any damages affecting private parties as a result of the seizure and forfeiture, should the forfeiture ultimately not take place or be found invalid.
- The Minister of Justice has the authority on a case-by-case basis and for appropriate cause, to exempt requesting foreign jurisdictions from providing undertakings for compensation.
- A freezing order issued by an Israeli Court on the basis of a foreign request is limited to the maximum duration of one year. At the end of that period, a final forfeiture order must be issued in the foreign State or the frozen assets would have to be released.

6. PLACES – VISIT AND SEARCH

Visit to and search of homes (601)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

A Judge is authorized to instruct the police to perform a search at home if:

- it is needed in order to secure a display of an object during the investigation, a trial or other procedure, or
- if there is a ground to assume that the home is being used to store or sell a stolen object, or
- an object that was used to commit an offence is stored or being kept there or
- it is used for an illegal purpose, or
- there is a ground to assume that an offence has been committed or is going to be committed against a person staying at that home.

All the above can be found in section 23 of the Criminal Procedure Ordinance (arrest & search) [New Version] 5729-1969).

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A policeman is authorized, without a Court order, to go into a home and search there, if (s)he:

- has ground to assume that a felony is being committed or has been committed there lately, or
- the owner of the home asked for the police help, or
- a person staying there asked for the help of the police and there is grounds to assume that an offence is being committed there, or
- the policeman is chasing a person who is evading an arrest or escaping a lawful custody.

All the above can be found in section 25 of The Criminal Procedure Ordinance (arrest & search) [New Version] 5729-1969).

When failing, an alternative measure can be ruled by the High Court of Israel and it refers to the possibility of a policeman to ask for a person's consent to perform the search.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

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- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

A Judge or a policeman, as described above under 601-I.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Visit and search on the site of an offence (602)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

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A Judge is authorized to instruct the police to perform a search at home if:

- it is needed in order to secure a display of an object during the investigation, a trial or other procedure, or
- if there is ground to assume that the home is being used to store or sell a stolen object, or
- an object that was used to commit an offence is stored or being kept there, or
- it is used for an illegal purpose, or
- there is ground to assume that an offence has been committed or is going to be committed against a person staying at that home.

All the above can be found in section 23 of the Criminal Procedure Ordinance (arrest & search) [New Version] 5729-1969).

A policeman is authorized, without a Court order, to go into a home and search there, if (s)he

- has ground to assume that a felony is being committed or has been committed there lately, or
- the owner of the home asked for the police help, or
- a person staying there asked for the help of the police and there is grounds to assume that an offence is being committed there, or
- the policeman is chasing a person who is evading an arrest or escaping a lawful custody.

All the above can be found in Section 25 of the Criminal Procedure Ordinance (arrest & search) [New Version] 5729-1969).

When failing, an alternative measure can be ruled by the High Court of Israel and it refers to the possibility of a policeman to ask for a person's consent to perform the search.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

A judge or a policeman, as described above under 601-I.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

7. WITNESSES, VICTIMS, SUSPECTS - SUMMONING AND HEARING

Summoning witnesses (701)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

An investigator is authorized to summon witnesses who might have information about an offence that has been committed, to secure their attendance at the investigation. The summoning may be in writing, by telephone, or face to face, depending on the circumstances of the case.

Witnesses can be questioned at the site of an offence or can be brought to the police station by a policeman, if a policeman has reasonable ground to assume that a crime has been committed and that the person can give information concerning that crime (Section 68 of the Criminal Procedure (Enforcement Powers – Arrests), 5756- 1996).

Summoning witnesses to the Court:

Under section 106 of the Criminal Procedure Law [Consolidated Version] 5742-1982, any person can be summoned to give a testimony in Court, following the request of the prosecution or the defence, unless the Court decides that a certain person cannot contribute to the clarification of the issues relevant to the trial. The Court may decide to summon a witness at its own discretion. The summoning is done by issuing a written summons or by an oral announcement at the time of a Court hearing.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

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In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to authorize the measure is the investigator at the police investigation stage.

At the trial stage, the Court is the competent body. The summons will be then signed by the judge, a registrar, or by a Court clerk.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Hearing witnesses: standard procedure (702)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Hearing by the investigator:

Section 2 of the Criminal Procedure Ordinance (testimony) 1927 authorizes an investigator to orally question any person who may have information concerning an offence that is being investigated. The person questioned must answer truthfully the questions (s)he is being asked, unless the answers might incriminate them.

Hearing at the Court:

Section 172 of the Criminal Procedure Law [Consolidated Version] 5742-1982 holds that different witnesses shall not testify one in the presence of the other. The Court shall warn the witness that (s)he must say the whole truth and only the truth and that (s)he would be subject to penalties prescribed by law (section 173).

Section 174 holds that the witness is questioned first by the side who asked for their testimony. Later on, the cross-examination will take place, and then the re-examination. Questions may also be asked by the Court.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to authorize the measure is the investigator at the police investigation stage.

At the trial stage, the Court is the competent body.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

The police will execute the measures requested within the framework of the request.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Hearing witnesses: by video conference (703)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, hearing witnesses who stay in another country by video conference is possible.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on

Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

At the trial stage, the Court is the competent body to authorise this measure.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Hearing witnesses: by telephone (704)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing children (705)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Youth Act (adjudication, punishment and methods of treatment) of 1971-5731 states that a parent has the right to know if their son or daughter is summoned to give testimony to the police. A minor who is a suspect has a right to consult their parent before the investigation begins, and of course to consult an attorney as well. A minor has a right that their parent will be present during the investigation. A minor will not be investigated during night hours, only in exceptional cases defined by the law.

Witnesses who are less than the age of 14, and suspects between the age of 12 to 14, who are questioned about certain offences, e.g. sex and violent crimes, will be questioned by special investigators who were trained to investigate children. The minors will testify before the Court only if the special investigator approved the testimony of the minor. In certain cases, the special investigator will testify instead of the minor. The Court may hold that a hearing of a testimony of a child at the Court will be conducted in special conditions, e.g. in close circuit television.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

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Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

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While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to authorize the measure is the investigator at the police investigation stage.

At the trial stage, the Court is the competent body.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Hearing persons collaborating with the inquiry (706)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Ministry of Public Security may decide that a person collaborating with the inquiry will not be brought before the Court and that this person's identity will not be disclosed, if disclosing that information will pose a serious threat to their life or if it will expose confidential police practice. In this case, the statement or information which that person gave will not be admissible in Court. The Court is authorized to disclose the above information if it is needed for justice purposes. In exceptional cases, and only if it does not harm the defence of the defendant, there is the possibility for a witness to testify without exposing their identity.

In addition, a judge is authorized to decide that a hearing of an intimidated witness will be conducted "in camera", for the purpose of protecting the witness and encourage them to testify freely.

In addition, threatened witnesses may participate, in certain conditions, in a witness protection program, administrated by the Israeli Witness Protection Authority. The program is designated to protect threatened witnesses and their families, before, during, and after the trial. The program may include, inter alia, relocation, change of identity, etc. One of the duties of the witness protection authority is to promote international cooperation, in conjunction with other relevant government offices, in the field of witness protection.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and

various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

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In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The Ministry of Public Security, the Court or by the Israeli Witness Protection Authority, as elaborated above are competent to authorise the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depend, for instance, on the type of action requested and/or other circumstances that matter.

Hearing victims/plaintiffs (707)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Generally, the hearing of victims during an investigation is similar to that of other witnesses. Nevertheless, a victim of certain violent or sexual crimes has the right that a person who accompanies them be present during the police questioning, subject to the restrictions set in the Rights of Victims Crime Law (Section 14 of the Rights of Victims Crime Law (5761 - 2001)).

Also, in general, a victim has the right not to be questioned during the police investigation or in Court as to their sexual history other than according to the exception provided for in the law (Section 13 of the Rights of Victims Crime Law (5761 - 2001)).

Generally, the hearing of the victim of a crime at the trial stage is similar to that of any other witness (for further details, see also 702). In Court, a victim has the right to be protected as much as possible from any unnecessary contact with the suspect or defendant or their relatives. The victim has the right to be present during the Court hearings concerning the crime, even if they are held in camera, and to have a person accompanying them to such hearings, subject to the restrictions provided for in the law.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

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In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

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In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to authorize the measure is the investigator at the police investigation stage.

At the trial stage, the Court is the competent body.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Hearing experts (708)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Experts will be heard at the Court like other witnesses. The defence, as well as the Prosecution, may invite experts in order to prove their case. The expert's written opinion should be given to the other party a reasonable time before the hearing.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

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In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

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While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to authorize the measure is the Court.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Summoning suspects/persons accused (709)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

An investigator is authorized to summon suspects. The summoning can be in writing, by telephone, or face to face, depending on the circumstances of the case. A suspect can be questioned at the site of an offence or can be brought to the police station for the purpose of investigation, if a policeman has a reasonable suspicion that (s)he has committed a crime (Section 67 of the Criminal Procedure (Enforcement Powers – Arrests) 5756- 1996).

Summoning defendants to the Court. The Court issues a summons to the defendant together with a copy of the indictment. A copy of these documents will be sent to the defence counsel of the defendant (Section 95 of the Criminal Procedure Law [Consolidated Version] 5742-1982).

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo

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Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to authorize the measure is the investigator at the police investigation stage.

At the trial stage, the Court is the competent body. The summons will be signed by the judge, a registrar, or by a Court clerk.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Hearing suspects/persons accused: standard procedure (710)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Section 2 of the Criminal Procedure Ordinance (testimony), 1927 authorizes an investigator to orally question any person who may have information concerning an offence that (s)he is investigating, including a suspect. The section states that the person questioned must answer truthfully the questions (s)he is being asked, unless the answers might incriminate them. The right to remain silent is stated only partially in Israeli law. Nevertheless, in practice, a suspect has the right to remain silent and not to answer any question. The suspect has also the right to consult a lawyer before being questioned, and if the inquiry has begun and the suspect asks so. There is a formal indictment, and the public prosecutor is the competent body responsible for it.

At the trial, the defendant is entitled to testify as a defence witness, and if (s)he chooses to do so, (s)he will testify at the beginning of the defence's evidence. The defendant has the right to avoid testifying. In that case, the avoidance might strengthen the evidence of the prosecution or be supporting evidence or corroborating evidence, when needed (Section 161 of the Criminal Procedure Law [Consolidated Version] 5742-1982).

The defendant can consult with their lawyer during the trial. There is a duty to appoint a defence lawyer for the defendant in certain circumstances, inter alia, when a prosecutor asks the Court for a prison sentence, when the defendant is accused of having committed severe offences with punishment of 10 years of imprisonment or more, in case of minor defendants, etc.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

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In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

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In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

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- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The body competent to authorize the measure is the investigator at the police investigation stage.

At the trial stage, the Court is the competent body.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Hearing suspects/persons accused: by video conference (711)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible if the suspect or the defendant agrees. Nevertheless, it is problematic due to aspects of due process and defendant's rights.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo

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Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests (and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
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In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

At the trial stage, the Court is the competent body to authorise this measure.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

Hearing suspects/persons accused: by telephone (712)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Confrontation (713)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

A confrontation of the suspect with other witnesses may be conducted only during the police investigation. Usually it is recorded by video and submitted to the Court as evidence during the trial.

2. International legal framework applicable for this measure in your State

The Law regulating the field of legal assistance is the International Legal Assistance Law, 5758-1998 (last revised in 2014). Legal requests are executed under the conditions set forth in this law and under the terms specified by it.

In addition to this Law, the State of Israel has signed several conventions regarding legal assistance, among them the European Convention on Mutual Assistance in Criminal Matters of 1959, which is a multilateral convention signed by over 50 countries, the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 2001, the Budapest Convention on Cybercrime of 2001 and various bilateral conventions, such as the Legal Assistance in Criminal Matters Conventions signed with the United States, Canada, Australia, India, and Hong Kong.

In many cases, legal assistance is provided to and by Israel within the framework of the UN conventions dealing with specific subjects, such as the Single Convention on Narcotic Drugs of 1961, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, the Merida UN Convention of 2003 Against Corruption, etc.

In addition, Israel may provide and request legal assistance on the basis of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

By law, incoming requests for legal assistance in criminal matters are received by the Minister of Justice (Article 3 Legal Assistance between States Law). The Minister may delegate their authority to execute requests

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(and not to deny requests) to a public officer. The Minister of Justice may either accept, partially accept, refuse after consulting relevant domestic authorities, ask for further information, or condition the acceptance of the request.

In practice, requests are received by:

- The Directorate of Courts;
- The Director of the Department of International Affairs of the State Attorney's Office; or
- The Inspector General of the Israel Police or the Head of the Intelligence Division.

In practice, requests are sent to the Directorate of Courts and then forwarded by them to the Legal Assistance Unit of the Israel Police who oversees the execution of the requests by the competent authorities. In certain cases, the Legal Assistance Unit will consult with the Department of International Affairs regarding the execution of a request.

While decisions regarding the execution of requests may be made by the Department for International Affairs of the State Attorney's Office and by the Legal Assistance Unit, only the Minister of Justice is authorized to deny an incoming request.

b. Execute/recognise the measure (if other than the receiving authority)

The investigator is the competent body.

4. Accepted languages for the request/decision

As a rule, a translation into Hebrew of the request is required. A translation into English can also be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable.

6. Concise legal practical information

a. Special requirements

A request for legal assistance shall specify the type of proceedings for which the assistance is requested, the facts that constitute the foundation for the suspicion of the commission of an offence, and the connection to the assistance requested.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible and depends, for instance, on the type of action requested and/or other circumstances that matter.

8. CROSS-BORDER OPERATIONS

Cross-border observation (801)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible. At present, the security situation prevailing at Israel's land borders renders any more specific legislative framework for cross-border law enforcement and cooperation unfortunately impractical. Israel does have the ability to cooperate and does cooperate in specific cases.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Cross-border hot pursuit (802)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible. At present, the security situation prevailing at Israel's land borders renders any more specific legislative framework for cross-border law enforcement and cooperation unfortunately impractical. Israel does have the ability to cooperate and does cooperate in specific cases.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Cross-border tracking (by placing a beeper on a vehicle or a person) (803)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible. At present, the security situation prevailing at Israel's land borders renders any more specific legislative framework for cross-border law enforcement and cooperation unfortunately impractical. Israel does have the ability to cooperate and does cooperate in specific cases.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Controlled deliveries (804)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible. At present, the security situation prevailing at Israel's land borders renders any more specific legislative framework for cross-border law enforcement and cooperation unfortunately impractical. Israel does have the ability to cooperate and does cooperate in specific cases.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Joint investigation teams (805)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible. At present, the security situation prevailing at Israel's land borders renders any more specific legislative framework for cross-border law enforcement and cooperation unfortunately impractical. Israel does have the ability to cooperate and does cooperate in specific cases.

Instead a parallel investigation is possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

JORDAN



1. TRACING AND INTERCEPTION OF (TELE) COMMUNICATIONS

Interception, recording and transcription of telecommunications (101)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible according to the Constitution and the Communications Law.

Article 18 Constitution:

“All postal and telegraphic correspondence, telephonic communications, and the other communications means shall be regarded as secret and shall not be subject to censorship, viewing, suspension, or confiscation except by a judicial order in accordance with the provisions of the law”.

Article 56 Telecommunications Law No. 13 of 1995, as amended:

“Phone calls and private communication are considered confidential that may not be violated, subject to legal liability”.

Article 65 Telecommunications Law No. 13 of 1995, as amended:

“A. The commission shall have the right to trace the source of any radio waves to verify the license of that source, without considering it as a breach of the confidentiality of messages or violation of the provisions of the applicable laws.

B. The contents of the communications intercepted while tracing their source under paragraph (a) of this Article shall not be spread or publicized. Any employee who spreads or publishes the content of those communications shall be subject to the penalties as prescribed by the law”.

Article 71 Telecommunications Law No. 13 of 1995, as amended:

“Whoever spreads or discloses the content of any communication through a public or a private telecommunications network or a telephone message which came to their knowledge by virtue of their job or which was recorded without legal basis, shall be punished by imprisonment for not less than one month nor more than one year; or by a fine of not less than 100 dinars and not more than 300 dinars, or by both penalties”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

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If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not applicable.

Tracing of telecommunications (102)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 77 Telecommunications Law No. 13 of 1995, as amended:

“Any person who withholds a message which (s)he has to transmit through telecommunication networks to someone else, or refuses to transmit messages which (s)he was asked to transmit by the licensee or the Commission, or copies or reveals a message or tampers with the information related to any subscriber, including unpublished telephone numbers and sent or received messages, shall be punishable by imprisonment for a term not exceeding six months or a fine not exceeding 1000 dinars, or by both penalties”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interception and recording of other forms of communication (103)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 148 of the Penal Code No. 16 of 1960, as amended:

“1. The conspiracy to commit an act or acts of terrorism is punishable by temporary imprisonment with hard labour.

2. Any act of terrorism is punishable by at least five years of hard labour.

3. Life imprisonment with hard labour shall apply if the act resulted in the following:

A. Causing damage, even in part, to a public or private building or an industrial facility, or a ship or aircraft, or any transportation means or facility.

B. Obstructing means of communication and computer systems, or violating their networks, or obstructing transportation means or causing damage in whole or in part”.

Article 77 Telecommunications Law No. 13 of 1995, as amended:

“Any person who withholds a message which (s)he has to transmit through telecommunication networks to someone else, or refuses to transmit messages which (s)he was asked to transmit by the licensee or the Commission, or copies or reveals a message or tampers with the information related to any subscriber, including unpublished telephone numbers and sent or received messages, shall be punishable by imprisonment for a term not exceeding six months or a fine not exceeding 1000 dinars, or by both penalties”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interception of mail (104)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, an alternative measure with the same purpose is possible under the following articles:

Article 3 Law No. 30 of 2010 on the Crimes of Information Systems Crime Law (provisional):

“A. Anyone intentionally accesses a website or information system in any manner without authorization or in violation of, or exceeding authorization, shall be punished by imprisonment for a term not less than a week and not exceeding three months, or by a fine of not less than 100 dinars and not exceeding 200 dinars, or both penalties.

B. If the access provided for in paragraph (a) of this article is for the purpose of cancelling, deleting, adding, destroying, disclosing, extinguishing, withholding, altering, changing, transferring or copying data or information, or stopping or disabling the operation of an information system, changing a website or cancelling, destroying or altering its contents or assuming its identity or the identity of its owner, the perpetrator shall be punished by imprisonment for a term not less than three months and not exceeding one year or by a fine of not less than 200 dinars and not more than 1000 dinars, or both penalties”.

Article 4 Law No. 30 of 2010 on the Crimes of Information Systems Crime Law (provisional):

“Anyone who installs, publishes or uses intentionally a program through an information network or information system, with the purpose of cancelling, deleting, adding, destroying, disclosing, extinguishing, blocking, altering, changing, transferring, copying, capturing, or enabling others to view data or information, or obstructing, interfering, hindering, stopping the operation of an information system or preventing access to it, or altering a website or cancelling it, destroying it, or altering its content or operating it, assuming its identity or the

identity of the owner without authorization or in violation or excess of the authorization shall be punished by imprisonment for a term not less than three months and not exceeding one year or by a fine of not less than 200 Dinars and not exceeding 1000 Dinars, or both punishments”.

Article 5 L Law No. 30 of 2010 on the Crimes of Information Systems Crime Law (provisional):

“Anyone who intentionally captures, interferes or intercepts what is transmitted through an information network or any information system shall be punished by imprisonment for a term not less than one month and not exceeding one year or by a fine of not less than (200) two hundred Dinars and not exceeding 1000 Dinars, or both punishments”.

Article 12 Law No. 30 of 2010 on the Crimes of Information Systems Crime Law (provisional):

“A. Subject to the terms and conditions prescribed in the legislation in force and the personal rights of the defendant, Judicial Police employees may, after obtaining permission from the Attorney General concerned or of the competent Court, enter into any location which evidence indicate that it has been used to commit any of the offences set forth in this law. It is also permissible for the judicial police to inspect the equipment, tools, programs, systems and any means by which the evidence suggest that they have been used to commit any of those crimes. In all cases, the officer who conducts the inspection shall prepare a report and submit it to the competent public prosecutor.

B. Subject to paragraph (a) of this Article and the rights of others acting bona fide, excluding those licensed under the provisions of the Telecommunications Law who did not participate in any offence under this Law, Judicial Police officers may seize equipment, tools, programs, systems and any means used to commit any of the crimes stipulated or covered by this Law and the money earned from them and hold the information and data relating to commission of any of them.

C. The competent Court may rule to confiscate the equipment, tools, programs, and means or stop or hinder the operation of any information system or website used to commit any of the offences set forth or covered by this law, as well as any means and money earned from these crimes, and order to remove the violation at the expense of the perpetrator”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number; email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Observation (105)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, an alternative measure with the same purpose is possible under the following articles:

Article 18 of the Jordanian Constitution:

“All postal and telegraphic correspondence, telephonic communications, and the other communications means shall be regarded as secret and shall not be subject to censorship, viewing, suspension or confiscation except by a judicial order in accordance with the provisions of the law”..

Article 88 Code of Criminal Procedure:

“The public prosecutor may seize all the letters, newspapers, publications, parcels at the post offices, and all the telegraphic letters at the telegraphic offices, and may also wiretap whenever that is necessary to reveal the truth”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interception of telecommunication without the technical assistance of another State (106)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

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3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

2. AGENTS AND INFORMERS - INFILTRATION

Infiltration by undercover agents of the requested State (201)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

No, in principle, there is no international legal framework applicable. However in cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Infiltration by agents of the requesting State in the territory of the requested State (202)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

No, in principle, there is no international legal framework applicable. However, in cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney's General Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Infiltration by an informer of the requested State (203)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

No, in principle, there is no international legal framework applicable. However, in cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their

contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Handling of informers (204)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

No, in principle, there is no international legal framework applicable. However, in cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

3. EXAMINATION, BODY SEARCH AND EXPERT EVALUATION

Superficial body search (301)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

When failing, the Code of Criminal Procedure provides for an alternative with the same purpose.

Article 86 Code of Criminal Procedure:

“1. The public prosecutor may search the defendant or other if there are strong indications that (s)he was concealing objects that may be useful in revealing the truth.

2. If the inspected person is female, the search shall be performed by a female designated to do so”.

Article 97 Code of Criminal Procedure:

“1. When searching a place, if a person is suspected of concealing an object being sought for the purpose of the investigation, such person may be inspected on the spot.

2. A list must be made of the items found and seized from this person and signed by the witnesses in accordance with the procedure established under in article (95). The person shall be given a copy of the list upon request”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department, the public prosecutor or police officers whose task was delegated by the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other

information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Invasive body search (302)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

When failing, the Code of Criminal Procedure provides for an alternative with the same purpose.

Article 97 Code of Criminal Procedure:

“1. When searching a place, if a person is suspected of concealing an object being sought for the purpose of the investigation, such person may be inspected on the spot.

2. A list must be made of the items found and seized from this person and signed by the witnesses in accordance with the procedure established under in article (95). The person shall be given a copy of the list upon request”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department, the public prosecutor and Police Officers can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Psychiatric medical examination (303)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other

information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Control of identity, measures for judicial identification (304)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, the Code of Criminal Procedure provides for an alternative with the same purpose.

Article 110 Code of Criminal Procedure:

“1. Whoever accused of committing an offence and is arrested lawfully on such grounds shall comply with any action taken to secure the verification of their identity, and to capture their image with all their physical descriptions or fingerprints and all other signs that may prove their identity at the request of any police officer or gendarmerie responsible for the police centre or prison officer.

2. Whoever refuses to comply with the identity verification procedure or objects to it, (s)he shall be regarded as the perpetrator of an offence and shall be punished by a magistrate to imprisonment for up to fourteen days. The penalty shall not be relief such person of their duty to comply with the regulations”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

EUROMED JUSTICE

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3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Technical or scientific examinations or expert evaluations (305)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, the Code of Criminal Procedure provides for an alternative with the same purpose.

Article 39 Code of Criminal Procedure:

“If knowing the nature of the offence and its conditions requires some arts or workmanship knowledge, the prosecutor shall take with them one or more of such experts”.

Article 40 Code of Criminal Procedure:

“If a person is killed or dies for unknown reasons conducive to suspicion, the Prosecutor shall seek the assistance of one or more physicians to draft a report concerning the causes of death and the condition of the corpse”.

Article 41 Code of Criminal Procedure:

“1. The physicians and experts referred to in articles (39 and 40) shall take an oath before they start to carry out the task entrusted to them sincerely and honestly.

2. The Prosecutor determines the date for the submission of the expert's report in writing and if the expert fails to submit it in a timely manner, the Prosecutor may decide to recover the wages which the expert received, in whole or in part, and replace them with another expert”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

4. DOCUMENTS - OBTAINING

Spontaneous exchange of information (401)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

There is no definition of the automatic exchange of information, but there is one of the term 'information' contained in the Law on the right of access to information No. 47 of 2007.

Article (2):

"Information: any oral or written statements, records, statistics, written, illustrated, registered or stored electronically documents or in any way under the official's management or mandate.

Documents classified: any oral information, written, printed, recorded or stored electronically documents or in any manner or printed on waxed or photocopy paper, tapes or photographs, films, drawings, maps or

EUROMED JUSTICE

EuroMed Fiches

other similar objects classified as confidential or protected documents in accordance with the provisions of the legislation in force.

Regular documents: any unclassified information that is under the official's management or mandate".

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

Other possibilities of obtaining information concerning taxes or bank accounts (403)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure and based on the agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

Access to public documents in judicial files (404)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, the Criminal Code provides for an alternative with the same purpose.

Article 25 Criminal Code:

“Reporting. Every official authority or employee who has knowledge of a felony or a misdemeanour while carrying out their duties shall immediately report it to the competent Prosecutor and send them all the information, records and documents relating to the felony or misdemeanour”.

Article 88 Criminal Code:

“The Prosecutor may seize at the post offices any letters, correspondence, newspapers, publications, and parcels, as well as any messages at the telegraph offices, and may also wiretap if this is useful for the facts”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure and based on the agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

Communication of individual police records (405)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, the Criminal Code of Procedure provides an alternative with the same purpose.

Article 49 Criminal Code of Procedure:

“The judicial police officials and the assistants of the Attorney General shall, without any delay, give to the Prosecutor the reports and minutes they draft in the cases in which they are authorized together with the rest of the documents”.

Article 50 Criminal Code of Procedure:

“If law enforcement officials are informed of a felony or a misdemeanour, the law does not authorize them to investigate directly. They should immediately send the information to the Prosecutor General”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department.

There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department and the police can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

Sending and service of procedural documents (406)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, the Criminal Code of Procedure and the Civil Code provide for an alternative with the same purpose.

Article 146 Code of Criminal Procedure:

“Judicial documents shall be served with the knowledge of the plaintiff or a member of the police or gendarmerie in accordance with the rules specified in the Code of Civil Procedure taking into account the special provisions contained in this Act”.

Article 4 Civil Code:

“No service shall be carried out before seven o'clock in the morning nor after seven o'clock in the evening, and during public holidays, except in case of necessity and with the written permission of the Court”.

Article 5 Civil Code:

“The service document shall include the following data:

1. Today's date, month, year and time of the service.
2. Full name and address of the person requesting the service and the name of their representative, if any.
3. The name of the Court or the party ordering the service.
4. Full name and address of the person served, or their representative, if any.
5. Full name of the bailiff and their signature on the original and the copy.
6. Subject of the service.
7. Name of the person who received the service, their signature on the original copy or proof of failure to sign and its cause”.

EUROMED JUSTICE

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Article 6 Civil Code:

“1. Service shall be carried out by bailiffs unless the law provides otherwise. The person carrying out the service shall include a statement of how the service was carried out, followed by their name and signature.

2. If the person required to be served resides in another Court’s jurisdiction in the Kingdom, the documents shall be sent to the Court to effect the service and return it to the Court that issued it attached with a minute stating the actions taken about it.

3.A. The judicial documents may be served by one or more private company approved by the Council of Ministers upon the recommendation of the Minister of Justice. A special regulation shall be issued for this purpose to enable the company to carry out its work and monitor its performance in accordance with the provisions of this law.

B. The company employee who is carrying out the service shall be regarded as bailiff in the meaning intended in this law.

C. The expenses for the service by the company shall be paid by the litigant who wishes to make the service in this manner, and these expenses are not considered among the expenses of the proceedings”.

Article 7 Civil Code:

“1. The service of judicial documents is carried out by delivering a copy to the person to be served wherever found, unless otherwise stated.

2. Any person may appoint another person residing within the jurisdiction of the Court as their agent in charge of accepting the service of judicial documents.

3. This appointment may be private or public and must be a written instrument signed by the concerned party in the presence of the chief clerk who attests the validity of the signature and keeps it among the documents of the proceedings”.

Article 8 Civil Code:

“If the bailiff does not find the person to be served in their home or place of work, (s)he shall hand over the document to their agent, employer, or those who live with them of their ancestors, descendants, spouses, brothers or sisters who demonstrate that they have reached eighteen years of age, provided that the interest of the person to be served does not conflict with their own interest”.

Article 9 Civil Code:

“If the bailiff finds no one fit to be served in accordance with Article (8) of this Act, or the above-mentioned persons (s)he found (not the person to be served) declined to sign the acknowledgment, the bailiff shall affix a copy of the document to be served on the outer door or on a visible side of the place of residence of the person to be served or place of work in the presence of at least one witness, and then returns the document to the Court that issued it with an explanation of what happened. If there are

EUROMED JUSTICE

EuroMed Fiches

documents attached to the document to be served, the bailiff shall write down that the person required to be served needs to see the Court Registry to receive the said documents. Affixing the documents in this way is regarded a legal service”.

Article 10 Civil Code:

“Taking into account the service procedures set forth in any other law, judicial documents shall be delivered as follows:

1. With respect to government or public institutions represented by the civil attorney general, the judicial documents shall be delivered to the civil attorney general or one of their aides or the chief of staff.
2. With respect to other public institutions, municipalities, and village councils, they shall be handed over to the President or director or Chief or their legal deputy or the person representing them or the chief of staff.
3. With regard to prisoners, judicial documents shall be handed over to the prison director or their representative to serve them.
4. Regarding sailors of merchant ships or their workers, legal documents shall be delivered to the master or agent of the ship.
5. With respect to companies, associations and other legal persons, judicial documents shall be delivered to their representatives in management centres, the ones in charge of management, or joint partners and deputies. If they do not have a management centre, they shall be delivered to any of the above-mentioned persons mentioned not working in these centres, either in person or at the place of work or residence. If the service is related to the branch company, they shall be delivered to the person responsible for the administration or legal representative.
6. With respect to foreign companies which have a branch or agent in the Kingdom, judicial documents shall be delivered to the person responsible for the administration of this section or to their legal deputy, or delivered to the agent in person or in their home or place of business.
7. With respect to military men or men of Public Security and General Intelligence and Civil Defence and their affiliates, judicial documents shall be delivered to the legal departments to which they belong in order to be served, whenever the service is requested at their place of work.
8. With respect to government employees and personnel, judicial documents shall be sent to the Director of the Department to which the employee or personnel belongs, whenever the service is requested at the workplace. The Director of the Department shall serve the judicial document as soon as (s)he receives it and return it signed to the Court. The Court may, in any case, order to serve the document to the government employee or personnel by the bailiff directly.
9. If the defendant is a minor or incompetent, judicial documents shall be delivered to their guardian or trustee. In all previous cases, if the bailiff does not find the right person to serve, (s)he shall return the documents to the judicial party that issued them with a detailed explanation of the situation”.

Article 11 Civil Code:

“Witnesses are served in accordance with the procedures of service for litigants through a subpoena issued by the Court”.

Article 12 Civil Code:

“1. If the Court finds out that service cannot be effected in accordance with the stipulated provisions in this Law, it may implement the service by publishing in two local daily newspapers, provided that the person to be served needs to see the Court registry to collect the documents, if any.

2. If the Court decides to follow this service method, despite what is stated in this Act, the said decision shall contain the date for the required person to appear before the Court and present their defence, if relevant, as required by the situation”.

Article 13 Civil Code:

“If the person to be served resides in a foreign country and their address is known, the judicial documents shall be delivered to the Ministry of Justice so they can be served through diplomatic channels, unless otherwise provided, or through the legal process followed in the country of residence”.

Article 14 Civil Code:

“When judicial documents served in accordance with the methods established in the previous articles are returned to the Court, the Court shall continue with the case if it considers that the service observed the rules. Otherwise, it may decide to make the service again. If the Court discovers that the service did not comply with the rules and was actually not carried out due to the negligence of the bailiff or failure, the Court may also decide to fine the bailiff of not less than twenty dinars and not exceeding fifty dinars, and its decision in this matter is final”.

Article 15 Civil Code:

“The service shall be deemed effective starting from the moment the person to be served signs the document or refrains to sign it, or the moment the service is effected in accordance with the provisions of this law”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st

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Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

Transfer of proceedings (407)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, the Criminal Code of Procedure provides an alternative with the same purpose.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

5. ASSETS - SEQUESTRATION, CONFISCATION AND RESTITUTION

Sequestration of assets (501)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. National law prevents via this way the disposition of property, whether movable or immovable until the case is decided.

Article 22 Law No. 46 of 2007 on Money Laundering:

“A. To achieve the intended purpose of this Law, the Jordanian judicial authorities shall cooperate with non-Jordanian judicial authorities particularly with regard to assistance, representation, extradition of accused and convicted persons, as well as requests of non-Jordanian parties to track, freeze or seize the monies related to money laundering or terrorist financing crimes or any proceeds thereof, pursuant to the rules set by the Jordanian laws, the bilateral or multilateral conventions and agreements ratified by the Kingdom, or on a reciprocal basis without prejudice to the rights of bona fide third parties.

B. For purposes of paragraph (a) of this Article, freezing of money shall mean imposing a temporary prohibition on transferring, exchanging, disposing of, moving, or assuming custody and temporary control on such money based on a decision issued by a competent court or authority”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

EUROMED JUSTICE

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- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

Freezing of bank accounts (502)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 22 Law No. 46 of 2007 on Money Laundering:

“A. To achieve the intended purpose of this Law, the Jordanian judicial authorities shall cooperate with non-Jordanian judicial authorities particularly with regard to assistance, representation, extradition of accused and convicted persons, as well as requests of non-Jordanian parties to track, freeze or seize the monies related to money laundering or terrorist financing crimes or any proceeds thereof, pursuant to the rules set by the Jordanian laws, the bilateral or multilateral conventions and agreements ratified by the Kingdom, or on a reciprocal basis without prejudice to the rights of bona fide third parties.

B. For purposes of paragraph (a) of this Article, freezing of money shall mean imposing a temporary prohibition on transferring, exchanging, disposing of, moving, or assuming custody and temporary control on such money based on a decision issued by a competent court or authority”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

Restitution (503)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 48 Civil Law No. 43 of 1976:

“The person whose inherent rights are undermined unlawfully may request to stop this violation and have compensation for the damage caused to them”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

Not applicable.

Interim measures in view of confiscation (504)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 34 Code of Criminal Procedure:

“1. If some documents or objects supporting the charge or innocence are found at the defendant’s residence, the Prosecutor shall seize them and draw up a minute.

2. Only the prosecutor and the people identified in Articles 36 and 89 shall see the documents before adopting the decision to seize them”.

Article 35 Code of Criminal Procedure:

“1. The seized items shall be saved in the exact situation in which they were. The said items shall be wrapped or placed in a pot if so required and sealed.

2. If banknotes were found and it is not necessary to keep them in order to reveal the truth or to protect the rights of the parties or a third party, the Prosecutor may authorize to deposit them in treasury funds”.

Article 87 Code of Criminal Procedure:

“The Prosecutor shall bring their clerk and seize or order to seize all the items that (s)he deems necessary to reveal the truth, draft minutes and ensure that these items are kept according to the provisions of the first paragraph of Article (35)”.

Article 90 Code of Criminal Procedure:

“The seized items that are not claimed by their owners within a period of three years from the date of termination of the proceedings relating thereto, shall become the property of the State without the need for a Court decision”.

Article 91 Code of Criminal Procedure:

“If the seized item gets damaged over time or requires expenses exceeding its value to keep it, the Prosecutor may order to sell it in an auction whenever permitted by the investigation. In this case, the right holder may demand it within the time limit set out in the previous article at the sale price”.

When failing, article 8 of the Law No. 46 of 2007 on Money Laundering and Terrorist Financing as amended provides for an alternative with the same purpose:

“Once sufficient information is available concerning a transaction suspected to be related to money laundering or terrorist financing, the Unit shall prepare a report attached therewith the information, data, documents, and legal instruments, and the Chief of the Unit shall submit the report to the competent Prosecutor General for investigation. Based upon the request of the Chief of the Unit, the competent Prosecutor General shall seize or trace the money subject of the suspicious transaction”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan, provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

Not applicable.

Confiscation (505)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

When failing, article 206 (d) of the Customs Act No. 20 of 1998, as amended, provides for an alternative with the same purpose:

“A sentence for the confiscation of the means of transport and the instruments and materials used in the smuggling, or a sentence to a fine not exceeding 50% of the value of the smuggled goods and not exceeding the value of the means of transport—other than ships, planes, or trains, unless those are especially leased or set up for smuggling— or a sentence to a fine equivalent to the value of the goods if the goods are not seized or escape seizure”.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan, provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

Not applicable.

6. PLACES - VISIT AND SEARCH

Visit to and search of homes (601)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, the Constitution and the Code of Criminal Procedure provide for an alternative with the same purpose.

Article 10 Constitution:

“Dwelling houses shall be inviolable and may not be entered except in the circumstances prescribed by law, and in the manner provided for therein”.

Article 33 Code of Criminal Procedure:

“If the nature of the crime shows that the documents and items in the possession of the defendant constitute evidence of the commission of the crime, the Prosecutor General or their deputy shall move to the residence of the defendant to search for elements which (s)he deems relevant to reveal the truth”.

Article 83 Code of Criminal Procedure:

“1. The search shall be carried out in the presence of the defendant if (s)he was arrested.

2. If not arrested or (s)he refused to attend or could not do so or was arrested outside the area in which the search should be carried out or (s)he was absent, the search shall be made in the presence of a well-known person in the area or their representative, or in the presence of two of their relatives or two witnesses summoned by the Prosecutor”.

Article 84 Code of Criminal Procedure:

“If the defendant is not arrested and was present at the place of the search, (s)he shall be invited to attend the search and (s)he should not be informed of it in advance”.

Article 85 Code of Criminal Procedure:

“1. If the search is to be carried out at the dwelling of someone other than the defendant, this person shall be invited to attend the search.

2. If (s)he is absent or unable to attend, the search shall be carried out in the presence of a well-known person in the area or their representative, or in the presence of two of their relatives or two witnesses summoned by the Prosecutor”.

Article 86 Code of Criminal Procedure:

“1. The public prosecutor may search the defendant or other if there are strong indications that (s)he was concealing objects that may be useful in revealing the truth.

2. If the inspected person is female, the search shall be performed by a female designated to do so”.

Article 93 Code of Criminal Procedure:

“Any police officer may enter any home or place without a warrant and investigate if:

1. (S)he has reason to believe that a crime is being committed in that place or that it was committed a short time ago.

2. The person living in that place asked for the help of the police.

3. A person in that place police asked for the help of the police and there was reason to believe that a crime was being committed in it.

4. (S)he was tracking a person who fled from the place where (s)he was legally detained and entered such place”.

Article 94 Code of Criminal Procedure:

“Except in the cases mentioned in the previous article, it shall be prohibited for any police officer with or without a warrant to enter into any place and search anyone or anything unless (s)he is accompanied by a well-known person or by two individuals from this area”.

Article 90 Code of Criminal Procedure:

“The seized items that are not claimed by their owners within a period of three years from the date of termination of the proceedings relating thereto, shall become the property of the State without the need for a Court decision”.

Furthermore, the seized items may be sold if they are perishable

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department (the Prosecutor General or their deputy) can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

Visit and search on the site of an offence (602)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, the Code of Criminal Procedure provides an alternative with the same purpose.

Article 29 Code of Criminal Procedure:

“1. If a flagrante delicto takes place, the Prosecutor shall move immediately to the scene of the crime.

2. If the Prosecutor moved to the place where it is believed that a crime occurred, and did not find evidence of its occurrence or on the necessity to move to the place, (s)he may initiate proceedings against the person who gave the information in order to get the reimbursement of the expenses related to the transportation and may also sue them on the grounds of false accusation or providing false statements as the case may be”.

Article 30 Code of Criminal Procedure:

“1. The Prosecutor shall draft a report of the incident, how it occurred and its place, and shall write down the statement of whoever witnessed it or had information about it that may be useful for the investigation.

2. The persons who give their statements shall sign them. If they refuse, it shall be stated in the minutes”.

Article 32 Code of Criminal Procedure:

“1. The Prosecutor shall seize any weapons and everything that appeared to be used in the commission of the crime or prepared for this purpose. All the traces of the crime and other elements that help revealing the truth shall also be seized.

2. The Prosecutor shall question the defendant about the items seized after showing them to them. Then, (s)he makes a report and sign it with the defendant. If the latter refuses to sign, it shall be stated in the report”.

Article 33 Code of Criminal Procedure:

“If the nature of the crime shows that the documents and items in the possession of the defendant constitute evidence of the commission of the crime, the Prosecutor General or their deputy shall move to the residence of the defendant to search for elements which (s)he deems relevant to reveal the truth”.

Article 34 Code of Criminal Procedure:

“1. If some documents or objects supporting the charge or innocence are found at the defendant's residence, the Prosecutor shall seize them and draw up a minute.

2. Only the prosecutor and the people identified in Articles 36 and 89 shall see the documents before adopting the decision to seize them”.

Article 35 Code of Criminal Procedure:

“1. The items seized shall be saved in the exact condition they were in. They shall be wrapped up or put in a pot if they require so. They also shall be sealed in both cases.

2. If banknotes were found and it is not necessary to keep them in order to reveal the truth or to protect the rights of the parties or a third party, the Prosecutor may authorize to deposit them in treasury funds”.

Article 38 Code of Criminal Procedure:

“1. The Prosecutor General, the clerk and the persons mentioned in article 36 shall sign on every page of the minutes in accordance with the preceding provisions.

2. If the presence of those individuals is not possible, the Prosecutor may draw up the minutes alone and specify it in the minutes”.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department (The Prosecutor General or their deputy) can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

7. WITNESSES, VICTIMS, SUSPECTS – SUMMONING AND HEARING

Summoning witnesses (701)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 68 Code of Criminal Procedure:

“The Prosecutor may call the persons listed in the complaint, the people whom (s)he knows have information on the crime or its circumstances, and the persons identified by the defendant”.

Article 69 Code of Criminal Procedure:

“The summons shall be served on the witnesses at least twenty-four hours before the day scheduled for the hearing”.

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Article 75 Code of Criminal Procedure:

“1. The person summoned to testify shall be bound to appear before the public prosecutor.
2. In case the witness fails to appear, the public prosecutor may decide to bring them and impose a fine of twenty dinars, or to exempt from the fine if the failure to appear was due to a reasonable cause”.

Article 78 Code of Criminal Procedure:

“If the witness is a resident in the area of the prosecutor and was unable to attend due to illness confirmed by a medical report or due to another reasonable reason, the Prosecutor shall move to their home to hear their testimony”.

Article 79 Code of Criminal Procedure:

“The Prosecutor, when the witness resides outside of their jurisdiction, may ask the Prosecutor having jurisdiction in the area of the witness’s residence to represent them to hear them testimony and state in the representation the facts that are useful”.

Article 80 Code of Criminal Procedure:

“The represented Prosecutor according to the two preceding articles shall execute the warrant and send the minutes of the warrant to the representing Prosecutor”.

Article 163 Code of Criminal Procedure:

“If the summoned witness did not appear to testify, the Court shall issue a subpoena for them and impose a fine of up to twenty dinars”.

Article 164 Code of Criminal Procedure:

“If the fined witness appeared during or after the trial, and provided a legitimate reason for their absence, the Court may exempt them from such fine”.

Article 165 Code of Criminal Procedure:

“If the witness declines without legal justification to take the oath or answer the questions directed to them, the Court may imprison them for a period not exceeding one month. If during the period of prison and before the conclusion of the proceedings, (s)he accepts to take the oath and answer the question, (s) he shall be released immediately after doing so”.

Article 217 Code of Criminal Procedure:

“The Prosecutor and the plaintiff may not summon anyone to testify not named in the list of the witnesses unless the defendant or counsel have been served with a notice with the name of the witness to be summoned”.

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2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department and the public prosecutor can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

Not applicable.

Hearing witnesses: standard procedure (702)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 70 Code of Criminal Procedure:

“The Prosecutor shall hear each witness separately in the presence of their clerk and make the witnesses face each other if required by the investigation”.

Article 71 Code of Criminal Procedure:

“The Prosecutor shall verify the identity of the witness and then ask them about their name, nickname, age, career and home, and whether (s)he is in the service of one of the parties or a kin and the degree of kinship and make them take the oath to tell the truth and nothing but the truth to be recorded”.

Article 72 Code of Criminal Procedure:

“1. The testimony of each witness shall be recorded and include the questions addressed to them as well as their answers.

2. The testimony of the witness shall be read to them to sign it or put their fingerprint if illiterate. If (s)he refuses or cannot do so, this shall be reported in the record.

3. At the end of the record, the number of pages that includes the testimony of the witness shall be stated. Each page shall include the signatures of the Prosecutor and the clerk.

4. The same procedures shall be followed for other testimonies taken by the Prosecutor in the records.

5. When the investigation is finished, a list of the individuals who were heard shall be organized, together with the date of the hearing and number of pages of the minutes of their testimony”.

Article 75 Code of Criminal Procedure:

“1. The person summoned to testify shall be bound to appear before the public prosecutor.
2. In case the witness fails to appear, the public prosecutor may decide to bring them and impose a fine of twenty dinars, or to exempt from the fine if the failure to appear was due to a reasonable cause”.

Article 78 Code of Criminal Procedure:

“If the witness is a resident in the area of the Prosecutor and was unable to attend because of illness confirmed by a medical report or because of another reasonable reason, the Prosecutor shall move to their home to hear their testimony”.

Article 79 Code of Criminal Procedure:

“The Prosecutor, when the witness is a resident outside their area, may ask the Prosecutor at the home of the witness to represent them to hear their testimony and state in the representation the facts that are helpful”.

Article 80 Code of Criminal Procedure:

“The represented Prosecutor according to the two preceding articles shall execute the warrant and send the minutes of the warrant to the representing Prosecutor”.

Article 219 Code of Criminal Procedure:

“1. Every witness shall give their testimony separately.

2. The Prosecutor shall verify the identity of the witness and then ask them about their name, nickname, age, career and home, and whether (s)he is in the service of one of the parties or a kin and the degree of kinship and make them take the oath to tell the truth and nothing but the truth to be recorded

3. The Court may not take the testimony of a witness who did not take the oath or refused to do so.

4. If the witness decides that (s)he no longer remembers a fact, (s)he may be reminded the parts related to such fact from their testimony which (s)he approved in the investigation.

5. The previous testimonies of the witness shall be read out loud, and the Prosecutor shall order the court clerk to write down the differences that appear between them and the current testimony and ask further clarifications to the witness about them”.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department and the public prosecutor can execute/recognize the measure and based on the agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

Not applicable.

Hearing witnesses: by video conference (703)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 158 Code of Criminal Procedure:

“1. Witnesses under fifteen years of age may be heard without taking an oath if they do not understand what an oath is.

2. The testimony, which is taken as evidence, is not sufficient to convict if not supported by other evidence.

3. Subject to the provisions of Article (74) of the Act and paragraphs (1) and (2) of this Article, the Prosecutor or the Court if necessary, with a reasoned decision, may resort to modern technology for the protection of witnesses who are under eighteen years of age if such a measure is necessary provided that these means enable any party to examine the witness during the trial. This testimony shall be considered admissible evidence in the case”.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure and based on the agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it that does not violate the national laws and regulations.

Hearing witnesses: by telephone (704)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

Not applicable.

Hearing children (705)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, the Code of Criminal Procedure and the juvenile Act provide for an alternative with the same purpose.

Article 74 Code of Criminal Procedure:

1. Witnesses under fourteen years of age may be heard for information purposes without taking the oath provided for in Article 71 if the prosecutor considers that they do not understand the meaning of the oath.

Article 158 Code of Criminal Procedure:

“1. Witnesses under fifteen years of age may be heard without taking an oath if they do not understand what an oath is.

2. The testimony, which is taken as evidence, is not sufficient to convict if not supported by other evidence.

3. Subject to the provisions of Article (74) of the Act and paragraphs (1) and (2) of this Article, the Prosecutor or the Court if necessary, with a reasoned decision, may resort to modern technology for the protection of witnesses who are under eighteen years of age if such a measure is necessary provided that these means enable any party to examine the witness during the trial. This testimony shall be considered admissible evidence in the case”.

Article 10 Juvenile Act No. 24 of 1968, as amended:

“Trial confidentiality

The juvenile is tried in camera, and no one is allowed to enter the courtroom except the probation officers, the juvenile’s parents or guardian, their lawyer, and the people who have a direct link with the case”.

Article 11 Juvenile Act No. 24 of 1968, as amended:

“Probation report

The Court, before deciding the case, shall get from the probation officer a written report containing all the information relating to the financial and social conditions of the juvenile’s family, their manners, degree of intelligence, and the environment in which (s)he grew up and was raised, as well as their school and education, the workplace, health, previous violations of the law, and the proposed reformatory measures”.

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Article 12 Juvenile Act No. 24 of 1968, as amended:

“Prohibition on the publication of a photo of the juvenile or judgment

It is prohibited to publish the name and photo of the offending juvenile, the proceedings of the trial, or summary in any means of publication, such as books, newspapers, and cinema. Any person infringing this rule shall be punished by imprisonment not exceeding 30 days or a fine not exceeding 100 dinars, or both penalties, and the judgment can be published without reference to the name of the juvenile or nickname”.

Article 13 Juvenile Act No. 24 of 1968, as amended:

“Notifying the guardian

The sponsor, guardian, or person in charge of the juvenile must be summoned starting from the investigation stage with the juvenile and at the juvenile’s hearing, provided that the probation officer is notified accordingly”.

Article 14 Juvenile Act No. 24 of 1968, as amended:

“Age of the juvenile

1. The personal status department’s registry shall be considered evidence of the date of birth unless proved that it was forged.

2. If any accused not registered in the records of the personal status department claims that (s)he is a juvenile or younger than (s)he looks, thus affecting the outcome of the proceedings, the Court shall verify the date of their birth. If that is not possible, it shall refer them to the medical committee to estimate their age, and the Court shall settle this matter”.

Article 15 Juvenile Act No. 24 of 1968, as amended:

“Investigation and trial

1. The investigation with the juvenile may not be conducted but in the presence of the guardian, custodian, person in charge of them or their lawyer. In case none of them can attend, the probation officer shall be called to attend the hearings.

2. At the beginning of the trial, the Court shall make a brief of the charges against the juvenile in a simple language, and then ask them if (s)he admits the facts or not.

3. If the juvenile admits their guilt, their confession shall be recorded in words that are closer to the ones used in the confession, and the Court shall decide the case, unless it has sufficient reasons to require otherwise.

4. If (s)he did not confess to their guilt, the Court shall begin to hear the prosecution witnesses, and their guardian, custodian, or lawyer may cross-examine witnesses.

5. If the Court finds out, upon completion of the hearing of the evidence, that there is a case against the accused, it shall hear the testimony of defence witnesses, and the juvenile shall be allowed to submit their defence. Also, their guardian, custodian or lawyer may help them to defend themselves. In case none of them can attend, the probation officer shall be called to assist them.

6. The juvenile, their guardian, custodian, or lawyer, may cross-examine the probation officer about their report. The Court may do so as well”.

Article 20 Juvenile Act No. 24 of 1968, as amended:

“Transfer of sentenced juveniles to prison

If the juvenile reaches eighteen years of age before the completion of their sentence, (s)he shall be transferred to the prison to complete the rest of their sentence by a decision of the Court that issued the judgment. The said Court may, upon a written request from the Director of Social Defence, extend the stay of the juvenile in the House of Juvenile Rehabilitation until (s)he reaches twenty years old in order to complete their education and rehabilitation, which began in the house”.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it that does not violate the national laws and regulations.

Hearing persons collaborating with the inquiry (706)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

An article in the Code of Criminal Procedure states the following:

“1. Law enforcement officers are charged to investigate crimes, collect evidence and bring perpetrators before the courts entrusted to sentence them.

2. The functions of the judicial police are undertaken by the public prosecutor and their assistants, as well as by magistrates in centres where there are no Prosecutors, all within the rules set out by law”.

An article in the Anti-Corruption Commission says:

“The Anti-Corruption Commission shall provide protection to those notified, witnesses, bailiffs, experts in corruption cases and their relatives from any aggression, retaliation or intimidation, through the following:

1. Protection at their places of residence.
2. Non-disclosure of information concerning their identity and whereabouts.
3. Hearing their testimony through the use of communication technologies.
4. Protection at their workplace, and against any discrimination or mistreatment.

5. Relocation, when necessary.

6. Adoption of any necessary action to ensure their safety”.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure. Also the Staff of the Judicial Police, the Anti-Corruption Commission, public or private villages' guards, companies control officers, as well as health and customs officers.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it that does not violate the national laws and regulations.

Hearing victims/plaintiffs (707)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 173 Code of Criminal Procedure:

“1. The Court may summon the Prosecutor’s witnesses and the plaintiff in order to hear their testimonies directly and show them the material evidence (if any). The prosecutor and the plaintiff may ask questions to each witness. Also, the defendant or their agent may address questions to the witnesses for discussion with them.

2. If the defendant did not authorize a lawyer, the Court, when questioning each witness, may ask the defendant if (s)he wants to ask questions to the witness, which will be recorded together with the answers”.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General’s Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General’s Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it that does not violate the national laws and regulations.

Hearing experts (708)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 83 Code of Civil Procedure No. 24 of 1988:

“1. At any stage of the trial, the Court may decide to order inspection and expertise by one or more experts on any movable or immovable property or for any matter it deems requiring an expert. If the parties agree on the selection of the expert or experts, the Court will approve their selection, otherwise, the Court will select them on its own. The Court must explain in its decisions the reasons calling for the inspection and expertise and their purpose. It shall also order to deposit the expenses and the party responsible for their payment.

2. The Court may carry out the inspection and expertise in plenary or assign one of its members to do so.

3. After depositing the expenses for the inspection and the expertise, the President of the Court or judge who is appointed by the Court from among its members shall call the expert(s) and the parties to a meeting at a time and place specified. The expert or experts assigned shall be given the necessary documents or copies of them and shall take an oath according to which (s)he conducts their job with honesty and integrity. The President of the Court or appointed Judge shall determine the deadline for the expert or experts to submit the report. If (s)he cannot show the report during the inspection, a report shall be drawn up and signed by those present.

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4. After submitting the expert's report, the parties shall be given a copy of it. The report shall be read out loud openly during the session. The Court may, on its own initiative or upon request of one litigant, call the expert for discussion, and may decide to return the report to them to complete it or entrust the expertise to others duly selected experts”.

Article 84 Code of Civil Procedure No. 24 of 1988:

“If it is decided to conduct an inspection and expertise on any property located outside the jurisdiction of the Court that issued the decision, the Court may delegate the inspection and expertise to the President of the Court or the judge within the jurisdiction of the property, as determined by the Court that issued the decision of delegation, provided that the delegated Court shall select the experts in accordance with the provisions of Article (83) of this law”.

Article 85 Code of Civil Procedure No. 24 of 1988:

“If the party required to do so did not deposit the expenses within the specified time limit, the other litigant may deposit this amount without prejudice to the right to refer it to their opponent. The Court may also take this failure as evidence for waiving their right to prove the fact which (s)he asked the expertise for”.

Article 86 Code of Civil Procedure No. 24 of 1988:

“1. If the expert did not file the report on time, (s)he must file a note in the Registry Office before the expiration of the term explaining the actions already undertaken and the reasons causing the delay in submitting the report. If the Court finds in the note of the expert a justification for the delay, it shall grant them another deadline for completing and submitting the report. If there was no justification for the delay, the Court may impose a fine not exceeding twenty dinars and give them another deadline to complete and deposit the report, or replace them with another expert, and compel them to reimburse the expenses to the Registry Office. The decision to replace the expert and reimburse the expenses cannot be appealed.

2. The expert's decision does not bind the Court”.

Article 91 Code of Civil Procedure No. 24 of 1988:

“The experts shall meet at the time and place chosen by the Court or assigned judge. Upon taking their oath to perform their work with honesty and integrity, they begin their investigation and verification under the Court or assigned judge's supervision and in the presence of the parties as follows:

1. If the parties have agreed on the documents to be taken as the basis and the measures for investigation and verification upon their agreement, their agreement will be adopted. Otherwise, the following documents are considered valid:

A. The official documents written, signed, sealed or finger-printed by the denier before a competent public officer or Court.

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B. The documents written, signed, sealed or finger-printed outside the government departments and confessed before a Court or notary public or the competent government department for the writing or signature or seal or fingerprint on them.

C. The official documents written or signed while occupying a government position.

D. Regular bonds and other documents that the denier confesses are their writing, signature, seal or fingerprint in the presence of the assigned judge and the experts.

2. The signature, seal or fingerprint used on a regular bond denied by the opponent shall not be taken as a basis for investigation or emulation even if a Court decided in a previous case upon the report of the experts that it was their signature, seal, or fingerprint.

3. In all the cases for which the procedures for the validation of documents are based on the laboratory work, and the laboratory was governmental or belonging to a public institution, the Court may not be bound by any action in the previous articles including taking the oath measures. The Court may, on its own initiative, refer the issue with the necessary documents to the laboratory while explaining the required task. In this case, the expenses deposited for the expertise shall be transferred to the State treasury”.

Article 160 Code of Criminal Procedure:

“1. To prove the identity of the accused or suspect or defendant or the identity of whoever is related to the offence, fingerprints, palm prints and feet prints during trials or investigation are accepted as evidence if they were made by a witness or witnesses and supported by technical evidence. Photographs may also be accepted in the evidence to identify its owner.

2. When applying the provisions of this Article, Part III of the second book of this law shall be taken into account”.

Article 161 Code of Criminal Procedure:

“1. The report, which indicates that it is issued by the official responsible for the government chemical laboratory or the government chemical analyst and signed by them, and contains the results of the chemical test or the analysis they conducted on any suspected substance, shall be accepted as evidence in criminal proceedings without calling that official or analyst as witness.

2. Notwithstanding the provisions of paragraph (1), the employee or analyst shall attend as a witness in criminal proceedings before any Court, including the Magistrate's Court, if deemed appropriate by the Court or magistrate that their presence is necessary to secure justice”.

Article 312 Code of Criminal Procedure:

“In a fraud case, the Court may make the suspect or accused do some writing or by the expert. If (s)he refuse, this is reported in the minutes”.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

Not applicable.

Summoning suspects/persons accused (709)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 61 Code of Criminal Procedure:

“If the Prosecutor considers that the complaint is not clear, the perpetrator is unknown or the documents produced do not support it adequately, (s)he may start the investigation to find the perpetrator, and then (s)he may hear the person or persons mentioned in the complaint in accordance with the rules set forth in Article (68) et seq.”

Article 63 Code of Criminal Procedure:

“1. When a defendant appears before the prosecutor, (s)he shall verify their identity and read out loud the charges against them and ask for their answer by informing them that (s)he has the right to remain silent, but in the presence of a lawyer. This information will be recorded in the minutes of the investigation. If the defendant refused to hire a lawyer or did not bring a lawyer within twenty-four hours, (s)he will be investigated alone.

2. In case of urgency due to the fear of loss of evidence, it is possible – by a reasoned decision – to question the defendant on the charges against them prior to calling the lawyer to appear. The lawyer may subsequently see their client’s testimony.

3. If the defendant makes a statement, the Court clerk shall write it down and then read it to them to sign or finger print it. Then, the prosecutor and the clerk will endorse it. If the defendant declines to sign or finger print it, the Court clerk will record it in the minutes together with the explanations for the refusal. Then, the prosecutor and the clerk will endorse it.

4. The Prosecutor’s failure to observe the provisions of paragraphs 1, 2 and 3 of this Article will make the defendant’s statement invalid”.

Article 64 Code of Criminal Procedure:

“1. The defendant, the plaintiff and their agents shall have the right to attend all the investigation stages, except the hearing of witnesses.

2. The individuals mentioned in the first paragraph shall have the right to see all the investigations that took place in their absence.

3. The Prosecutor has the right to decide to investigate in the absence of the above-mentioned persons in case of urgency or when (s)he deems it necessary to reveal the truth. The decision on this matter is not subject to appeal, but (s)he must inform the persons concerned upon completing the scheduled investigation in this manner”.

Article 66 Code of Criminal Procedure:

“1. The Prosecutor has the right to decide to prevent any contact with the defendant in custody for a period not exceeding 10 days renewable.

2. This prohibition does not include the defendant’s lawyer who can reach them at any time and without any officer”.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General’s Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General’s Department can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it that does not violate the national laws and regulations.

Hearing suspects/persons accused: standard procedure (710)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department or the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality,

the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it that does not violate the national laws and regulations.

Hearing suspects/persons accused: by video conference (711)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing suspects/persons accused: by telephone (712)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Confrontation (713)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 70 Code of Criminal Procedure:

“The Prosecutor shall hear each witness separately in the presence of their clerk and make the witnesses face each other if required by the investigation”.

2. International legal framework applicable for this measure in your State

If there is a bilateral or international agreement containing provisions for it, the assistance will be implemented under this framework. Otherwise, the request for assistance shall be performed according to the rules of international courtesy in accordance with national laws, provided that it does not violate the Constitution or national laws.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

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b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department and the public prosecutor can execute/recognize the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it that does not violate the national laws and regulations.

8. CROSS-BORDER OPERATIONS

Cross-border observation (801)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan, provided that they do not breach the national system and law.

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- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

Cross-border hot pursuit (802)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan, provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

Cross-border tracking (by placing a beeper on a vehicle or a person) (803)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan, provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

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3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a bilateral or international agreement containing provisions for it.

Controlled deliveries (804)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

When failing, there is no such procedure in the Code of Criminal Procedure. This may happen in the case of receiving news from neighbouring States that there is smuggling or drug trade. Based on these news

EUROMED JUSTICE

EuroMed Fiches

from the neighbouring country, the State with its security organs, be it the police or Al-Badiah or the Customs Department, shall prosecute that person and try them on such charge if (s)he was captured according to the Code of Criminal Procedure or the applicable laws governing these matters (such as the Customs Act, the Narcotics Act and psychotropic substances No. 11 of 1988, as amended).

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan, provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Joint investigation teams (805)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, all requests are accepted in Jordan, provided that they do not breach the national system and law.

- If the bilateral conventions ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and its 1st Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by Jordan provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice receives international legal requests for assistance in criminal matters at first. The request is then forwarded to the Attorney General's Department. There it is accessed and studied. When a request is compliant and possible to deal with, it will be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The Attorney General's Department can execute/recognize the measure and on the basis of agreements if they provide for it.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Double criminality is required.
- Any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the presence of law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), specific rules applicable and all other information relevant to the executing authority to perform the execution of the legal request as efficiently as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

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LEBANON



1. TRACING AND INTERCEPTION OF (TELE) COMMUNICATIONS

Interception, recording and transcription of telecommunications (101)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that it does not conflict with national laws.

Law 140/99, as amended by Law 158/99, allows for the interception, listening, and surveillance of all means of communication (telephones, mobiles, fax, e-mails...).

Interception can only take place after a judicial or an administrative decision has been taken as prescribed by Articles 2 and 3 of Law 140/99 for a maximum period of two months, which is renewable.

Article 2 allows for interception in very urgent cases, for offences that are sanctioned for a duration of imprisonment not less than a year.

Article 9 allows the Minister of Defence and the Minister of Interior to order interception, after the approval of the Prime Minister to collect information for terrorist and organized crime offences.

When failing, no alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Pursuant to article 2 of law 140/99, the first investigating judge in each region can order this measure to be taken, in very urgent cases, for offences punishable by at least one year of imprisonment. Moreover, article 9 of law 140/99 allows the Minister of Defence and the Minister of Interior to order this measure, after the approval of the Prime Minister, in order to collect information that helps fighting terrorism and organized crime.

The order of intercepting communications, as mentioned above, must be issued in written form and justified. There must be stipulated the mean of communication, the offence, and the duration of the measure which must not be longer than two months, renewable according to the same conditions applied.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Tracing of telecommunications (102)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible although there is no special national regulation with respect to tracing of telecommunications.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Pursuant to article 2 of law 140/99, the first investigating judge in each region can order this measure to be taken, in very urgent cases, for offences punishable by at least one year of imprisonment. Moreover, article 9 of law 140/99 allows the Minister of Defence and the Minister of Interior to order this measure, after the approval of the Prime Minister, in order to collect information that helps fighting terrorism and organized crime.

The order, as mentioned above, must be issued in written form and justified. It must contain the mean of communication, the offence, and the duration of the measure, which must not be longer than two months, renewable according to the same conditions applied.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no specific requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interception and recording of other forms of communication (103)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible although there is no special national regulation with respect to tracing of telecommunications.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The measure is undertaken by the judicial officer under the supervision of the Judge who issued the order. It is not possible to execute the measure according to the procedures of the requesting State.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no specific requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interception of mail (104)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible although there is no special national regulation with respect to tracing of telecommunications.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Pursuant to article 2 of law 140/99, the first investigating judge in each region can order this measure to be taken, in very urgent cases, for offences punishable by at least one year of imprisonment. Moreover, article 9 of law 140/99 allows the Minister of Defence and the Minister of Interior to order this measure, after the approval of the Prime Minister, in order to collect information that helps fighting terrorism and organized crime.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Observation (105)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

When failing, no alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Pursuant to article 2 of law 140/99, the first investigating judge in each region can order this measure to be taken, in very urgent cases, for offences punishable by at least one year of imprisonment. Moreover, article 9 of law 140/99 allows the Minister of Defence and the Minister of Interior to order this measure, after the approval of the Prime Minister, in order to collect information that helps fighting terrorism and organized crime.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interception of telecommunication without the technical assistance of another Member State (106)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible if they do not conflict with national laws.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Pursuant to article 2 of law 140/99, the first investigating judge in each region can order this measure to be taken, in very urgent cases, for offences punishable by at least one year of imprisonment. Moreover, article 9 of law 140/99 allows the Minister of Defence and the Minister of Interior to order this measure, after the approval of the Prime Minister, in order to collect information that helps fighting terrorism and organized crime.

The order of intercepting communications, as mentioned above, must be issued in written form and justified. It must contain the means of communication, the offence, and the duration of the measure, which must not be longer than two months, renewable according to the same conditions applied.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

2. AGENTS AND INFORMERS - INFILTRATION

Infiltration by undercover agents of the requested State (201)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is so far not regulated in the Code of Criminal Procedure.

2. International legal framework applicable for this measure in your State

There is no precedent.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

There is no precedent.

b. Execute/recognize the measure (if other than the receiving authority)

There is no precedent.

4. Accepted languages for the request/decision

There is no precedent.

5. Deadlines for the execution of the request/decision (where applicable)

There is no precedent.

6. Concise legal practical information

a. Special requirements

There is no precedent.

b. Other useful information

There is no precedent.

Infiltration by agents of the requesting State in the territory of the requested State (202)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is so far non-existing in Lebanese legislation.

2. International legal framework applicable for this measure in your State

There is no precedent.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

There is no precedent.

b. Execute/recognize the measure (if other than the receiving authority)

There is no precedent.

4. Accepted languages for the request/decision

There is no precedent.

5. Deadlines for the execution of the request/decision (where applicable)

There is no precedent.

6. Concise legal practical information

a. Special requirements

There is no precedent.

b. Other useful information

There is no precedent.

Infiltration by an informer of the requested State (203)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is so far non-existing in Lebanese legislation.

2. International legal framework applicable for this measure in your State

There is no precedent.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

There is no precedent.

b. Execute/recognize the measure (if other than the receiving authority)

There is no precedent.

4. Accepted languages for the request/decision

There is no precedent.

5. Deadlines for the execution of the request/decision (where applicable)

There is no precedent.

6. Concise legal practical information

a. Special requirements

There is no precedent.

b. Other useful information

There is no precedent.

Handling of informers (204)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is so far non-existing in Lebanese legislation.

2. International legal framework applicable for this measure in your State

There is no precedent.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

There is no precedent.

b. Execute/recognize the measure (if other than the receiving authority)

There is no precedent.

4. Accepted languages for the request/decision

There is no precedent.

5. Deadlines for the execution of the request/decision (where applicable)

There is no precedent.

6. Concise legal practical information

a. Special requirements

There is no precedent.

b. Other useful information

There is no precedent.

3. EXAMINATION, BODY SEARCH AND EXPERT EVALUATION

Superficial body search (301)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that they do not conflict with national laws. When failing, no alternative measure with the same purpose is available.

A body search intends to look for objects, documents and any other traces, evidence or clues suggesting that a crime of whatever nature has occurred. The competent administrative body will undertake a detailed examination of the detainee's body, clothes and any objects (s)he is carrying.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request

is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The police (in cases of flagrante delicto) and the judicial police (in the other cases) under the direct supervision of the public prosecutor:

A body search may be carried out on any person who participated in an offence and has documents relating to the incriminating facts in their possession. A body search may be carried out in police stations, General Security offices, and customs posts.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible during the execution of the measure. There is no special provision but, in practice and within the limits of Lebanese law, nothing prevents a foreign suspect being assisted by an agent of the requesting State under the supervision of the Senior public prosecutor.

Invasive body search (302)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that they do not conflict with national laws. When failing, no alternative measure with the same purpose is available.

This is a practical measure. A medical examination (at which a medical examiner must assist) may be undertaken in particular in cases of sexual assaults; x-rays may be used in certain cases where the presence of drugs is suspected.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The public prosecutor or the investigating judge to whom the case, depending on the investigation, has been referred.

In general, the competent police officer will take the suspect's fingerprints at the police station and these will be examined at a later stage.

The public prosecutor or investigating judge in charge of the case will appoint the forensic examiner to assist the competent administrative body, depending on the investigation. The examination will take place in a police station, doctor's surgery, or a certified clinic (as the case may be).

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible during the execution of the measure. There is no special provision but, in practice and within the limits of Lebanese law, nothing prevents a foreign suspect being assisted by an agent of the requesting State under the supervision of the Senior public prosecutor.

Psychiatric medical examination (303)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that they do not conflict with national laws.

Psychiatrists may carry out examinations with a view to establishing the suspect's criminal liability or lack of it (since a person suffering psychological problems will be exempt of all liability). However, it is always possible that the act will still be punishable, depending on the circumstances, if the suspect's neurological-psychiatric condition is a consequence of their own actions.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Senior public prosecutor or the investigating judge in charge of the investigation.

The psychiatrist (a medical examiner or sworn-in) will be appointed by the public prosecutor or the investigating judge in charge of the investigation. He or she will be expected to carry out their tasks quickly, under the supervision of the magistrate who has appointed them. He or she may ask the necessary questions for carrying out their tasks without the presence or intervention of the magistrate who appointed them. The person concerned will be kept informed throughout the procedure under the direct supervision of the public prosecutor or the investigating judge in charge of the investigation.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible during the execution of the measure. There is no special provision but, in practice and within the limits of Lebanese law, nothing prevents a foreign suspect being assisted by an agent of the requesting State under the supervision of the Senior public prosecutor.

Control of identity, measures for judicial identification (304)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that it does not conflict with national laws. When failing, there is no alternative measure with the same purpose.

Identity checks are aimed at coercively establishing the real identity of a suspect who has been arrested or a person who is unwilling or unable to prove their identity with a view to detaining the person subject to the measure.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor

EUROMED JUSTICE

EuroMed Fiches

General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Police officers, judicial police officers, and customs officers may check the identity of a person subject to the measure, in the context of preventative policing and subject to the supervision of the prosecution.

Police officers are bound to respect law and order, in particular as regards the safety of persons and property as well as the personal data of the person subject to the measure, acting on the request of the public prosecutor as soon as there is a clue that (at least) gives rise to a presumption that the person committed (or attempted to commit) an offence or that (s)he may be capable of providing necessary information to an investigation.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible during the execution of the measure. There is no special provision but it is possible in practice and within the limits of Lebanese law, and subject to the principle of reciprocity.

Technical or scientific examinations or expert evaluations (305)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that it does not conflict with national laws. When failing, there is no alternative measure with the same purpose.

These are technical or even scientific investigative measures that can help an investigation to discover a crime, in particular in the medical area (DNA, blood, urine or tissues sample, for example), the area of intellectual property, cybercrime, civil, mechanical, electric or electronic engineering, aviation, graphology, etc. with a view to discovering evidence or information that may be useful to an enquiry.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Officers of the specialised judicial police in the course of preventative policing subject to the supervision of the Public Prosecution, or sworn-in experts appointed by order of the Minister for Justice or appointed by the Public Prosecution, investigating judge, criminal Court of Appeal or the Judge at the court seized of the case.

Officers of the specialised police, firstly experts in graphology, intellectual property, cybercrime, genetic engineering or various categories of arms, munitions and landmines will undertake technical or even scientific examinations that cannot be undertaken by any other police officers, under the direct supervision of the public prosecutor or the investigating judge, criminal Court of Appeal or even the Court seized. These

officers and experts will communicate their conclusions to the magistrate who appointed them. The magistrate in charge of the case may ask the said officers or experts for an additional evaluation and (s)he must communicate their conclusions to the parties so that they can present their observations or, if applicable, request a second expert opinion.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible during the execution of the measure. There is no special provision but it is possible in practice and within the limits of Lebanese law, and subject to the principle of reciprocity.

4. DOCUMENTS - OBTAINING

Spontaneous exchange of information (401)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

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This is an exchange of what is believed to be information concerning acts punishable under the criminal law. Lebanese law prohibits any spontaneous exchange of information concerning information of any file unless there are letters rogatory. The exchange and transmission of information are undertaken on the basis of requests and subject to the limits of Lebanese law and the principle of reciprocity.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

A regional public prosecutor's Office will execute the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

There is no special provision but it is possible in practice and within the limits of Lebanese law, and subject to the principle of reciprocity.

Order to produce documents (402)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Lebanese law prohibits the production of documents or information concerning a file to anyone in the absence of a request and letter rogatory.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

A regional public prosecutor's Office will execute the measure.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

There is no special provision but it is possible in practice and within the limits of Lebanese law, and subject to the principle of reciprocity.

Other possibilities of obtaining information concerning taxes or bank accounts (403)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The public prosecutor, the first investigating judge or the Court in charge of the case and parties to the file like the administration, banks and financial institutions, or any person holding funds belonging to the suspect, may be asked to disclose information of a fiscal or financial nature as long as this is not contrary to the law of bank secrecy of 1967.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The Special Investigation Committee of the Central Bank (Law 44 of 2015 on money laundering and the financing of terrorism).

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

There is no special provision but it is possible in practice and within the limits of Lebanese law, and subject to the principle of reciprocity.

Access to public documents in judicial files (404)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

- General information can be requested and received by Interpol.
- The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

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b. Execute/recognize the measure (if other than the receiving authority)

- Interpol for more general information that is requested.
- A regional public prosecutor's Office for more detailed requests.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Communication of individual police records (405)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against

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Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

- General information can be requested and received by Interpol.
- The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

- Interpol for more general information that is requested.
- A regional public prosecutor's Office for more detailed requests.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Sending and service of procedural documents (406)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The regional public prosecutor's Office of the jurisdiction where the person that has to receive the procedural documents lives.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address. Also from family members like the father or the mother), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

5. ASSETS - SEQUESTRATION, CONFISCATION AND RESTITUTION

Sequestration of assets (501)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, no alternative measure with the same purpose is available.

Seizure consists of placing objects, including intangible objects or documents that may be useful for ascertaining the truth, in the hands of the justice system. It aims to avoid the deterioration of evidence and to allow anything that appears to be the fruits of a crime to be retained, if necessary. It does not necessarily mean losing physical possession of the object seized, as the owner may be appointed guardian of the object placed in the hands of the justice system.

2. International legal framework applicable for this measure in your State

Yes, but there is no legal framework regulating mutual judicial assistance in the area of seizure. However, Law No. 673/1998 on narcotics and Law No. 318/2001 on the fight against money laundering regulate the methods for implementing mutual judicial assistance in a more specific manner.

Requests for mutual judicial assistance can generally be implemented in compliance with the bilateral or international conventions or, in their absence, subject to the principle of reciprocity.

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

- The officer of the judicial police;
- The public prosecutor at the Court of Appeal or the Supreme Court [Cour de Cassation];
- The investigating judge;
- The single criminal Court Judge in a case of flagrante delicto.

Seizure is a real measure that can be used anywhere and regardless of whose possession the objects and documents are in, subject to provisions relating to searches, professional secrecy and the regime constituting a derogation that concerns the seizure procedures for certain specific offences.

Thus, in the area of drug trafficking, seizures may be operated outside of the legal hours in premises where narcotics are used, manufactured, processed or stored. These operations must be authorised at the request of the competent public prosecutor for the place in which the offence was committed. The investigating judge may also authorise it if an investigation is underway (article 31b of the Code of Criminal Procedure), articles 33, 41, 44 and 45 of Law No. 17 of 6/9/1990 and the articles 194, 218 of Circular No. 374 of 12/12/2001.

In the case of a crime that has just been committed and requires prompt investigation, a judicial police officer may seize the arms and instruments used or intended to be used to commit a crime. The same applies to anything that appears to be the fruits of a crime. The objects seized are made available to the public prosecutor.

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Any objects or documents placed in the hands of the justice system are immediately inventoried and placed under seal.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible during the execution of the measure. There is no special provision but it is possible in practice and within the limits of Lebanese law and subject to the principle of reciprocity.

Freezing of bank accounts (502)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. This measure is possible in case of international letters rogatory and provided that it is not in conflict with any national regulations and legislation in force on bank secrecy. When failing, no alternative measure with the same purpose is available.

Freezing bank accounts means blocking them. The holder of the accounts is no longer authorised to use them, and as a result of this measure the bank secrecy is lifted and the judicial authorities can have access to all account's movements until the moment the account was frozen.

2. International legal framework applicable for this measure in your State

Requests for mutual judicial assistance can generally be implemented in compliance with the bilateral or international conventions or, in their absence, subject to the principle of reciprocity.

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Bank accounts are frozen through the special investigations committee at the Bank of Lebanon (Banque du Liban) that is entitled to order lifting bank secrecy and freezing accounts in case of suspected money laundering.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Restitution (503)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, no alternative measure with the same purpose is available.

Restitution is possible in case of mutual judicial assistance, provided that the judicial request is received in compliance with the procedures in force and the domestic laws and regulations.

Restitution of seized goods is possible after a final Court judgment ordering their restitution. Restitution means returning to their rightful owners any objects, belongings, sums and assets of any nature seized by the justice system in case of an offence. Restitution can be requested by any person who can prove their entitlement to hold rightfully the claimed objects (owner; holder; holder of a use right, etc.). Restitution shall be refused when it is likely to be an obstacle to revealing the truth or to safeguarding the parties' rights, or when it represents a danger for persons or goods. Restitution can also be refused when confiscation of the object is provided for by law.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Any Court ruling on the merits of the case. The judgment ordering restitution is enforced according to the procedures of the State of Lebanon. The authorities that are competent to order confiscation are also competent to order restitution. For the investigating judge, article 103 of Criminal Code. For the single criminal judge, article 201 of the Criminal Code.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a special convention or authorisation.

Interim measures in view of confiscation (504)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, no alternative measure with the same purpose is available.

Precautionary measures are aimed at ensuring the confiscation of property, an object or the fruits of a crime (placed under seal; preventative seizure). The provisions relating to the fight against drug trafficking in article 179 of Law 673/1998.

2. International legal framework applicable for this measure in your State

The measure is possible in the case of bilateral or international conventions, provided that the competent bodies deem the measure appropriate and in compliance with internal law and order and the regulations concerning confidentiality.

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

- The investigating judge of the place in which the property is located in connection with an investigation.
- Any Court which rules on the merits of the case.
- The competent bodies to order confiscation also have the power to order restitution.
- In the case of a recently committed crime requiring a rapid response, the judicial police officer can seize the arms and instruments used or intended to be used to commit the crime and also

anything that appears to be the fruits of the crime. The objects seized will be made available to the public prosecutor in charge of the case.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless there is a special convention or special and limited authorisation.

Confiscation (505)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, no alternative measure with the same purpose is available. Confiscation is a measure accompanying a criminal-law sanction.

It is possible in the course of enforcing judgements issued in the requesting State, provided that the measure does not contravene the rules of law and order in the State of Lebanon.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Any Court ruling on the case and its merits.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits,

confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible in the case of a bilateral convention.

6. PLACES – VISIT AND SEARCH

Visit to and search of homes (601)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible provided that there is no infringement of public law and order or of sovereignty and provided that there is no breach to the regulations on security and confidentiality of the State of Lebanon.

A search is an investigative measure aimed at looking for, finding and seizing material objects that can be used as evidence or for comparative purposes. It may also be used to look for suspects in a place that benefits from a particular legal regime, in particular the suspect's home or an enclosed area.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request

is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

- The Public Prosecution at the Court of Appeal and the Supreme Court [Cour de Cassation];
- The investigating judge may also order searches.
- In the case of a recently committed crime requiring prompt action [to secure evidence] the public prosecutor may enter the suspect's home to look for any evidence there capable of throwing light on the investigation. He or she may seize any such evidence, write a report and inventory concerning the same and order that it be preserved according to its nature.

The search will be carried out in the presence of the suspect or defendant. If the latter is absent or refuses to attend or has escaped, the search will be conducted in the presence of their counsel, two adult family members or two witnesses selected by the public prosecutor.

Once the search and seizure are over, the public prosecutor will draw up an inventory of objects seized before the suspect or defendant, counsel or the abovementioned persons and ask each of the interested parties to sign the search report. If one of the interested parties refuses to sign, this will be mentioned in the report. The public prosecutor may instruct an officer of the judicial police to carry out a search at the home of the suspect or defendant, under their authority and supervision and in accordance with the procedures the public prosecutor is bound to follow. Entry into homes in order to carry out searches or look for criminals can only occur between 5 a.m. and 8 p.m. unless the owner of the residence expressly consents to the search being conducted outside of these hours. The public prosecutor or judicial police officer appointed by the former may at any time proceed to a search or look for a suspect in public places or anywhere regarded as equivalent to a public place according to custom (article 33 of the Code of Criminal Procedure).

If the judicial police officer takes the view that a person who is not suspected of any offence may have in their possession documents or objects that could be useful to the enquiry, it will be up to the public prosecutor or examining magistrate, not the judicial police officer, to decide whether to proceed to a search of that person's home, unless the latter freely consented to having a search carried out by the judicial police officer (article 43 of the Code of Criminal Procedure).

In the other cases, judicial police officers inform the prosecution of any measures they take and comply with the instructions of the latter. They may not proceed to searching a home or conducting a body search on a person without the prior authorisation of the Public Prosecution Service. If they obtain this authorisation, they must comply with the regulations that the law imposes on the public prosecutor in case a rapid response is required (article 47 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless subject to conventions or special and limited authorisations.

Visit and search on the site of an offence (602)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and executed in accordance with national laws.

Visiting the scene of an offence makes it possible to ascertain the various circumstances directly (traces, spaces or objects that are likely to provide information on the commission of the offence or the identity of the perpetrator). This option is of particular interest in the case of a crime that is being or has just been committed and requires a rapid response.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The competent public prosecutor may personally visit the scene and will have exclusive competence to exercise the powers listed in articles 33, 41, 44 and 47 of the Code of Criminal Procedure. Upon their arrival, the judicial police officers present will forfeit these powers. The investigating judge may also visit the scene to make any useful observations there and carry out searches or any other acts necessary to obtain information.

Where an offence has just been or is in the process of being committed and a rapid response is required, an officer of the judicial police will immediately go to the location and will inform the competent public prosecutor accordingly.

He or she will ensure that any traces, clues and evidence that may disappear and any information that may contribute to ascertaining the truth are preserved. He or she will look for and seize arms and objects used to commit the offence or which are the fruits of the offence. He or she will question witnesses without making them take an oath. He or she will investigate and arrest any person strongly suspected of having committed the offence or taken part in it. He or she will search the homes of such persons and seize any evidence or illicit objects found there, if applicable with the assistance of experts. He or she may question a suspect provided that the latter makes a statement voluntarily, in full awareness and freely, without being subjected to force of any kind.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless subject to conventions or special and limited authorisations.

7. WITNESSES, VICTIMS, SUSPECTS - SUMMONING AND HEARING

Summoning witnesses (701)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The judicial authorities of the requesting State can ask the Lebanese authorities to serve a summons on a witness to appear and this is undertaken in accordance with the ordinary procedure for requests for mutual judicial assistance.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Summoning is an act by which an authority calls a witness to the place and at the time and hour determined by it to question them about a certain fact.

During an investigation, the choice of witnesses is made by the officers of the judicial police and the summons do not have any particular form. Witnesses are always summoned upon instruction by the Public Prosecution.

The competent bodies for authorising a summons are:

- The General Prosecution;
- The investigating judge;
- The criminal Court of Appeal;
- The single criminal Court Judge;
- The Court of Appeal;
- The criminal Court; and
- The judicial adviser.

A summons must be produced in writing. However, a witness' testimony will be heard without them having been summoned if (s)he appears voluntarily or by coincidence before the authority without needing to be summoned.

A witness may appear voluntarily before the authority without being summoned to provide information about an attack on law and order or security or on the life and property of another person. The investigating judge, the criminal Court, single criminal Court Judge, criminal Court of Appeal or judicial adviser may hear the testimony of witnesses appearing before them, even if they have not been summoned. Witnesses are not permitted to refuse to testify.

Witnesses are summoned by special units under the public prosecutor, first investigating judge and the Presidents of the competent Courts and Tribunals. These units have to answer to the President of the Court who has authorised or instructed them to serve documents or implement the measures.

If the addressee is absent from their place of residence or domicile, the summons will be served to a relative, servant or person residing at this domicile, provided that the person's appearance suggests that they

have reached the age of majority and that there is no conflict of interests between that person and the addressee.

If the person in question refuses to give their name or state their connection with the addressee or to accept a copy of the summons, the law enforcement representative will mention it on the transcript. A copy of the transcript is handed over to the concerned person.

Members of the diplomatic and consular personnel will receive service of their trial documents through the Ministry of Foreign Affairs.

Military servicemen will receive service of their trial documents through the commander of the unit to which they belong.

Service occurs at least three days before the date of the addressee's appearance before the requesting Court, subject to contrary provisions.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless subject to conventions or special and limited authorisations.

Hearing witnesses: standard procedure (702)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and executed according to the rules of procedure of the State of Lebanon. When failing, no alternative measure with the same purpose is available.

The hearing of witnesses is defined as the disclosure before an authority of a certain fact that one has learned through one of one's senses. It may be written or verbal and describe information one has concerning the act in question, one of its stages, or a fact or person connected with the commission of the offence.

2. International legal framework applicable for this measure in your State

The judicial authorities of the requesting State can ask the Lebanese authorities to serve a summons on a witness to appear and this is undertaken in accordance with the ordinary procedure for mutual judicial assistance requests.

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The competent bodies for authorising the hearing are:

- The Public Prosecution;
- The investigating judge;
- The criminal Court of Appeal;

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- The single criminal Court Judge;
- The Court of Appeal;
- The criminal Court;
- The judicial adviser; and
- The judicial police.

The hearing of witnesses is accompanied by a transcript. All witness statements are recorded in a transcript signed by the public prosecutor or Assistant public prosecutor, the Court clerk and the witness. If the latter refuses to sign, this will be mentioned in the transcript.

If the witness does not speak fluent Arabic or is deaf or mute, the Judge will assign an interpreter who will provide a prior undertaking under oath to carry out their task faithfully and honestly, unless (s)he is already a sworn-in court interpreter.

When the witness cannot go to the office of the judicial authority due to illness, disability or force majeure, the Judge or their clerk will go where the witness is in order to hear him/her.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible unless subject to conventions or special and limited authorisations.

Hearing witnesses: by video (703)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible as jurisprudence is being made. However, due to the fact that technical facilities are not yet or always (fully) in place, it is not possible yet in practice.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing witnesses: by telephone (704)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

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2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing children (705)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible, subject to the conditions laid down in Act No. 422/2002 on the protection of minors in danger or in conflict with the law and executed according to the rules of procedure of the State of Lebanon. When failing, no alternative measure with the same purpose is available.

The hearing of a child who is a victim or witness is defined as disclosure by a person under 18 years old before an authority concerning a certain act of which (s)he has learned or of which (s)he has been a victim.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The competent bodies for authorising the hearing are:

- The Public Prosecution;
- The investigating judge;
- The criminal Court of Appeal;
- The single criminal Court Judge;
- The Court of Appeal;
- The criminal Court; and
- The judicial adviser.

Minors under 18 years old are heard for informational purposes and accompanied by a social worker or one of their parents in a room separate from the one in which other persons of the department who do not have any direct link with the investigation underway are staying.

Hearings concerning minors must be held in camera.

A minor will always be assisted by a lawyer, in the absence of which the judge may appoint one in the course of the hearing.

A minor who is a victim of sexual abuse will be heard in a chamber in the Court of Justice in Beirut set up for this purpose in such a way that the minor has no contact with any police officers and their testimony will be recorded in audio.

The recording and a psychological report are handed over to the judge concerned, who may make do with these two exhibits so that the minor will not have to be heard again.

Minors under 18 years old are heard for informational purposes only.

Children under seven years of age are only heard for informational purposes and on foot of a reasoned decision.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing persons collaborating with the inquiry (706)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, no alternative measure with the same purpose is available.

The individuals who collaborate with the inquiry are familiar with the structures and activities of criminal organisations and their links with other local or foreign criminal groups, and they are charged with or convicted of other serious offences.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Any competent criminal Court dealing with the case.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits,

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confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

- In order to have the status of an informant, the prior authorisation of the public prosecutor at the Supreme Court is required. The latter will approve this status in a written deed. The testimony of an informant who has advised the competent bodies of the offence without receiving any remuneration or reward in exchange for the information provided will be deemed admissible. For such testimony to be admitted, the public prosecutor must indicate the informant's status as such prior to their hearing. If the informant has received any remuneration or reward in exchange for the information provided, their testimony will be inadmissible if any of the parties in the trial objects to it. It will then be up to the president to decide whether to hear them for informational purposes. The judicial police officer testifying is bound to name the informant in the course of their witness statement. A draft law on the protection of witnesses is currently being prepared.
- The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing victims/plaintiffs (707)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, no alternative measure with the same purpose is available.

It refers to the hearing of the person or their lawyer requesting that justice be done with regard to the harm (s)he has suffered due to the criminal act committed. The hearing of the victim/plaintiff or their lawyer (unless the authority decides that it is necessary to hear the victim in person) may take place before any criminal Court and during the preliminary investigation.

The hearing of a victim/plaintiff is governed by the same rules of procedure as the hearing of witnesses. It is possible to file civil proceedings after a public case before the same Court. It is also possible to bring a civil action separately before a civil court. Any injured party of a crime or misdemeanour may file civil proceedings before the first investigating judge or before the single Judge in the case of a crime or misdemeanour. He or she may also join the proceedings before the criminal Court. If the public prosecutor does not institute the proceedings, it will be up to the injured party to instigate it. He or she may withdraw their action or accept a settlement without prejudice to the public case, except in cases where the latter is extinguished by the extinction of the civil law-suit.

2. International legal framework applicable for this measure in your State

Mutual judicial assistance is possible for the hearing of victims/plaintiffs and is executed according to the ordinary procedures for requesting mutual judicial assistance and in compliance with the national legislation of the State of Lebanon.

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- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The competent body for hearing of a victim/plaintiff is any competent criminal law Court.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and

their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing experts (708)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible in accordance with domestic legal procedures and in the case of bilateral and multilateral conventions. When failing, no alternative measure with the same purpose is available.

An expert is an impartial person submitting evidence to a Court regarding legally significant circumstances on the basis of their specialised knowledge. Experts are bound to tell the truth, their conclusions must be based on facts, and their arguments must be well founded.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The competent bodies for the hearing are:

- The investigating judge; and
- The adjudicating Court; but
- The public prosecutor, the Assistant public prosecutor or the Court clerk also have a role.

The hearing of experts is accompanied by a transcript. All expert statements are recorded in a transcript signed by the public prosecutor or Assistant public prosecutor, the Court clerk and the expert. If the latter refuses to sign, this will be mentioned in the transcript. If the expert does not speak fluent Arabic or is deaf or mute, the Judge will assign an interpreter who will provide a prior undertaking under oath to carry out their task faithfully and honestly, unless (s)he is already a sworn-in court interpreter.

When the expert cannot go to the office of the judicial authority due to illness, disability or force majeure, the Judge or their clerk shall go where the expert is in order to hear him/her.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Summoning suspects/persons accused (709)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. When failing, no alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

Summoning is an act by which an authority calls a suspect to the place and at the time and hour determined by it to question them about a certain fact and accuse them of having committed an offence.

The competent body for authorising a summons is any criminal court, depending on their jurisdiction.

In case of a crime that has just been committed and which requires rapid investigation, if the suspect has fled or is not present at the beginning of the investigation, the public prosecutor will issue a bench warrant to have them brought before him.

The investigating judge will serve a copy of the writ and its annexes on a defendant at least twenty-four hours in advance of their interrogation.

Before the single Judge, the Court clerk will prepare the documents to be served on the plaintiff, defendant, party incurring civil liability and guarantor. Each of these must receive their summons to appear three days prior to the beginning of the trial. In an emergency, the Judge may decide to shorten this deadline.

Before the criminal Court. If the accused is not in detention, the President of the Court will issue an order in absentia in Court, inviting the party to appear before the Court within twenty-four hours at the latest, starting from the opening of the case. If the accused appears by the deadline laid down, (s)he will be detained until their release is ordered. If they fail to appear by this deadline without providing a valid excuse, they will be deemed to be on the run and a warrant issued for their arrest will become enforceable.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing suspects/persons accused: standard procedure (710)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. A person suspected of having taken part in an offence will be heard immediately in order to keep them available to the investigation and the justice system.

This measure is executed according to the rules of procedure of the State of Lebanon. When failing, no alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The competent body for authorising the hearing can be any competent criminal Court.

During the preliminary investigation: The suspect or person against whom an action is brought will have the following rights from the time at which (s)he is taken into custody for the purposes of the investigation:

- 1) to communicate with a member of their family, their employer, a lawyer of their choice or an acquaintance;
- 2) meet a lawyer whom they personally appoint by a declaration recorded in the transcript, without any need to draw up a formal power of attorney;
- 3) avail of the assistance of an interpreter if (s)he does not speak fluent Arabic;
- 4) directly request from the public prosecutor or request through their lawyer of family member an authorisation to be examined by a doctor. The public prosecutor appoints a doctor as soon as (s)he receives the request. The doctor will undertake the examination in the absence of judicial police officers. He or she will send their report to the public prosecutor within a deadline of twenty-four hours. A copy of the report will also be sent to the requesting public prosecutor. It is up to the person taken into custody and the abovementioned parties to request a further medical examination if the custody period is extended.

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The judicial police inform the suspect of the abovementioned rights when (s)he is taken into custody and records this procedure in the transcript (article 47 of the Code of Criminal Procedure).

Before the Public Prosecution: The person interrogated is entitled to have a lawyer present during their interrogation. (S)he may also, at their own request or that of their counsel or a relative, be examined by a doctor who will be appointed by the public prosecutor (article 32 of the Code of Criminal Procedure).

Before the investigating judge: the investigating judge will interrogate the defendant at the Court at which (s)he is based unless the defendant cannot get there on grounds of illness or incapacity or for any other plausible reason.

The investigating judge informs the defendant of their rights, in particular the right to be assisted by a lawyer during the interrogation.

If the defendant refuses to take up the assistance of a lawyer, the investigating judge is not bound to appoint one. The refusal must be recorded in the transcript subject to the invalidity of the interrogation and any subsequent proceedings.

By derogation from the provisions contained in articles 78 and 79 of the Code of Criminal Code, the Judge may, in a reasoned order, directly institute the interrogation of the defendant if there are any traces or evidence that could disappear.

He or she may interrogate the defendant in the absence of a lawyer in the case of a blatant offence that has just been committed and where swift action is needed or similar cases.

Before the single criminal-Court Judge: At the beginning of the trial, the court clerk will read the indictment by the Public Prosecution or the order of the examining magistrate, or will summarise the facts presented in the lawsuit brought. He or she will then present the evidence implicating the defendant.

The Judge will hear the plaintiff or their counsel. He or she will then interrogate the defendant in the presence of the lawyer whom the former has appointed as counsel, if the defendant has chosen to be assisted by a lawyer in the trial proceedings (article 180 of the Code Criminal Procedure).

Before any Courts, if the defendant refuses to reply and remains silent, neither the Judge nor the plaintiff can oblige them to speak, nor can the Judge hold the defendant's silence against them.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing suspects/persons accused: by video conference (711)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing suspects/persons accused: by telephone (712)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Confrontation (713)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and executed in accordance with the national law of the State of Lebanon. When failing, no alternative measure with the same purpose is available.

Confrontation is merely one particular form of questioning.

Confrontation consists of bringing together persons whose statements contradict each other or at least do not agree in order to confront them with their contradictions and attempt to clarify their statements. There are no particular provisions concerning this operation. Confrontation may take place between suspects, witnesses and victims, the suspect and the victim, the suspect and the witness, and the witness and the victim.

The investigator will read out the statements containing contradictions before all the participants. This confrontation is recorded in the transcript.

Each person present is interrogated by the investigator in order to discover whether (s)he stands by their statements or would like to amend them. The replies given by each person questioned in turn are conscientiously recorded.

If the investigator establishes that the persons present are sticking precisely to their previous statements, (s)he may address one of them or each of them in turn in the form of questions and answers which will be conscientiously recorded.

Once the confrontation is over, the investigator concludes the transcript, which is communicated to each participant. They must read and sign only their own statements in it.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

- The judicial police if (s)he has not been questioned yet;
- The Public Prosecution;
- The investigating judge; and
- The criminal courts.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

8. CROSS-BORDER OPERATIONS

Cross-border observation (801)

1. Is this measure possible in your State under International Judicial Cooperation?

No, strictly speaking this measure does not exist within the framework of the Code of Criminal Procedure.

Law No. 673/1998 on narcotics however introduced a procedure for controlled circulation in article 73 that is similar to cross-border observation.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognize the measure (if other than the receiving authority)

The public prosecutor at the Supreme Court and the Director General of Customs must authorise the measure, which is implemented by the unit in charge of the fight against narcotics.

The Director General of the Central Unit for the Fight against Narcotics, with the permission of the public prosecutor and the Director General of customs, implements the decision to resort to controlled deliveries

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coming from abroad or leaving Lebanon, taking account of the provisions and financial agreements concluded with the competent bodies in the States concerned in relation to the exercise of powers.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible in the case of bilateral conventions.

Cross-border hot pursuit (802)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible and does not exist in the Code of Criminal Procedure.

2. International legal framework applicable for this measure in your State

Not applicable.

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3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Cross-border tracking (by placing a beeper on a vehicle or a person) (803)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible and does not exist in Lebanon.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Controlled deliveries (804)

1. Is this measure possible in your State under International Judicial Cooperation?

No, strictly speaking this measure does not exist within the framework of the Code of Criminal Procedure.

However, Law No. 673/1998 on narcotics defines and determines the conditions of application of this measure in the articles 2 and 220.

Controlled delivery is the act of allowing illegal dispatches of drugs to continue on their route into or out of the State with the knowledge of the competent bodies and under their supervision in order to identify the persons involved in the commission of drug-related offences.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

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3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The public prosecutor at the Supreme Court and the Director General of Customs must authorise the measure, which will be implemented by the central unit for the fight against narcotics.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least hold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

- The Director General of the Central Unit for the Fight against Narcotics, with the permission of the public prosecutor and the Director General of Customs, implements the decision to resort to controlled deliveries coming from abroad or leaving Lebanon, while taking account of the provisions and financial agreements concluded with the competent bodies in the States con-

cerned in relation to the exercise of powers.

The Director General of the Central Unit will supervise the implementation of this measure and inform the Senior public prosecutor of all measures taken during the operation.

- The assistance or participation of agents of the requesting State in the execution of the measure is possible in the case of bilateral conventions.

Joint investigation teams (805)

1. Is this measure possible in your State under International Judicial Cooperation?

No, strictly speaking this measure does not exist under the Code of Criminal Procedure.

However, Law No. 673/1998 on narcotics defines and determines the conditions of application of this measure in article 219.

2. International legal framework applicable for this measure in your State

- If bilateral conventions ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime plus its three Additional Protocols, the Merida UN Convention of 2003 against Corruption and the 1961 and 1988 UN Convention on Drugs) ratified by Lebanon provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice is the governmental authority that receives all international legal requests for assistance in criminal matters via the diplomatic channels. The Ministry channels the request to the Prosecutor General at the Court of Cassation who is the central authority that accesses and studies the international requests for assistance in criminal matters and decides on grounds for approval or refusal. When a request is compliant and possible for execution, the Prosecutor General at the Court of Cassation sends it to the competent local authority according to the task assigned in the legal request so it can be executed.

b. Execute/recognise the measure (if other than the receiving authority)

The public prosecutor at the Supreme Court.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Lebanese authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

The requested State shall notify the requesting State upon its request of the date and place of execution of the request.

6. Concise legal practical information

a. Special requirements

There are no special requirements but any legal request should at least behold detailed information on the facts, the legal provisions relating to the criminalization of the offence, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

b. Other useful information

- Forming mixed teams of investigators is possible, having regard to the need to protect the safety of persons and capital and to ensure full respect for the sovereignty of the State on the territory where the operation is conducted.
- The assistance or participation of agents of the requesting State in the execution of the measure is possible in the case of bilateral conventions and subject to specific and limited authorisations in accordance with the rules of procedure of the requested State.

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MOROCCO



1. TRACING AND INTERCEPTION OF (TELE) COMMUNICATIONS

Interception, recording and transcription of telecommunications (101)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Given the severity of this measure, the law considers it as an exceptional procedure and entrusts it to the investigating judge. On an exceptional basis, where so required by the investigation, in cases not submitted to the investigating judge, the senior public prosecutor for the Crown (procureur général du Roi, hereafter 'senior public prosecutor') may order this measure following the authorisation of the First President of the Court in the case of serious crimes affecting the safety and security of the State. However, the senior public prosecutor (procureur général du Roi) may, in case of extreme urgency, order the measure where the needs of the investigation call for urgent action in order to avoid losing evidence. In such a case, they must notify, without delay, the President of this order. The latter shall issue a decision within twenty-four hours, to confirm, amend, or overrule the decision of the senior public prosecutor (procureur général du Roi) n.

The legislator has fixed the duration and forms of this measure precisely, providing inflexible limits in such a way as to guarantee protection for the privacy of individuals and to ensure that this measure is not implemented illegally, whilst providing for sanctions in the event of breach.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters thanks to letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal;
- The President of the Court of Appeal;
- The senior public prosecutor (procureur général du Roi) at the Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

If the needs of an investigation require this, the examining magistrate may order, in writing, the interception, recording, reproduction and seizure of telephone calls and any other long-distance communications.

The senior public prosecutor (procureur général du Roi) may also, if the needs of the investigation require this, refer in writing to the President of the Court of Appeal with a petition to order the interception, recording, reproduction and seizure of telephone calls and any other long-distance communications if the crime under investigation undermines State security or concerns organised crime, murder, poisoning, abduction and the taking of hostages, counterfeit money or securities, drug trafficking and narcotics, the trade in arms, munitions and explosives or the protection of health.

However, the senior public prosecutor (procureur général du Roi) may, in an emergency, in writing and on an exceptional basis, order the interception, recording, reproduction seizure of telephone calls and any other long-distance communications whenever the needs of the investigation call for urgent action in order to avoid losing evidence in a case concerning State security, drug trafficking, narcotics, arms, munitions and explosives or abduction or the taking of hostages.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Tracing of telecommunications (102)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

EUROMED JUSTICE

EuroMed Fiches

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Interception and recording of other forms of communication (103)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

EUROMED JUSTICE

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3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Interception of mail (104)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

EUROMED JUSTICE

EuroMed Fiches

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Observation (105)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Interception of telecommunication without the technical assistance of another State (106)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Considering the severity of this measure, the law considers it as an exceptional formality and entrusts it to the investigating judge. On an exceptional basis, where so required by the investigation, in cases not submitted to the investigating judge, the senior public prosecutor (procureur général du Roi) may order this measure following the authorisation of the First President of the Court in the case of serious crimes affecting the safety and security of the State. However, the Prosecutor General for the Crown may, in case of extreme urgency, order the measure where the needs of the investigation call for urgent action in order to avoid losing evidence. In such a case, they must notify, without delay, the President of this order. The latter shall issue a decision within twenty-four hours, to confirm, amend, or overrule the decision of the Prosecutor General for the Crown.

The legislator has fixed the duration and forms of this measure precisely, providing inflexible limits in such a way as to guarantee protection for the privacy of individuals and to ensure that this measure is not implemented illegally, whilst providing for sanctions in the event of breach.

When failing, no alternative measure with the same purpose is possible under Moroccan law.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using a letter rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal;
- The President of the Court of Appeal;
- The senior public prosecutor (procureur général du Roi) at the Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

If the needs of an investigation require this, the examining magistrate may order, in writing, the interception, recording, reproduction and seizure of telephone calls and any other long-distance communications.

The senior public prosecutor (procureur général du Roi) may also, if the needs of the investigation require this, refer in writing to the President of the Court of Appeal with a petition to order the interception, recording, reproduction and seizure of telephone calls and any other long-distance communications if the crime under investigation undermines State security or concerns organised crime, murder, poisoning, abduction and the taking of hostages, counterfeit money or securities, drug trafficking and narcotics, the trade in arms, munitions and explosives or the protection of health.

However, the senior public prosecutor (procureur général du Roi) may, in an emergency, in writing and on an exceptional basis, order the interception, recording, reproduction seizure of telephone calls and any other long-distance communications whenever the needs of the investigation call for urgent action in order

to avoid losing evidence in a case concerning State security, drug trafficking, narcotics, arms, munitions and explosives or abduction or the taking of hostages.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

2. AGENTS AND INFORMERS – INFILTRATION

Infiltration by undercover agents of the requested State (201)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Infiltration by agents of the requesting State in the territory of the requested State (202)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Infiltration by an informer of the requested State (203)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Handling of informers (204)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

The legislator has guaranteed, in articles 82-9 and 82-10 of the Code of Criminal Procedure, the protection of informers who report certain crimes that threaten the security and stability of society to police and judicial authorities. It does so by introducing measures for the purpose of their protection.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The public prosecutor at the Court of first instance or the Court of Appeal;
- The investigating judge at the Court of first instance or the Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

Any informer who, in good faith and for justified reasons, reports a crime to the competent authorities that affects the security of the State or relates to gangsterism, murder, poisoning, the taking and imprisonment of hostages, the falsification of money or general credit titles, drug trafficking, trafficking in weapons, munitions and explosives, or the protection of health, may ask the prosecutor for the Crown or the senior public prosecutor (procureur général du Roi) or the investigating judge, as applicable, to take one or more of the measures laid down in Article 82-7 of the Code of Criminal Procedure (hearing in person, concealing their identity, giving them a new identity, offering them a special telephone number, putting their telephone line under surveillance, ensuring their physical protection and that of their family and close friends, etc.).

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

3. EXAMINATION, BODY SEARCH AND EXPERT EVALUATION

Superficial body search (301)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

A body search is one of the first measures that the legislator has made available to the judicial police and the investigating judge with a view to looking for any element linked to the crime that may be hidden in the body being searched.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the

EUROMED JUSTICE

EuroMed Fiches

Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal.
- The judicial police.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

An officer of the judicial police may conduct a body search on any person held in custody. A woman's dignity cannot be offended during such searches. If it is necessary to subject a woman to a body search, this can only be carried out by a person of her sex designated by the judicial police officer unless the officer in question is a woman.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Invasive body search (302)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

There is no distinction in Moroccan legislation between a body search and strip search.

EUROMED JUSTICE

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2. International legal framework applicable for this measure in your State

- This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law. If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge;
- The judicial police.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

An officer of the judicial police may conduct a body search on any person held in custody. A woman's dignity cannot be offended during such searches. If it is necessary to subject a woman to a body search, this can only be carried out by a person of her sex designated by the judicial police officer unless the officer in question is a woman.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Psychiatric medical examination (303)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

A psychiatric medical examination ordered by the judicial authorities makes it possible to establish the awareness and will of the person who committed a crime, in order to determine their criminal liability, which may be full, partial or non-existent, as applicable.

2. International legal framework applicable for this measure in your State

- This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law. If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal;
- The Court of first instance or the Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

Court-ordered internment in a psychiatric institution consists of placing the presumed perpetrator, co-perpetrator or accomplice of a crime or misdemeanour in an appropriate institution if, at the time at which the acts attributed to them occurred, that person's mental faculties were impaired and this has been confirmed by a medical evaluation. In that case, this person must be held not criminally responsible and the sanctions laid down by the law are thus not applicable to them. Where an adjudicating court takes the view, after a medical evaluation, that the individual referred to it either for the purpose of accusing them of a crime or for preventing an offence from occurring, is entirely free from criminal responsibility due to their mental disorders existing at the time of the acts attributed to them, it must:

1. Note that, at the time of the events, the accused or defendant was unable of understanding or willing [their actions], due to their impaired mental faculties;
2. Declare the person not criminally responsible and pronounce them not guilty;
3. Order, if the disorder persists, their internment within a psychiatric institution. The validity of the committal order is extended until effectively interned.

Where an adjudicating court takes the view that, after expert medical opinion, although the perpetrator of a crime or a misdemeanour is in a fit state to ensure their defence in the course of a trial, their mental faculties were weakened at the time of the acts of which (s)he is accused to such a degree that they lead to partially diminished responsibility, it must:

1. Note that the acts in question can be attributed to the accused or defendant;
2. Declare their responsibility partially diminished due to a weakening of their mental faculties at the time of the acts;
3. Pronounce a sentence;
4. Order, if applicable, that the sentenced person be hospitalised in a psychiatric institution prior to the execution of any custodial sentence.

Where an adjudicating court takes the view, after a medical evaluation, that the individual referred to it either for the purpose of accusing them of a crime or for preventing an offence from occurring was fully or partially responsible at the time of the acts of which (s)he is accused, but that due to disorders affecting their mental faculties that have onset or worsened since, (s)he is now unable to defend themselves in the proceedings, it must:

1. Note that the accused or defendant is unable to defend themselves, as a result of the present impairment of their mental faculties;
2. Stay the proceedings;
3. Order their hospitalisation in a psychiatric institution. The validity of the committal order is prolonged until effectively interned.

The treating psychiatrist must inform the Chief Prosecutor General of any decision to release the patient, at least ten days before the release. The committal order in force at the time of hospitalisation shall resume effect and the prosecution will be resumed at the diligence of the public prosecution. In case of custodial sentence, the adjudicating court may assign the duration of hospitalisation as part of this penalty.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Control of identity, measures for judicial identification (304)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

The control of identity allows the authorities in charge of the investigation to identify the persons suspected of having committed a crime.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The judicial police;
- Customs officers.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

The judicial police officer can prevent anyone useful to the investigation from leaving the scene of the crime until it has completed its operations.

Anyone for whom it is considered necessary, in the course of judicial investigations, to verify their identity, must undergo the operations required to this end at the request of the judicial police officer.

Any breach of the provisions of the preceding subparagraph is punishable with a custodial sentence of one to 10 days and/or a fine of 200 to 1200 dirhams.

The customs officers may also ask to verify the identity and capacity of persons entering, leaving or travelling within the Moroccan customs zone.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Technical or scientific examinations or expert evaluations (305)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

If a question of technical nature arises, any investigating or adjudicating court may order an expert report, either ex officio or at the request of the prosecution or the parties. The expert or experts shall carry out their work under the supervision of the investigating judge in the court seized or, if applicable, of the magistrate appointed by it.

2. International legal framework applicable for this measure in your State

- This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach

EUROMED JUSTICE

EuroMed Fiches

with national law. If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal;
- The Court of first instance or the Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

Unless impossible, the expert appointed or the expert institution, is chosen from the list of authorised experts. The expert must take an oath before the judicial authority that appointed them if their name is not registered in the list of sworn experts.

The task of the experts, which can only be to examine technical matters, must always be specified in the decision ordering the expert evaluation.

When the decision ordering the expert evaluation is issued by the investigating judge, it must be notified to the prosecution and the parties. The notification must specify the name and capacity of the expert and provide a copy of the task entrusted to them.

EUROMED JUSTICE

EuroMed Fiches

The decision ordering the expert evaluation is not subject to appeal. However, within three days of notification, the prosecution and the parties may submit their observations. These may relate either to the choice of the expert or the tasks assigned to them.

When the decision is made by an investigating judge and the expert evaluation must address, amongst others, the evidence, materials or products that may alter or disappear, the prosecution, the parties or their counsel may, within three days, choose assistants expert to work alongside the appointed expert. The investigating judge must appoint these assistant experts.

If there is more than one defendant, they must agree to make this choice which may, exceptionally and only in the case of opposed interests, be for a maximum of two experts. However, where necessary, the investigating judge may, in a reasoned decision, order the appointed expert to proceed immediately with their findings or operations of an urgent nature. The expert(s) shall draft a report on the duties assigned him/ them.

The assistant expert must be convened by the appointed expert to all expert operations relating to the evaluation. (S)he shall follow their development and may make any suggestions (s)he deems useful for the tasks to be accomplished more effectively. If their suggestions are not considered by the appointed expert, the latter must mention this in their report and indicate the reasons for refusing to do so.

Any decision appointing an expert must also give them a deadline for completion of the tasks involved. If specific reasons so demand, this deadline may be extended at the request of the appointed expert and by a reasoned decision delivered by the magistrate or jurisdiction that appointed them.

The appointed expert who does not prepare their report within the established deadline may be replaced immediately and must report on the operations (s)he has already carried out. (S)he must also return all objects, exhibits and documents entrusted to them with a view to accomplishing their duty, within forty-eight hours. (S)he may also be subject to disciplinary measures. The expert carries out their tasks together with the investigating judge, the jurisdiction or appointed magistrate; (s)he must keep them informed of how the operations are developing and enable them to take any useful measure at all times.

The investigating judge may always be assisted by other experts in the course of their operations, if (s)he deems it useful. In the course of the evaluation, the parties may ask the investigating judge or jurisdiction that ordered it to order that the experts carry out specific research or to hear any expressly named person who may be able to provide them with technical information.

Once the evaluation operations are completed, the appointed expert shall prepare a report containing a description of the said operations and their conclusions. The expert must certify that (s)he conducted the assigned operations personally or that (s)he controlled them, and must sign their report. If the assistant expert has reservations to make, (s)he shall report them in a note that the appointed expert is bound to append to their report, together with their own observations. If there is more than one appointed expert and if they have different opinions or reservations to make on the joint conclusions, each of them shall give their own opinion in the joint report and provide reasons for their reservations.

The report and seals, or their residues, are lodged into the hands of the clerk of the jurisdiction that ordered the expert evaluation. This lodgement is confirmed in a written report.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

4. DOCUMENTS - OBTAINING

Spontaneous exchange of information (401)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Order to produce documents (402)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Other possibilities of obtaining information concerning taxes or bank accounts (403)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

The judicial authorities (the senior public prosecutor (procureur général du Roi), the prosecutor for the Crown and the investigating judge) may, in the course of a judicial investigation, request information on the operations or movements of funds that may be linked to a crime and order that they be frozen and seized.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal;
- The public prosecutor at the Court of first instance or the Court of Appeal;

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

In the course of an investigation into a given crime, the senior public prosecutor (procureur général du Roi), the prosecutor for the Crown or the investigating judge may, at the stage of a preliminary investigation or preparatory inquiry, as applicable, serve Court orders to the tax services or banking institutions to provide the judicial authorities with information of a fiscal nature or relating to bank accounts (operations or movements of funds suspected of being connected with a crime).

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco (as observers under the scope of a letter rogatory).

Access to public documents in judicial files (404)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

The judicial authorities (the prosecutor general for the Crown, the prosecutor for the Crown and the investigating judge) may, in the course of a judicial investigation, request information on the operations or movements of funds that may be linked to a crime and order that they be frozen and seized.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal;
- The public prosecutor at the Court of first instance or the Court of Appeal;

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

In the course of an investigation into a given crime, the prosecutor general for the Crown, the prosecutor for the Crown or the investigating judge may, at the stage of a preliminary investigation or preparatory inquiry, as applicable, serve Court orders to the tax services or banking institutions to provide the judicial authorities with information of a fiscal nature or relating to bank accounts (operations or movements of funds suspected of being connected with a crime).

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco.

Communication of individual police records (405)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

The communication of extracts of police records is an important procedure that informs the judicial authorities on the previous legal record of a person and allows to establish their propensity to reoffend.

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2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law. If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal;
- The public prosecutor at the Court of first instance or the Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

A copy of section I is prepared for any conviction for a crime or misdemeanour to a custodial sentence or fine pronounced against any foreigner from a country with which the international exchange in question is organised. This copy is addressed to the Minister of Justice to be sent through diplomatic channels, unless conventions stipulate otherwise. The Minister of Justice sends all notices of convictions received from foreign authorities to the national criminal records service or the local competent one.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco.

Sending and service of procedural documents (406)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Moroccan legislation enables the sending and service of procedural documents in response to orders from the competent authorities, whether summonses or notification of first instance judgments or final, unappealable rulings.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal;
- The public prosecutor at the Court of first instance or the Court of Appeal;

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

The letter rogatory is executed in accordance with the provisions of Morocco's domestic legislation.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco (as observers under the scope of a letter rogatory).

Transfer of proceedings (407)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

5. ASSETS - SEQUESTRATION, CONFISCATION AND RESTITUTION

Sequestration of assets (501)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Seizing is the temporary prohibition of transfer, conversion, disposal or movement of assets or the act of taking them into custody. Bank institutions must provide judicial authorities with the information requested. Professional secrecy cannot be claimed by banks vis-à-vis the judicial authorities or Bank Al-Maghreb.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge;
- The senior public prosecutor (procureur général du Roi) at the Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

In the course of the investigation, the senior public prosecutor (procureur général du Roi) and the investigating judge may request information on operations and movements of funds suspected of being connected with a crime and order that they be frozen or seized.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Freezing of bank accounts (502)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Freezing is the temporary prohibition of transfer, conversion, disposal or movement of assets or the act of taking them into custody. Banks must provide judicial authorities with the information requested. Professional secrecy cannot be claimed by banks vis-à-vis the judicial authorities or Bank Al-Maghreb.

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2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge;
- The senior public prosecutor (procureur général du Roi) at the Court of Appeal;

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

In the course of the investigation, the prosecutor general for the Crown and the investigating judge may request information on operations and movements of funds suspected of being connected with a crime and order that they be frozen or seized.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Restitution (503)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Restitution means the return to their owners of objects, sums and property that have been in the possession of the justice system.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The prosecutor for the Crown at the Court of first instance;
- The senior public prosecutor (procureur général du Roi) at the Court of Appeal;
- The Court of first instance and the Court of Appeal;
- The Court of Cassation.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

- Restitution by the public prosecution:
The prosecutor for the Crown or the senior public prosecutor (procureur général du Roi) may, in the absence of serious objections, order the restitution of objects seized during the investigation to their owners, unless they are necessary for the development of the case or are dangerous or confiscated objects.
- Restitution by the Court:
Restitution may be ordered by the Court, even if the owner does not participate in the trial discussions. At the request of the victim of the crime, the Court may also, by specially-reasoned ruling, order the restitution:
 1. Of amounts originating from the sale of objects or chattels that should have been returned in kind;
 2. Subject to the rights of third parties, of objects or chattels obtained by means of the offence.
- Restitution by the Court of Cassation:
Under the scope of the extradition procedure, at the request of the requesting State, all objects deriving from the offence or which may be used as incriminating evidence that were found in the possession of the person sought at the time of arrest or that were discovered thereafter will be seized.
The Court of Cassation, at the same time as it rules in favour of extraction, shall also rule on the handover of these objects to the requesting State.
This handover may be made even if the extradition cannot be take place due to the escape or death of the individual concerned.
The Moroccan State may, however, withhold the objects seized, if it deems it necessary for the proper conduct of criminal proceedings before its courts against the same individual, and their co-perpetrator or accomplices. It may also, in releasing them, reserve the right to request their restitution for the same reason, undertaking in turn to send them back as soon as it is able to do so.
This is without prejudice to the rights that the Moroccan State or third parties may have acquired over these objects.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Interim measures in view of confiscation (504)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Freezing is the temporary prohibition of transfer, conversion, disposal or movement of assets or the act of taking them into custody. Banks must provide the information requested within 30 days at the latest from the date the request was received. Professional secrecy cannot be claimed by banks vis-à-vis the judicial have authorities or Bank Al-Maghreb.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The senior public prosecutor (procureur général du Roi) at the Court of Appeal;
- The investigating judge;
- The adjudicating Court.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

In the course of the investigation, the judicial authorities (the prosecutor general for the Crown, the investigating judge and the adjudicating Court) may request information on operations and movements of funds suspected of being connected with the financing of terrorism and money laundering and order that they be frozen or seized.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Confiscation (505)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Confiscation consists in assigning the State a portion of the property of the convicted person or certain specially designated components of their property.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The senior public prosecutor (procureur général du Roi) at the Court of Appeal;
- The Court of first instance;
- The Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

Under the scope of the application of the international conventions on the fight against the financing of terrorism and money laundering, to which the Kingdom of Morocco has acceded and which are duly published, the government may, at the request of a foreign State, order the senior public prosecutor (procureur général du Roi) to take the following measures:

- the search for and identification of the product of a crime of financing of terrorism or money laundering, of the assets used or intended to commit this crime, or any property representing the value of the product of this crime;
- the freezing or seizure of assets;
- the adoption of interim measures on these assets.

The request is rejected by the senior public prosecutor (procureur général du Roi) if:

- its execution may harm the sovereignty, security, and essential interests of the State, or public order;
- the acts to which the request refers have formed the subject matter of a final and unappealable judicial decision on the national territory;
- the foreign legal decision was issued in conditions that did not offer sufficient guarantees with regard to the rights of defence;
- the acts giving rise to the request are not connected with the financing of terrorism or money laundering.

The enforcement on the national territory of a decision to freeze, seize or confiscate, issued by a foreign judicial authority and forming the subject-matter of a request made by the said authority is subject to the authorisation of the senior public prosecutor (procureur général du Roi).

The decision to freeze, seize or confiscate must relate to property that was used or intended to be used to commit the offence and that is located on the national territory, or must consist of the obligation to pay a sum of money corresponding to the value of said property.

The enforcement of the foreign decision is subject to the following double condition being met:

- the foreign judicial decision must be final and enforceable pursuant to the law of the requesting State;
- the property to be frozen, seized, or confiscated by virtue of this decision may be frozen, seized or confiscated in similar circumstances in accordance under Moroccan legislation.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

6. PLACES – VISIT AND SEARCH

Visit to and search of homes (601)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

The legislator has not defined visit to and search of premises, but after an examination of the provisions governing this measure, it can be said that it is one of the formalities of the investigation and instruction carried out at the location where it is presumed that the instruments used to commit the crime or misdemeanour or the product of the crime or misdemeanour are being harboured. Thus they will be seized as evidence to be presented before the court.

Scope of the measure:

This measure applies to the following places:

- the domicile of the person suspected of having participated in the crime;
- the domicile of a third party where documents or objects related to the incriminating acts may be kept.

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This measure also applies equally regardless of whether the acts committed are classified as a crime or a misdemeanour; it does not apply in the case of a contravention (minor offence).

This measure is implemented in accordance with the following procedures, on pain of nullity of the flawed act and any others carried out subsequently:

- When the search is carried out at the home of a person suspected of having committed a crime, it is done in their presence or in the presence of their representative. If this is impossible, the judicial police officer will choose two witnesses summoned for this purpose, in addition to the persons under their authority;
- When a search takes place at the home of a third party where items or objects related to the crimes may be held, the said third party must be present at this operation; if this is impossible, the procedure in the preceding paragraph will apply;
- In any case, searches are carried out in the presence of a woman appointed by the judicial police officer to undertake any body searches of female persons at locations where they may be found ;
- The judicial police officer may call and hear any persons who may be able to provide information on the acts or the objects or documents seized. If they refuse to cooperate, (s)he may oblige them to appear subject to the authorisation by the public prosecution;
- The reports of the operations are signed by the persons whose homes were searched, by their representatives or by the two witnesses; if they are unwilling or unable to cooperate, this will be noted in the report;
- Unless so requested by the head of the household or a person inside the premises, or as a result of the exceptions provided by the law, a visit to and search of a person's home cannot begin before 6 a.m. and after 9 p.m.; the operations that began at a legal time may continue beyond these hours.

These provisions do not apply where the search must take place at premises that are habitually open and operative by night.

In the case of a terrorist offence and if the needs of the investigation, a case of extreme urgency or the fear that evidence may disappear require it, visits to and searches of homes may take place, on an exceptional basis, before 6 a.m. and after 9 p.m., subject to written authorisation of the public prosecution.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The public prosecutor at the Court of first instance or the Court of Appeal;
- The investigating judge at the Court of first instance or the Court of Appeal;
- The judicial police.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

The letter rogatory is executed in accordance with the provisions of Moroccan domestic law.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Visit and search on the site of an offence (602)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Visit and search on the site of an offence is one of the procedures available to an investigation and enquiry at the scene of a crime with a view to establishing the damage caused. This gives the judge an idea of how the crime was committed. In the event of a crime or misdemeanour calling for a rapid response (*flagrante delicto*), the judicial police officer dealing with the matter immediately informs the public prosecutor for

the Crown, goes to the scene of the crime without delay and undertakes all useful examinations. (S)he ensures the securing of any evidence likely to disappear and anything else that may be used for ascertaining the truth. (S)he seizes any weapons and instruments used to commit the crime or intended to be used to commit it, as well as everything that appears to be the product of the crime. (S)he shows the objects seized, for recognition, to the persons who appear to have participated in the crime. Moreover, the investigating judge may visit all places to undertake any useful examinations or searches. (S)he notifies the public prosecutor who is entitled to accompany them. (S)he is always assisted by a clerk. (S)he drafts a report on the operations.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The public prosecutor at the Court of first instance or the Court of Appeal;
- The investigating judge at the Court of first instance or the Court of Appeal;
- The judicial police.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

The letter rogatory is executed in accordance with the provisions of Moroccan domestic law.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

7. WITNESSES, VICTIMS, SUSPECTS - SUMMONING AND HEARING

Summoning witnesses (701)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

The summoning of witnesses is one of the necessary procedures to notify someone that they will have to appear before a criminal Court to make a statement in relation to a crime.

- The summoning of witnesses by the investigating judge:
Via a law enforcement officer, the investigating judge summons anyone whose statement (s)he considers useful, to appear before him. A copy of the summons is delivered to the witness. Witnesses may also be summoned through the intermediary of a bailiff, by registered letter or by administrative channels. They may also appear voluntarily.
- The summoning of witnesses by the Court:
Any person summoned as a witness must appear, take an oath, and, if applicable, testify. A witness is directly summoned by the Court or at the request of the prosecution, the plaintiff, the accused or party incurring civil liability, either by registered letter with confirmation of receipt or by a summons served by a notification agent or bailiff or by administrative channels.

The summons specifies that a failure to appear and giving false testimony is punishable by law.

Members of the government, secretaries and under-secretaries of State can only be summoned as witnesses after authorisation by the Council of Ministers, based on the report of the Minister of Justice. Where this authorisation is granted, the testimony is received in the ordinary forms. When an appearance is not requested or not authorised, the testimony may be received in writing at the place of residence of the witness by the President of the Court of Appeal or by a magistrate designated by them, if the witness resides outside of the Court's administrative centre.

The President or designated magistrate is assisted by a Court clerk.

A summary of the facts as well as an inventory of requests and questions to which the witness is required to reply will be sent by the Court to which the case has been referred to the President or designated magistrate.

The deposition or testimony received is immediately submitted to the clerk of the Court in whose jurisdiction the deposition is made and sent, closed and sealed, to the clerk of the requesting authority and notified, without delay, to the prosecution and persons concerned.

At the hearing, the testimony is read out publicly and discussed, on pain of nullity (of the proceedings).

2. International legal framework applicable for this measure in your State

- This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law. If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation under the articles 746 and 747 of the Code of Criminal Procedure and provided that the principle of reciprocity is respected in similar cases by the requesting party.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The public prosecutor at the Court of first instance or the Court of Appeal;
- The investigating judge at the Court of first instance or the Court of Appeal;

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

The letter rogatory is executed in accordance with the provisions of Moroccan domestic law.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Hearing witnesses: standard procedure (702)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

The hearing of witnesses is one of the essential procedures at the preparatory stage of the enquiry and the trial, during which the witness makes a statement before the criminal court in relation to a criminal case. This statement will be used as evidence.

- The hearing of witnesses by the investigating judge:
Any person summoned as a witness must appear, take an oath, and, if applicable, testify, on pain of the sanctions provided for in the law.
However, persons against whom a complaint is lodged and civil proceedings are filed may refuse to be heard as a witness. The investigating judge informs such person accordingly, after having informed them of the complaint. This is mentioned in the transcript. In the event of refusal, (s)he may be considered guilty.
Witnesses are heard separately, not in the presence of the accused, by the investigating judge assisted by their clerk. Their statements are recorded in a transcript.
If witnesses speak a language, dialect or similar that is difficult to understand for the accused, the parties, the other witnesses or themselves, the investigating judge, either ex officio or at the request of the accused or the parties, resort to a person able to provide a translation, who must be at least eighteen years old and not summoned to testify. If the interpreter is not already sworn in, (s)he must take an oath before the investigating judge to translate faithfully. If the faithfulness of the translation is challenged in the course of the proceedings, the investigating judge will assess whether another interpreter should be appointed. The transcript specifies the surname, first name, age, profession, domicile and provision of service of this interpreter signing or stamping them. If this is impossible, it is mentioned.

EUROMED JUSTICE

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The questions and answers are established in writing if the witness is deaf or mute. If (s)he is unable to write, (s)he is assigned an interpreter accustomed to communicating with them or, failing that, a person able to understand them. The provisions in Article 120, paragraphs 2 and 3 apply to such persons.

Prior to the questioning on the facts, witnesses are asked to indicate their surname, first names, age, status, profession, domicile, if applicable, tribe and division of origin, to say if they are relatives or friends of the parties and if so to what extent, or if they are at their service, or if they lack legal capacity. These questions and answers are mentioned in the transcript.

The criminal provisions sanctioning false testimonies are read out to the witnesses. Each witness thereafter swears as follows: "I swear, before God, to speak without hatred and fear, to tell the truth, the whole truth and nothing but the truth".

Children under eighteen years old are heard without taking an oath; the same applies to persons serving a criminal sentence. The ascendants, descendants and spouse of the accused do not have to take an oath. The provision of the oath by a person who is incapable, unworthy or exempted, is not a cause of nullity.

Once the deposition is complete, the witness is asked to re-read what has just been transcribed and then, if (s)he declares it compliant, to sign it and initial each page.

If the witness is illiterate, the clerk reads out their deposition; the signature and initials are replaced by a fingerprint.

If the witness refuses to sign or add their fingerprint, or if (s)he is unable to do so, this is recorded in the transcript.

Each page of the transcript is signed by the investigating judge and the clerk. It is also signed by the interpreter if one is assisting.

The investigating judge may question the witness, confront them with other witnesses or the accused in the presence of their counsel, unless they expressly renounce the presence of the latter; and, with their assistance, carry out any operations or reconstructions that may be useful for ascertaining the truth. Transcripts must not have any spaces between the lines. Deletions and cross-references are approved by the investigating judge, the clerk and the witness and, if applicable, the interpreter. In the absence of approval, these deletions and cross-references are deemed non-existent.

Any witness appearing may, at their request, receive an allowance for their appearance and for their stay, if applicable, and have their travel expenses reimbursed.

These allowances and expenses are paid immediately, after being taxed by the investigating judge in accordance with the legal rates.

- The hearing of witnesses before the Court:

Any person summoned as a witness must appear, take an oath, and, if applicable, testify.

A witness is directly summoned by the Court or at the request of the public prosecutor, the plaintiff, the accused or party incurring civil liability, either by registered letter with confirmation of receipt or by a summons served by a notification agent or bailiff or by administrative channels.

The summons specifies that a failure to appear and giving false testimony is punishable by law.

Members of the government, secretaries and under-secretaries of State can only be summoned as witnesses after authorisation by the Council of Ministers, based on the report of the Minister of Justice. Where this authorisation is granted, the testimony is received in the ordinary forms.

When an appearance is not requested or not authorised, the testimony may be received in writing at the place of residence of the witness by the President of the Court of Appeal or by a magistrate designated by them, if the witness resides outside of the Court's administrative centre.

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The President or designated magistrate is assisted by a Court clerk.

A summary of the facts as well as an inventory of requests and questions to which the witness is required to reply will be sent by the Court to which the case has been referred to the President or designated magistrate.

The deposition or testimony received is immediately submitted to the clerk of the Court in whose jurisdiction the deposition is made and sent, closed and sealed, to the clerk of the requesting authority and notified, without delay, to the prosecution and persons concerned.

At the hearing, the testimony is read out publicly and discussed, on pain of nullity (of the proceedings).

The written deposition of a foreign State is requested through the Ministry of foreign affairs.

If the request is approved, this deposition is received by the President of the Court of appeal or by the magistrate (s)he has appointed for this purpose.

The President orders witnesses to retire to the room reserved for them. They cannot leave it except to testify.

If applicable, the President takes all steps to prevent witnesses from discussing the matter among themselves or with the accused.

Once the witnesses have left, the President questions the accused persons in the order (s)he deems useful, without giving their own opinion.

Neither the counsels or the prosecution or plaintiff or lawyer of the accused may any ask questions to the accused before the president has questioned them. Questions are asked through the President or directly after their authorisation.

After questioning the accused, the witnesses are heard separately. The President asks each witness for their surname, first name, age, status, profession, domicile and, if applicable, tribe and division of origin, if (s)he is a relative or friend of the accused or the plaintiff and to what extent, if they are bound by work or any other means, or if there is any enmity between them.

(S)he is also asked if (s)he is unable to bear witness. Before making a statement, the witness is sworn in, on pain of nullity of the ruling or sentence. Prior to the oath, the provisions of law against false testimony may be read out.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation under the articles 746 and 747 of the Code of Criminal Procedure and provided that the principle of reciprocity is respected in similar cases by the requesting party.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The public prosecutor at the Court of first instance or the Court of Appeal;
- The investigating judge at the Court of first instance or the Court of Appeal;

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

The letter rogatory is executed in accordance with the provisions of Moroccan domestic law.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure.

Hearing witnesses: by video conference (703)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

EUROMED JUSTICE

EuroMed Fiches

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing witnesses: by telephone (704)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing children (705)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible. Moroccan legislation does not have any specific rules on the hearing of children who are victims of crime, including violent and/or sexual crimes.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing persons collaborating with the inquiry (706)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible. Moroccan legislation does not provide any special rules on the hearing of Court officials.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing victims/plaintiffs (707)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Civil actions for compensation for damage caused by a crime, misdemeanour or contravention (minor offence) is open to anyone who personally suffered physical injury, material loss or mental harm, directly caused by the offence.

The plaintiff who has correctly followed procedure may be assisted from the first hearing by counsel. The accused and plaintiff may, at any stage of the enquiry, inform the investigating judge of the name of the counsel(s) (s)he has chosen.

The accused and plaintiff can only be heard or confronted (with each other) in the presence of their duly summoned counsel, unless they expressly renounce legal representation.

Counsel must be summoned at the latest two full days prior to each examination, either by registered letter or by hand-delivered notice against receipt, unless (s)he has been notified during a hearing prior to the investigation and the said notification was mentioned in the transcript.

The documents for the proceedings must be made available to the counsel of the accused at the latest on the day before each interrogation.

It must also be made available to the counsel of the plaintiff at the latest on the day before each hearing.

The public prosecutor for the Crown may ask all the questions (s)he deems useful.

The confirmation in the transcript of the interrogation, confrontation or hearing, of the presence of the counsel and of the absence of any objection to any type of irregularity regarding the summons or communication of the file, will prevent the counsel or the party (s)he is representing from raising that objection at a later stage.

During the interrogations and confrontations of the accused, and during all hearings of the plaintiff, the counsels of the accused and plaintiff may only take the floor to ask questions only after having being authorised to do so by the investigating judge. If this authorisation is refused, the text of the questions must be reproduced in or attached to the transcript.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation under the articles 746 and 747 of the Code of Criminal Procedure and provided that the principle of reciprocity is respected in similar cases by the requesting party.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The prosecution at the Court of first instance or the Court of Appeal;
- The investigating judge at the Court of first instance or the Court of Appeal;

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

The letter rogatory is executed in accordance with the provisions of Moroccan domestic law.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Hearing experts (708)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

The investigating judge and Court may hear experts to obtain clarification about the reports drawn up on technical matters.

Experts may be heard at the hearing as witnesses under the conditions laid down in this code. When the witness speaks a language, dialect or similar that is difficult to understand, a person capable of providing a translation is called, after taking an oath.

If the witness is deaf or mute, (s)he is assigned an interpreter who is accustomed to communicating with them.

Non-sworn-in experts shall take the following oath: "I swear before God to assist justice, upon my honour and conscience".

Experts are heard and present in the course of the hearing the results of the technical operations they undertook ; they may, on this occasion, consult their report and its annexes.

The President, either ex officio or at the request of the prosecution or the parties or their counsel, may ask the expert all questions coming within the scope of the tasks assigned to them. The President may also authorise them to ask the questions directly.

After their hearing, the experts attend the debates, unless they are exempted from doing so by the President and in the absence of opposition by the prosecution or parties.

If a person heard as witness or for information purposes at a hearing in an adjudicating court contradicts the conclusions of an expert or provides new information from a technical viewpoint, the President will request that the expert, the prosecution and the parties, if applicable, submit their observations in this respect.

In a reasoned decision, the Court declares either that it will dispense with further debates or that the case will be adjourned to a later date. In the latter case, the Court may take any measure it deems useful in relation to the expert opinion.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

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- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation under the articles 746 and 747 of the Code of Criminal Procedure and provided that the principle of reciprocity is respected in similar cases by the requesting party.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal;
- The Court of first instance or the Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

The letter rogatory is executed in accordance with the provisions of Moroccan domestic law.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Summoning suspects/persons accused (709)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Moroccan legislation provides the possibility of summoning suspected and accused persons in the course of the preliminary investigation, the preparatory inquiry or the judgment hearing. Scope of the measure:

- Before the investigating judge:
The summons to appear aims to put the accused on notice that (s)he will have appear before the judge on the date and at the time indicated in this summons. The summons to appear is served on the person concerned by a bailiff or judicial police officer or by a law enforcement agent, who will provides them with a copy.
- Before the adjudicating Court:
The summons to appear is submitted to the accused, the party incurring civil liability and the plaintiff in accordance with the conditions set out in articles 37, 38, and 39 of the Code of Civil Procedure.
The summons must, on pain of nullity, specify the day, hour and place of the hearing as well as the type of offence, the date and place of its commission and the applicable legal provisions.
The summons and judgment will be invalid unless a minimum period of eight days is provided between the date on which the summons is served and the date scheduled for the hearing.
If the accused or one of the parties resides outside the Kingdom, the terms prescribed must be at least:
 - two months if they reside in another country of the Arab Maghreb or in a European country;
 - three months if they reside in other countries, other than those mentioned above.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation under the articles 746 and 747 of the Code of Criminal Procedure and provided that the principle of reciprocity is respected in similar cases by the requesting party.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal;
- The Court of first instance or the Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

The letter rogatory is executed in accordance with the provisions of Moroccan domestic law.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Hearing suspects/persons accused: standard procedure (710)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

The procedures of the investigation and judgment require that suspects and accused persons be heard in order to confront them with the acts attributed to them; this hearing shall be held according to the rules set out by the legislator in the Code of Criminal Procedure, which take into account human rights principles in order to ensure a fair trial.

- Before the investigating judge:
At the first appearance, the investigating judge will confirm the surname, first name, date and place of birth, status, profession, domicile and previous record of the accused. If applicable, (s)he

may order any investigation measure in order to verify the identity of the accused, including submitting the accused to the police records department or a medical examination.

The magistrate will advise the accused without delay of their right to appoint counsel and, if (s)he fails to do so and at their request, the magistrate may appoint one officially to assist the accused; this is duly noted in the transcript.

Counsel may attend the interrogation conducted in order to verify the identity of the accused. The investigating judge shall inform the accused of each of the acts attributed to them and advise them that (s)he is free to refrain from making any statement. This warning is mentioned in the transcript.

The investigating judge must accede to the request for a medical examination made by the accused in police custody or by their counsel; the investigating judge may also take the initiative in ordering this examination, if (s)he sees evidence justifying such in the accused; for this purpose, (s)he appoints a medical expert.

The judge also advises the accused that (s)he must inform the Court of any change of address. The accused may elect domicile in the court's jurisdiction.

If the initial indictment by the prosecution includes the issue of a deposit order and the investigating judge believes that the matter should not be deferred, (s)he must issue an order within twenty-four hours, which must be immediately notified to the prosecution.

Moreover, the investigating judge may immediately proceed with an interrogation or confrontation in urgent cases, for example, either in the case of a witness in danger of dying or if the evidence is on the point of disappearing. The transcript must specify the causes of the emergency.

- Before the adjudicating Court:

In principle, any accused person is bound to appear at the hearing.

In the case of a misdemeanour, the accused person in detention may, without prior summons, be taken to the hearing and judged by a decision in which both sides are heard.

However, if the accused is in a state of health that does not permit them to appear at the hearing and if the judgement cannot be postponed for serious reasons, the Court shall appoint one of its members, assisted by a clerk, in a special and reasoned decision, to interrogate the accused in the place where (s)he is currently located.

If applicable, the Court will determine the questions asked by the magistrates, the prosecution, and the parties.

The questioning takes place in the presence of the lawyer of the accused, if applicable.

The magistrate will ask the accused the questions (s)he deems necessary, the questions determined by the Court and those the defence may ask.

The prosecution, the parties, or their counsel may, through the intermediary of the president or upon their authorisation, ask the accused questions; the same applies to magistrates in collegial courts.

If the President refuses to ask a question and an objection is raised, it is ruled on by the Court.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

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- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation under the articles 746 and 747 of the Code of Criminal Procedure and provided that the principle of reciprocity is respected in similar cases by the requesting party.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

- The investigating judge at the Court of first instance or the Court of Appeal;
- The Court of first instance or the Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

The letter rogatory is executed in accordance with the provisions of Moroccan domestic law.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco as observers under the scope of a letter rogatory.

Hearing suspects/persons accused: by video conference (711)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing suspects/persons accused: by telephone (712)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

EUROMED JUSTICE

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2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Confrontation (713)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Confrontation is one of the criminal-law procedures that allows two or more suspects, accused persons, witnesses or victims to be confronted with each other; in order to compare the statements made by one of them with those made by the others.

- The judge may question the witness, confront them with other witnesses or the accused in the presence of their counsel unless they expressly renounce the presence of the latter and, with their assistance, carry out any operations or reconstructions that may be useful for ascertaining the truth.

EUROMED JUSTICE

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- The accused and plaintiff can only be heard or confronted in the presence of their duly summoned counsel unless they expressly renounce legal representation.

Counsel must be summoned at the latest two full days prior to each interrogation, either by registered letter or by hand-delivered notice against receipt, unless (s)he has already been notified during a hearing prior to the investigation and the said notification was mentioned in the transcript.

- The President may, at their own initiative or at the request of the prosecution or the parties, order that the witnesses (s)he designates be removed from the room in which the hearing is taking place in order to have them brought in and questioned all together or separately with or without confrontations.
- Any individual detained in a Moroccan penitentiary whose personal appearance as a witness or for the purpose of a confrontation is required by the requesting State may be temporarily transferred into the territory of that state on condition that (s)he is returned by a deadline set by the Moroccan State.

A request by the diplomatic channel will be answered.

The transfer may be refused:

- If the detainee does not consent;
- If their presence seems necessary in criminal proceedings underway in Morocco;
- If the transfer is likely to prolong their detention;
- If other, particular considerations militate against their transfer into the territory of the requesting State.

An individual transferred in this way will remain in detention on the territory of the requesting State unless, in the case of a convicted party, the Moroccan State requests their release at the end of their sentence.

The time in detention spent by the party in question in the requesting State will count towards their sentence in Morocco and will be deducted from it.

2. International legal framework applicable for this measure in your State

This measure can be carried out in the context of a request for mutual legal assistance in criminal matters using letters rogatory. The Kingdom of Morocco can implement it when not in breach with national law.

- If the bilateral conventions ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Single Convention on Narcotic Drugs of 1961, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988, the Palermo Convention of 2000 on Transnational Organized Crime and the 1st and 3rd Protocol, and the Merida UN Convention of 2003 against Corruption) ratified by the Kingdom of Morocco provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

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- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

The investigating judge at the Court of first instance or the Court of Appeal.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

The letter rogatory is executed in accordance with the provisions of Moroccan domestic law.

b. Other useful information

The Ministry of Justice and freedoms may authorise representatives of the requesting State to assist with the execution of this measure in the Kingdom of Morocco.

Cross-border observation (801)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

EUROMED JUSTICE

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3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Cross-border hot pursuit (802)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Cross-border tracking (by placing a beeper on a vehicle or a person) (803)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Controlled deliveries (804)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and described in the Code of Criminal Procedure.

Article 82-1 of the Code of Criminal Procedure defines controlled delivery as: "a method consisting in allowing, under the supervision of the competent authorities, the passage through the Moroccan territory of an illicit dispatch or one suspected of being illicit, without being seized or after having been removed or replaced in full or in part, with a view to identifying the final routing of said dispatch, investigating an offence and identifying and arresting the perpetrators and persons involved".

Controlled delivery is authorised by the prosecutor general at the Court of Appeal. The judicial police shall enforce the authorisation and keep the prosecutor general informed of any measure taken.

Upon completion of the controlled delivery, the judicial police officers shall draw up one or more reports describing the measures taken, which are sent to the prosecution's office issuing the authorisation.

The judicial police officer are bound to keep these measures secret. The senior public prosecutor (procureur général du Roi) who authorised the controlled delivery must defer all investigative measures connected with the controlled delivery or the arrest of the perpetrators and the persons involved, until (s)he has made certain that the dispatch has reached its final destination.

2. International legal framework applicable for this measure in your State

A foreign state may ask the competent Moroccan authorities to carry out a controlled delivery operation within the Kingdom of Morocco. However, requests for controlled delivery may not be implemented if it

EUROMED JUSTICE

EuroMed Fiches

may harm the sovereignty of the Kingdom of Morocco, its security, law and order, or other fundamental interests.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

The Ministry of Justice.

b. Execute/recognise the measure (if other than the receiving authority)

The senior public prosecutor (procureur général du Roi) shall authorise controlled delivery, after obtaining the agreement of the Ministry of Justice and Freedoms.

4. Accepted languages for the request/decision

As a rule a sworn translation into (Moroccan) Arabic of the request is required.

5. Deadlines for the execution of the request/decision (where applicable)

No, there are no specific deadlines applicable to legal requests.

6. Concise legal practical information

a. Special requirements

Controlled delivery operations are more security-related than judicial in nature;

This measure is characterised by total discretion in the course of all the procedures and operations in relation to its execution. Coordination is necessary between the Moroccan services ("services de lutte") and their foreign counterparts to ensure the success of a controlled delivery operation.

In practice, the Directorate of national security receives the request from the foreign authorities through their liaison officer; to authorise the passage of an illicit dispatch (drugs) through Moroccan territory without being seized at border stations. The requests will indicate the probable date of passage, the make of the vehicle to be used, its registration number and the identity of the driver in charge of driving it.

This request is sent to the Ministry of Justice and Freedoms - Directorate of Criminal Affairs and Pardons - and, after studying the matter, the Ministry of Justice and Freedoms shall authorise the request and send it to the competent prosecutor general who authorises the controlled delivery whilst continuing to liaise with the foreign authorities to obtain all information on the criminal networks in order to use it in the investigations conducted by the Moroccan security and legal authorities.

b. Other useful information

There are no obstacles preventing the officials of the requesting State from assisting and undertaking discrete surveillance during the passage of the illicit dispatch through Moroccan territory, in coordination with the competent Moroccan security services.

Joint investigation teams (805)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

PALESTINE



1. TRACING AND INTERCEPTION OF (TELE) COMMUNICATIONS

Interception, recording and transcription of telecommunications (101)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Palestinian Code of Criminal Procedure No. 3 of 2001 covers the question of tracing, recording and recording of the communications in its article 51, which stipulates the following:

1. The Prosecutor General or one of their assistants must seize at the Postal and Telegraph Office the mail, letters, newspapers, prints, parcels and telegrams linked to the crime or its perpetrator.
2. (S)he can control telecommunications and undertake the recording of conversations in a specified place upon authorization of a district judge when this is useful to reveal the truth in cases of misdemeanour or crime punishable of at least a year of imprisonment.
3. The order to seize and the authorization to intercept and record must be substantiated and for a time limit not exceeding 15 days; it is renewable.

Furthermore, this procedure exists according to the provisions of article 37 of Decree Law No. 16 of 2017 on Cybercrime. This article stipulates that the competent Court may authorize the immediate interception of the content of communications and record or copy them at the request of the Attorney General or one of their deputies. The restrictions here are related to the Court's authorization, since the Court has the right not to give such an authorization. This may harm the conduct of the investigation.

When failing, no alternative measure with the same purpose is possible.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Prosecutor General or one of their assistants order the seizure at the Postal and Telegraph Office of the mail, letters, newspapers, prints, parcels and telegrams linked to the crime or its perpetrator.

(S)he can also trace phone and radio conversations, record them in a specified place upon authorization of the district judge when this is useful in revealing the truth in cases of misdemeanour or crime punishable of at least a year of imprisonment.

The order of the judge to the public prosecution to seize and the authorization to intercept and record must be substantiated and for a time limit not exceeding 15 days; it is renewable once.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the

EUROMED JUSTICE

EuroMed Fiches

offence, the task to be performed, in particular; the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The State of Palestine is working on a draft law for international judicial cooperation and this law is in the stage of preparation and study. Should it be issued, it will contain full information about the mechanisms of judicial cooperation. All countries participating in this program will be informed of this law once it is issued.

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Tracing of telecommunications (102)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible under the provisions of article 37 of Decree Law No. 16 of 2017 on Cyber-crime. This article stipulates that the competent Court may authorize the immediate interception of the content of communications and record or copy them at the request of the Attorney General or one of their deputies.

The Palestinian Code of Criminal Procedure No. 3 of 2001 covers the question of tracing, recording and recording of the communications in its article 51 which stipulates the following:

1. The Prosecutor General or one of their assistants must seize at the Postal and Telegraph Office the mail, letters, newspapers, prints, parcels and telegrams linked to the crime or its perpetrator.
2. (S)he can control telecommunications and undertake the recording of conversations in a specified place upon authorization of a district judge when this is useful to reveal the truth in cases of misdemeanour or crime punishable of at least a year of imprisonment.
3. The order to seize and the authorization to intercept and record must be substantiated and for a time limit not exceeding 15 days; it is renewable once.

When failing, no alternative measure with the same purpose is possible.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Prosecutor General or one of their assistants can trace telephone conversations and record them in a specified place upon authorization of the district judge when this is useful in revealing the truth in cases of misdemeanour or crime punishable of at least a year of imprisonment.

The order of the judge to the public prosecution to seize, the authorization to intercept and record must be substantiated and for a time limit not exceeding 15 days; it is renewable once.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The State of Palestine is working on a draft law for international judicial cooperation and this law is in the stage of preparation and study. Should it be issued, it will contain full information about the mechanisms of judicial cooperation. All countries participating in this program will be informed of this law once it is issued.

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interception and recording of other forms of communication (103)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible under the provisions of article 40 of Decree Law No. 16 of 2017 on Cyber-crime. This article stipulates that, if some monitored websites hosted within or outside the State post any statements, numbers, pictures, films or any other material that threaten the national security, civil peace, public order or public morals, the competent investigation and police authorities have the right to present a minute in this regard to the Attorney General requesting permission to block the website or electronic sites or to block some of their links. The decision of blocking is issued at the request of the Attorney General by the Magistrate's Court.

When failing, no alternative measure with the same purpose is possible.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Prosecutor General or one of their assistants can trace telephone conversations and record them in a specified place upon authorization of the district judge when this is useful in revealing the truth in cases of misdemeanour or crime punishable of at least a year of imprisonment.

The order of the judge to the public prosecution to seize and the authorization to intercept and record must be substantiated and for a time limit not exceeding 15 days; it is renewable once.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

Article 43 of Decree Law No. 16 of 2017 on Cybercrime states that the competent authorities shall facilitate cooperation with their counterparts in foreign countries in the framework of the ratified bilateral, regional and international agreements or in accordance with the principle of reciprocity in order to accelerate the exchange of information, which would ensure an early alert, prevent crimes of information and communication systems, and assist in the investigation and prosecution of perpetrators.

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interception of mail (104)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible according to the provisions of article 34 of Decree Law No. 16 of 2017 on Cybercrime. The public prosecution has the right to access devices, tools, means, data, electronic information, traffic data or evidence on the communication, its users, or content information related to cybercrime.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Prosecutor General or one of their assistants order the seizure at the Postal and Telegraph Office of the mail, letters, newspapers, prints, parcels and telegrams linked to the crime or its perpetrator:

(S)he can also trace phone and radio conversations, record them in a specified place upon authorization of the district judge when this is useful in revealing the truth in cases of misdemeanour or crime punishable of at least a year of imprisonment.

The order of the judge to the public prosecution to seize and the authorization to intercept and record must be substantiated and for a time limit not exceeding 15 days; it is renewable once.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Observation (105)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible under the provisions of article 35 of the Decree Law No. 16 of 2017 on cybercrime. This article states that the investigating judge may authorize the public prosecution to oversee, record, and handle communications and electronic conversations in order to search for the evidence related to the crime for a period of 15 days renewable once, based on the availability of new evidence. The person who conducted the inspection or control or registration must draft the minutes to be submitted to the public prosecution.

When failing, no other alternative measure with the same purpose is possible.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Prosecutor General or one of their assistants can trace telephone conversations and record them in a specified place upon authorization of the district judge when this is useful in revealing the truth in cases of misdemeanour or crime punishable of at least a year of imprisonment.

The order of the judge to the public prosecution to seize and the authorization to intercept and record must be substantiated and for a time limit not exceeding 15 days; it is renewable once.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details

(name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

According to the provisions of article 44 paragraph 2 of the Decree Law No. 16 of 2017, legal requests or extradition requests are only enforced if the laws of the requesting State and domestic laws of the State of Palestine can both punish the perpetrator for that crime or a similar crime (principle of double criminality).

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interception of telecommunication without the technical assistance of another State (106)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible under the provisions of article 40 of Decree Law No. 16 of 2017 on Cyber-crime. This article stipulates that, if some monitored websites hosted within or outside the State post any statements, numbers, pictures, films or any other material that threaten the national security, civil peace, public order or public morals, the competent investigation and police authorities have the right to present a minute in this regard to the Attorney General requesting permission to block the website or electronic sites or to block some of their links. The decision of blocking is issued at the request of the Attorney General by the Magistrate's Court.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Prosecutor General or one of their assistants may order the seizure at the Postal and Telegraph Office of the mail, letters, newspapers, prints, parcels and telegrams linked to the crime or its perpetrator.

(S)he can also trace phone and radio conversations, record them in a specified place upon authorization of the district judge when this is useful in revealing the truth in cases of misdemeanour or crime punishable of at least a year of imprisonment.

The order of the judge to the public prosecution to seize and the authorization to intercept and record must be substantiated and for a time limit not exceeding 15 days; it is renewable once.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the

offence, the task to be performed, in particular; the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

Article 37 of Decree Law No. 16 of 2017 on Cybercrime permits the immediate interception of the content of communications even without the technical assistance of other countries.

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

2. AGENTS AND INFORMERS – INFILTRATION

Infiltration by undercover agents of the requested State (201)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible as Palestinian legislation does not cover infiltration by undercover agents.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Infiltration by agents of the requesting State in the territory of the requested State (202)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

Palestinian legislation does not cover infiltration by agents of the requesting State on the territory of the state of Palestine from where the extradition is requested.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Infiltration by an informer of the requested State (203)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Handling of informers (204)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible as handling informers in Palestine is not covered by Palestinian legislation.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

3. EXAMINATION, BODY SEARCH AND EXPERT EVALUATION

Superficial body search (301)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. Examination and inspection may be conducted by experts such as the medical examiner or other experts. It is possible for a mandated woman to examine other women.

1. The Palestinian Code of Criminal Procedure deals with body search in its article 99, which stipulates that: "Before questioning the accused, the deputy prosecutor must examine their body, note the apparent injuries and determine their cause."
2. Body search is covered by the law in article 38 of the Code of Criminal Procedure which stipulates that: "(1) In cases where it is legally possible to apprehend the accused, the judicial police officer can search the accused and establish a list of the items seized. (S)he and the accused sign this list and the whole items are deposited in a dedicated place. (2) (S)he gives the arrested person a copy of this list if (s)he so requires."
Article 47 of the Code of Criminal Procedure on searches of women stipulates that: "If the person who must be searched is a woman, she can only be so by a woman mandated by the officer in charge."
3. The evaluation by experts is covered in article 64 of the Code of Criminal Procedure which stipulates that: "The deputy prosecutor can resort to the competent doctor or any other expert to prove the commission of a crime. The mandated doctor and the other experts take the necessary measures under the control of the party in charge of the investigation. The latter is present during all the procedures if (s)he deems it necessary in the interest of the investigation."

Moreover, article 33 of Decree Law No. 16 of 2017 on Cybercrime stipulates that the public prosecution or any of its judicial officers may search persons, places, and means of information technology related to the crime.

When failing, an alternative measure with the same purpose is possible. The deputy prosecutor can then order the examination of the accused by experts under article 100 of the Code of Criminal Procedure. The article states the following: "The deputy prosecutor orders, on their own initiative, the medical and psychological examination of the accused by experts if (s)he deems it necessary or upon request of the accused or their counsel."

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

- Examination of the accused: Upon orders by the competent deputy prosecutor. (S)he can undertake it himself or resort to competent parties.
- Body search: It is ordered by the deputy prosecutor and undertaken by a judicial police officer.
- Evaluation by experts: Used by the competent deputy prosecutor.

The body search of the accused and their examination is undertaken by the competent deputy prosecutor who examines and certifies all the apparent injuries and determines their cause. (S)he can resort to the competent parties. Whilst the body search is undertaken by a judicial police officer upon instruction of the deputy prosecutor and mandates a woman in case of searches on women. On resorting to experts, the deputy prosecutor can resort to a competent doctor or any other specialist to prove the commission of the crime.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

Examination and inspection may be conducted by experts such as the medical examiner or other experts. It is possible for a mandated woman to examine other women.

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Invasive body search (302)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible and not covered by the Palestinian legislation.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Psychiatric medical examination (303)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Palestinian Code of Criminal Procedure covers it in article 64. It states that: "The deputy prosecutor can ask the competent doctor or any other expert to prove the commission of a crime. The mandated doctor and the other experts take the necessary measures under the control of the party in charge of the investigation. The latter is also present during all the procedures if (s)he deems it necessary in the interest of the investigation".

Article 100 of the Code of Criminal Procedure covers also the question and stipulates that: "The deputy prosecutor orders, of their own initiative, the medical and psychological examination of the accused by experts if (s)he deems it necessary or upon request of the accused or their counsel."

When failing, no other alternative measure with the same purpose is possible.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions. If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The competent deputy prosecutor orders, on their own initiative, the medical and psychological examination of the accused by experts if (s)he deems it necessary or upon request of the accused or their counsel.

The role of the Administration of Forensic Medicine under the Ministry of Justice is in fact, a formal role, and it is not related to the proper conduct of the investigation procedures, because the competent public prosecutor is the one who orders the forensic doctor to perform their duties. (S)he is the one who is following the implementation of the task and who may exclude the forensic doctor if (s)he defaults on their obligations or fails to submit their report within the specified period. The forensic doctor is sworn in before the public prosecutor before starting their mission.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

Article 149 of the Code of Criminal Procedure No. 3 of 2001 authorizes the public prosecutor to recommend that the accused be kept in custody if (s)he is mentally ill.

Article 269 of the Code of Criminal Procedure No. 3 of 2001 also authorizes the Court to refer the accused during their trial to a medical institution for filing the period that the Court deems necessary if it is proved that the accused is mentally ill.

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Control of identity, measures for judicial identification (304)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Identity checks are covered by the Code of Criminal Procedure both for witnesses and the accused before the public prosecutor during the investigation, as well as for the detainee in prison and the accused during the trial before the competent Court.

Article 79 stipulates that: "The deputy prosecutor controls the identity of the witness, their name, age, occupation, place of residence, potential links to one of the parties. (S)he records it in the minutes before listening to the witness and noting their statement."

Article 96/1 stipulates that: "The deputy prosecutor must, during the first presentation of the accused during the investigation, control their identity, name, occupation, and address, question them on the acts (s) he is accused of, and ask them to answer to these questions. (S)he informs them of their right to call in a defence counsel and that all (s)he will say can be used against them during the proceedings."

EUROMED JUSTICE

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Article 129 stipulates that: “Any person arrested or detained in a rehabilitation centre or a place of detention must undergo identity control. Their fingerprints will be taken, (s)he will be photographed and examined to note any distinctive sign that allows their identification...”

Article 246/1 (1): “The Court shall ask the accused about their name, surname, occupation, place of birth, age, place of residence, and social status.”

When failing, no other alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

- For the witness, the competent party is the deputy prosecutor;
- For the accused during the investigation, the competent party is the deputy prosecutor;
- For the accused during the proceedings, the competent party is the Court. The judge intervenes during the proceedings to control the identity of the accused.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Technical or scientific examinations or expert evaluations (305)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Palestinian Code of Criminal Procedure provides for the possibility to resort to technical experts in articles 64 to 70.

Article 64 stipulates that: "The deputy prosecutor can resort to the competent doctor or any other expert to prove the commission of a crime. The mandated doctor and the other experts take the necessary

EUROMED JUSTICE

EuroMed Fiches

measures under the control of the party in charge of the investigation. The latter is present during all the procedures if (s)he deems it necessary in the interest of the investigation.”

Article 65 stipulates that: “The expert can undertake their task in the absence of the parties”.

Article 66 stipulates that: “The expert commits to delivering their technical report within the time limits set by the deputy prosecutor who investigates the case and bearing the necessary attention to perishable evidence”.

Article 67 stipulates: “The deputy prosecutor can replace an expert if (s)he has violated their obligations or if (s)he has not delivered their report within the established time limits.”

Article 68 stipulates that: “The expert must take an oath to fulfil their duties honestly and in good faith and this must be done before (s)he starts their work unless (s)he is registered on a list of certified experts.”

Article 69 stipulates that: “The expert presents a substantiated report and signs each page.”

Article 70 stipulates that: “The accused can resort to an expert consultant and ask for them to have access to the exhibits upon the condition that it does not delay the procedure.”

Article 71 stipulates that: “The parties can challenge an expert if they have serious reasons to do so and present their request for recusal to the deputy prosecutor in charge of the investigation. This request must be substantiated and the deputy must present it to the prosecutor general or one of their assistants to decide within a time limit of 3 days as of the date of the request. Following such a request, the expert cannot continue their work until the question is decided upon and the decision must be substantiated.”

When failing, no other alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests

to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The competent deputy prosecutor:

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

4. DOCUMENTS-OBTAINING

Spontaneous exchange of information (401)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

For example, article 43 (1) of Decree Law No. 16 of 2017 on Cybercrime states that the competent authorities shall facilitate cooperation with their counterparts in foreign countries in the framework of the ratified bilateral, regional and international agreements or in accordance with the principle of reciprocity in order to accelerate the exchange of information, which would ensure an early alert, prevent crimes of information and communication systems, and assist in the investigation and prosecution of perpetrators.

Article 43 (2) of Law No. 16 of 2017 confirms that cooperation in the field of exchanging information depends on the commitment of the foreign State to maintain the confidentiality of information referred to it and not to disclose such information to any other party nor to use the information for purposes other than combating crimes under this law.

Among the most important forms of spontaneous exchange of information are:

- Precautionary measures, such as the sequestration of the assets of an accused Palestinian abroad, this actually happens in corruption cases when the accused have fled Palestine;
- Measures of judicial arrest;
- Investigation;
- Hearing witnesses or travelling abroad to hear witnesses;
- Arrest and search;
- Hearing of experts.

The Palestinian Code of Criminal Procedure No. 3 of 2001 does not mention measures of judicial cooperation in matters of exchange of information. However, judicial cooperation in Palestine is implemented in a pragmatic fashion through sending and accepting requests for judicial cooperation to and from countries.

When failing, no other alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

The exchange of information is done upon authorization of the competent Court. There can be no exchange of information without an international judicial request (MLA).

The legal framework that organizes the exchanges between Palestine and the Arab countries signatories of the Riyadh agreement is the Riyadh Agreement of 1983, the Arab Convention against Corruption, the Arab Convention against Money Laundering and the Financing of Terrorism, the Arab Convention against Transnational Organized Crime, and the Arab Convention for the Suppression of Terrorism.

EUROMED JUSTICE

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For countries not member of the Riyadh Agreement, the principle which abides is reciprocity.

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

Upon request of the body in charge of fighting corruption or the public prosecution, the Ministry of Justice sends an official request for precautionary measures to be taken, for instance, against a Palestinian citizen situated in an Arab country such as Jordan, Egypt, or the Emirates.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

Cooperation is done at official level between the Palestinian Ministry of Justice and that of the country concerned following the measures described above. The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Order to produce documents (402)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. The cooperation takes place between the competent parties in Palestine and the Arab requesting or requested State according to a judicial request (MLA).

The order to produce documents can take several forms:

- In corruption cases, the public prosecutor can ask the financial authorities to produce documents on the case being investigated;
- In criminal cases, the public prosecutor during the investigation or the Court during the trial can ask any party to produce documents that allow the trial to run smoothly, such as asking for a technical report (article 64 of the Code of Criminal Procedure);
- In criminal cases, when the public prosecutor sees the necessity to highlight any document or anything related to the investigation or the person who holds it fails to present it without an acceptable excuse, (s)he may order to conduct the necessary search and seizure (article 46 of the Code of Criminal Procedure No. 3 of 2001);
- Article 208 of the Code of Criminal Procedure No.3 of 2001 provides that the Court may, at the request of the litigants or on its own behalf during the course of the case, order any evidence it deems necessary to reveal the truth.
- In crimes of money laundering;

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- Cooperation and exchange of information in crimes of money laundering;
- Judicial requests (MLA) and exchange of information in cross-border crimes.

When failing, no other alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

One may contact the competent parties in the other country in order to submit to Palestine the documents that will allow the trial to run smoothly or the information necessary in relation to a judicial request (MLA).

The framework organizing such measures is the Arab judicial request (MLA) for relations with the Arab countries and the principle of reciprocity with the others.

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The competent office of the public prosecutor or the Court during the trial.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These

formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular; the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

In cases of corruption, the public prosecution entrusted with corruption cases may ask the financial authorities to provide them with the documents pertaining to the investigation, or the Court during the trial may ask any party to produce documents that allow the trial to run smoothly, such as asking for a technical report (article 64 of the Code of Criminal Procedure).

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Other possibilities of obtaining information concerning taxes or bank accounts (403)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

In cases of corruption, according to article (4/9) of the Palestinian Anti-Corruption Law No. 1 of 2005, which stipulates that: -Competence of the authority fighting corruption: Ask for any file, statement, document, exhibits, information, or consult them or obtain a copy from the custodians, including from those that consider that the documents are confidential in accordance with the law.

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Thus the public prosecutor or the Court investigating a case of corruption can ask the financial authorities to produce documents on the case such as, for instance, the details of bank accounts.

Regarding the cooperation and exchange of information in cases of money laundering, Law No. 9 of 2007 stipulates that: The competent authority can exchange information with its counterpart on the basis of the agreements signed by the PLO on this point and which are not contrary to the applicable law in the territories of the Palestinian Authority.

According to article 33 of the Decree Law No. 20 of 2015 on combating money laundering and financing of terrorism, the Attorney General, in accordance with a decision issued by the competent Court, is allowed to monitor bank accounts and other similar accounts.

Article 3 of Decree Law No. 13 of 2016 amending Decree Law No. 20 of 2015 included tax offenses in the sense that the Attorney General may take the procedures provided for in this decree law to disclose tax offenses.

Judicial request (MLA) and the exchange of information in cross border crime.

When failing, no other alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

- The competent office of the prosecutor during the investigation.
During the investigation of corruption cases when the public prosecutor considers it necessary to obtain details of bank accounts of the one accused of corruption;
- The Court during the trial.
The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

Article 45 paragraph 3 of the Decree Law No. 20 of 2015 on combating money laundering and the financing of terrorism states that Palestinian judicial parties may cooperate with non-Palestinian judicial authorities in relation to legal requests.

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Access to public documents in judicial files (404)

1. Is this measure possible in your State under International Judicial Cooperation?

Palestinian law does not cover the mechanism of requesting public documents from official institutions. However, this procedure is not prohibited.

The public prosecution may submit a request to any public institution to be provided with any official document or instrument for inclusion in the investigation file.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Prosecutor General or one of their assistants may order the seizure at the Postal and Telegraph Office of the mail, letters, newspapers, prints, parcels and telegrams linked to the crime or its perpetrator.

(S)he can also trace phone and radio conversations, record them in a specified place upon authorization of the district judge when this is useful in revealing the truth in cases of misdemeanour or crime punishable of at least a year of imprisonment.

The order of the judge to the public prosecution to seize, the authorization to intercept and record must be substantiated and for a time limit not exceeding 15 days; it is renewable once.

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The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

- Article 208 of the Code of Criminal Procedure No. 3 of 2001 states that the Court may, at the request of the litigants or on its own, order any evidence it deems necessary to reveal the truth, and it may request any official document from any governmental authority to be included in the case file if this document helps to find the truth.
- The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Communication of individual police records (405)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible and not covered by the Palestinian legislation.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Sending and service of procedural documents (406)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

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Sending and service of procedural documents is covered by the Palestinian Code of Criminal Procedure. Article 152 stipulates under the title “Behaviour during the trial” that :

“(1) If the deputy prosecutor considers that an action is a felony, (s)he proceeds by way of indictment and sends the file to the Prosecutor General or one of their assistants.

(2) If the Prosecutor General or one of their assistants considers that it is necessary to request additional investigation, the file is sent back to the deputy prosecutor for further investigation.

(3) If the Prosecutor General or one of their assistants considers that the indictment is well-founded (s)he refers the case to the competent Court.

(4) If the Prosecutor General or one of their assistants considers that the act is not a felony, (s)he orders a modification of the charges and returns the file to the deputy prosecutor who refers it to the competent Court.

(5) If the Prosecutor General or one of their assistants notes that the act is not punishable by law or that there is prescription or general amnesty or that the accused has already been tried for this crime or that (s)he is not fully responsible for their acts because of age (minor) or intellectual disability or the absence of proof or when we ignore the identity of the perpetrator; when the conditions or uncertainties require a withdrawal of the proceedings, the case is withdrawn.

(6) If the public prosecution decides a withdrawal it must inform the victim and the civil party. In case of death of those people it must inform their heirs.”

When failing, no other alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the

requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

According to article 6 of the Riyadh Agreement for Judicial Cooperation of 1983, documents as well as judicial and non-judicial documents relating to criminal cases can be sent directly through the Ministry of Justice to each Contracting Party.

b. Execute/recognize the measure (if other than the receiving authority)

The public prosecution.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular; the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Transfer of proceedings (407)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Delegation of criminal prosecution is defined as follows: The possibility to transfer competence to follow a case to another party to which the law gives competence in this matter. The Code of Criminal Procedure stipulates in its article 57 that:

“The deputy prosecutor who must undertake procedures outside their jurisdiction can transfer the proceedings to a deputy of this other jurisdiction which is competent in this case”.

Article 86 stipulates in another case that: “If the witness cannot appear before the Court because of health problems, the deputy prosecutor goes to their place of residence to listen to them if (s)he is located in their jurisdiction; if (s)he resides outside this zone, the deputy mandates a colleague of the competent jurisdiction and the testimony is sent under sealed envelope to the deputy in charge of the case”.

When failing, no other alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The public prosecution. The deputy prosecutor transfers the investigation file to another deputy in cases where measures must be taken outside their jurisdiction and the latter has full competence to act.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular; the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

5. ASSETS - SEQUESTRATION, CONFISCATION AND RESTITUTION

Sequestration of assets (501)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The seizure of assets or items is intended to restrain everything that may contain traces which could be useful to the investigation. Documents (papers), weapons, machines are also seized and all items that may have been used in the perpetration of a crime or came about as a result of its perpetration or was the subject of the crime and all that is useful in revealing the truth, noting, with the aid of a police officer or an expert from the relevant forensics department, when appropriate, any evidential features relating to the weapons seized such as serial numbers and marks. The descriptions of the seized items are to be recorded accurately in the police report stating how they were seized. The aim of this measure is to preserve the seized items in safe keeping and to prevent loss of evidence. In the event of property being sequestered, the matter is referred to the property administrator in accordance with the Anti-corruption Law No. 1 of 2005, where an administrator/sequester is assigned for its management pursuant to a decision/ruling issued by the department in charge of the prosecution in anti-corruption cases or from the Court during proceedings.

Chapter 3 of the Palestinian Code of Criminal Procedure of 2001 does not give a clear definition for seizure or restraint. Chapter 3 of the Code of Criminal Procedure addresses the disposal of seized items through:

Article 72 (restraint and disposal of seized Items);

Article 73 (returning seized items);

Article 74 (return of seized items order);

Article 75 (how to dispose of documents/papers) and

Article 76 (disputes over seized items).

Article 33 of Decree Law No. 20 of 2015 says that the Attorney General may, upon a decision issued by the competent Court, seize the funds and mediums associated with the crime of money laundering or financing of terrorism. The precautionary seizure decision issued by the Court shall be subject to appeal before the specialized Court. According to the provisions of article 40 of the same law, the competent Court has the right to seize the funds that constitute the proceeds of the crime, including the mixed funds. According to the provisions of article 42 of that law, the State of Palestine shall have title to the seized funds and the applicable laws shall apply.

2. International legal framework applicable for this measure in your State

The Palestinian Code of Criminal Procedure and other the domestic laws do not have procedures relating to judicial cooperation in this field. However,

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- It is possible in this regard to adopt the principle of reciprocity, or what is stipulated in the Arab conventions signed and ratified by the State of Palestine, namely:
 - The Riyadh Arab Agreement for Judicial Cooperation of 1983;
 - The Arab Convention against Corruption of 21/12/2010;
 - The Arab Convention against Transnational Organized Crime;
 - The Arab Convention against Money Laundering and the Financing Terrorism of 2010.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

- The public prosecution during the investigation process; or
- The competent Court during the trial stage pursuant to Article 73 of the Palestinian Code of Criminal Procedure No. 3 of 2001.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These

formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

- Article 72 of the Palestinian Code of Criminal Procedure on the restraint and disposal of seized items stipulates that:
Seized items are to be securely contained with the information of contents clearly indicated in writing thereon. They are to be deposited at the Prosecution Service stores or at a place otherwise designated for this purpose. If the item seized is perishable or if the cost of preserving it exceeds its value, the public prosecution or the Courts may order its sale by public auction – if the investigation requirement permits this. The sale proceeds shall be deposited at the Court's treasury. The owner shall have the right to claim the price for which the item was sold within one year from the conclusion of the case; otherwise it shall become the property of the State without the need for a ruling on the matter.
- The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Freezing of bank accounts (502)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Bank accounts are frozen in cases of crimes of corruption (illicit gain and money laundering) and pursuant to Decree Law No. 9 of 2007 on money laundering (articles 33, 32 and 31).

If there is a suspicion that an offence of money laundering has been committed, a report shall be submitted to the Attorney General through the unit situated within the National Committee for the combat of money laundering, which in turn ratifies the indictment decision and refers it to the competent court (article 33). The Attorney General, in accordance with the decision of the competent court, is allowed to monitor bank accounts and other similar accounts and to impose a precautionary seizure measure over the assets/funds related to money laundering for a period not exceeding 15 days. In the case of an illicit gain, the competent authority which imposes a freeze on bank accounts is the Anti-corruption Court.

Article 33 of Decree Law No. 20 of 2015 says that the Attorney General may, upon a decision issued by the competent Court, seize the funds and mediums associated with the crime of money laundering or financing of terrorism. The conservatory seizure decision issued by the Court shall be subject to appeal before the specialized Court. The provisions in article of the Decree Law No. 20 of 2015, the Head of the Financial Monitoring Unit shall suspend the execution of financial processes suspected of involving money laundering or terrorism financing for a period of 3 days. At the request of the Unit Head, the Attorney General shall have the power to extend the suspension of financial processes for period of no more than 7 working days.

When failing, no other alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The competent Court and, if necessary, the Financial Authority may also intervene.

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The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

- Article 33 of the decree Law No. 9 of 2007 on money laundering stipulates that :
If there is a suspicion that an offence of money laundering was committed, a report shall be submitted to the Attorney General through the unit in the National Committee for the combat of money laundering, which in turn ratifies the indictment decision and refers it to the competent Court. Furthermore, "the Attorney General, in accordance with the decision of the competent Court, is allowed to monitor bank accounts and other similar accounts and to impose a precautionary seizure measure on the assets/ funds related to money laundering for a period not exceeding 15 days".
In the case of illicit gain, the competent authority which imposes a freeze on bank accounts is the Anti-corruption Court.
- The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Restitution (503)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Following the process of item seizure previously clarified, the seized items relevant to the crime shall be returned in accordance with the provisions of article 73 of the Palestinian Code of Criminal Procedure No. 3 of 2001. The article stipulates that:

1. Seized items may be returned prior to the judgment being passed as long as they are not essential for the proceedings, or are subject to mandatory confiscation at the request of those who had possession of the items at the time of seizure.
2. If the seized items are those subject to the crime or obtained through it, they shall be returned to those who lost their possession by virtue of the crime, unless those who were found to have the seized items at the time of seizure had the right to retain them in accordance with the law.

Article (74) granted the powers to the public prosecution to issue an order for the return during the investigation or the Court during the hearing of the case.

Furthermore, Article 76 indicated that opponents may resort to the competent civil Courts when a dispute arises with regards to the seized items.

Article 72 of the Palestinian Code of Criminal Procedure provides that, if the seized items are perishable, they shall be sold by public auction and the proceeds from the sale to be deposited at the Court's treasury.

Article 32 of Basic Law of 2003 states that: Any violation of any personal freedom, of the sanctity of the private life of human beings, or of any of the rights or liberties that have been guaranteed by law or by this Basic Law shall be considered a crime. Criminal and civil cases resulting from such violations may not be subject to any statute of limitations. The National Authority shall guarantee a fair remedy to those who suffer from such damage.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- The principle of reciprocity and international customary law could be relied upon to apply the procedures set forth in the domestic laws of the State of Palestine and those governing seized items, confiscation and seizure in the area of international judicial cooperation. It is also possible to apply the provisions in the Arab conventions ratified and signed by the State of Palestine in this regard, namely:

– Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b);

– Arab Convention against Corruption of 21/12/2010;

EUROMED JUSTICE

EuroMed Fiches

- Arab Convention against Transnational Organized Crime;
- Arab Convention against Money Laundering and the Financing Terrorism of 2010.

- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

- The public prosecution during the investigation phase; and
- The competent Court during the trial proceedings.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and

the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

- Pursuant to article 73 paragraph (1) of the Palestinian Code of Criminal Procedure, seized items may be returned, prior to a ruling as long as they are not essential for the proceedings, or subject to mandatory confiscation at the request of those who had the items in their possession at the time of seizure.

If the seized items are those subject to the crime or obtained through it, they shall be returned to those who lost its possession by virtue of the crime, unless those who were found to have the seized items at the time of its seizure had the right to retain them in accordance with the law).

- The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Interim measures in view of confiscation (504)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

When financial, business, and non-financial institutions who suspect or rely on reasonable grounds to suspect that property is a gain from the crime or that they know of a fact or activity indicative of a money-laundering crime, these institutions must report to the unit in accordance with the instructions issued by the Financial Tracking Unit under the authority of the National Anti-Money Laundering Commission.

Article 40 of the Decree Law No. 20 of 2015 on combating money laundering and the financing of terrorism states that:

In addition to the provisions of articles 37 and 39 of this Decree Law, the following shall be judged with confiscation in kind:

- a. The funds constituting the proceeds of a crime, including the funds mixed with, derived from, or exchanged with, these proceeds and equivalent to their value.
- b. The funds constituting the subject of a crime.
- c. The funds constituting the income or other benefits received from such funds or the proceeds of a crime.
- d. Medium.
- e. The funds referred to in items (a-d) in this Article, which have been transferred to any party the Court deems the owner of such funds, even if the owner obtained them by paying a fair price or

EUROMED JUSTICE

EuroMed Fiches

in return for rendering services equal in value or on any legitimate basis that the owner did not know the illegal source of the funds.

The Court is allowed to confiscate the funds referred to in paragraph 1 of this article, which are directly or indirectly owned by a person convicted of money-laundering crime or a predicate crime, and acquired within a period not exceeding 10 years before being charged with the crime if there are reasonable grounds to indicate that such funds constitute the proceeds of the crime for which the person has been convicted and that person fails to prove that such funds have been legally obtained.

If the person convicted of money-laundering crime is a fugitive or deceased, the Court may decide to confiscate the funds if it finds sufficient evidence indicating that the funds constitute the proceeds of crime in the manner specified in this decree law.

The Court shall specify in its judgment the necessary details of the funds to be confiscated and their location.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- Palestinian judicial authorities may cooperate with non-Palestinian judicial authorities in respect of requests for mutual legal assistance, letters rogatory, the sentenced, extradition of criminals, freezing or precautionary seizure of funds or proceeds of crime committed in connection with the offense of money laundering or financing of terrorism, in accordance with the laws in force in Palestine and the bilateral or multilateral agreements to which Palestine is a signatory (article 45/2 of Decree Law No. 20 of 2015 on combating money laundering and the financing of terrorism).
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Financial Tracking Unit under the authority of the National Commission on combatting Money Laundering and which is an independent unit. According to the provisions of this law an independent unit fighting money laundering crimes entitled the Financial Tracking Unit is created. It is a national centre for information located within the Monetary Authority and entrusted with the following tasks:

- Receiving and asking for information on the operations it suspects of being involved in operations of money laundering by the parties that are subject to the provisions of this law;
- The analysis of the information mentioned in paragraph (1) of this article;
- The disclosure of the information and the analysis of the information linked to the benefits of crimes suspected of involvement in money laundering according to the provisions of this law.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

- Article 31 of the law on money laundering stipulates that: "In case of reasonable suspicion that an operation involves money laundering, the Unit must take the following measures:
 1. Stop the execution of the financial operation for a time limit not exceeding 3 working days;
 2. Forward to the Prosecutor General a report on the activities suspected of being involved in money laundering in the time limit indicated in paragraph 1 of this article;
 3. The report of the Unit mentioned in paragraph 2 of this article is official and is admissible as evidence.
- The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Confiscation (505)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Confiscation is part of the precautionary measures provided for in the Jordanian Penal Code No. 16 of 1960. The articles 30 and 31 are applicable.

"Confiscation in kind: subject to any rights of other well-intentioned persons, all the fruits of a crime or wilful misdemeanour, or used in the preparation or commission of such a crime or offense may be confiscated. As to the fruits of an unintentional crime, they cannot be confiscated unless there is a statutory provision providing for it" and "goods manufactured, acquired, sold or used in an illicit manner are items to be confiscated and if they are not the property of the accused or if the prosecution did not result in a judgment".

Article 21/3 of the Basic Law states that private property is protected, ownership shall not be expropriated, and property or movable property shall not be expropriated as well, except in the public interest in return for fair compensation in accordance with the law or by judgment of a Court. Paragraph 4 of the same article states that no confiscation shall be made except under a Court judgment.

2. International legal framework applicable for this measure in your State

The Palestinian Code of Criminal Procedure and other domestic laws do not provide for procedures relating to judicial cooperation in this field. However;

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.- It is possible in this regard to adopt the principle of reciprocity, or what is stipulated in the Arab conventions signed and ratified by the State of Palestine, namely:

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- The Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b);
- The Arab Convention against Corruption of 21/12/2010;
- The Arab Convention against Transnational Organized Crime;
- The Arab Convention against Money Laundering and the Financing Terrorism of 2010.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

- The public prosecution during the investigation process; or
 - The competent Court during the trial stage pursuant to Article (73) of the Palestinian Code of Criminal Procedure No. 3 of 2001.
- The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the

law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

- Article 72 of the Palestinian Code of Criminal Procedure on the restraint and disposal of seized items stipulates that:

Seized items are to be securely contained with the information of contents clearly indicated in writing thereon. They are to be deposited at the Prosecution Service stores or at a place otherwise designated for this purpose. If the item seized is perishable or if the cost of preserving it exceeds its value, the public prosecution or the Courts may order its sale by public auction – if the investigation requirement permits this. The sale proceeds shall be deposited at the Court's treasury. The owner shall have the right to claim the price for which the item was sold within one year from the conclusion of the case; otherwise it shall become the property of the State without the need for a ruling on the matter.

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

6. PLACES - VISIT AND SEARCH

Visit to and search of homes (601)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Palestinian Code of Criminal Procedure No. 3 of 2001 addresses the issue of searches in articles 39 to 46 and articles 48 to 50.

Article (39): “[1] Entering and searching houses (homes) is a part of the investigative work that cannot be carried out without a warrant obtained from the public prosecutor or without their presence, to be carried out on the basis of an accusation directed at a person living in the house to be searched of having committed a felony or a misdemeanour or participated in its commission or, due to the presence of strong evidence that (s)he possesses items related to the crime. [2] The search warrant must list the reasons for the search. [3] The warrant should be written in the name of one or more of Judicial law enforcement officers.

Article (40): “Search warrants shall be signed by the competent member of the prosecution service and include the following: [1] Name of the person who owns the house to be searched, and their alias. [2]

EUROMED JUSTICE

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Address of the house to be searched. [3] Purpose of the search. [4] Name of the judicial officer authorized to carry out the search. [5] Duration of search warrant validity. [6] Date and time of issue.”

Article (41): “House searches should be carried out during the day and [houses] should not be entered at night, unless while the crime is being committed, or for reasons of urgency.”

Article (42): “The person resident at the house or in charge of the premises to be searched must allow access, and provide the necessary facilities. If (s)he refuses to allow entry, the judicial officer is allowed to enter by force.”

Article (43): “The search is to be carried out in the presence of the accused or the house owner, if (s)he cannot attend; the search shall be carried out in the presence of two witnesses, relatives or neighbours, and this shall be noted in the search record.”

Article (44): “If it is suspected on reasonable grounds that a person present at the premises, where the search is conducted, is hiding one of the items being searched for, the law enforcement officer is entitled to search them”.

Article (45): “If there are people present in the house during the search process, the person carrying out the search can restrain them if (s)he fears they could disrupt or disable the search. Once the search is concluded they can be released”.

Article (46): “If the prosecutor requires the disclosure of any document or element related to the investigation and that the person in possession of such item declines to disclose it without a reasonable excuse, (s)he may order the necessary search and seizure to be carried out.”

Article (48): “Competent authorities may not enter houses without a warrant, except in the following cases: [1] a request for help from within the house. [2] In cases of fire or drowning. [3] In the case of a crime being committed. [4] In the case of pursuing a person that should be arrested, or a person who absconded from a place where (s)he was lawfully detained.”

Article (49): “Judicial enforcement officers may directly enlist the help of police officers or a military force while carrying out their duties during a search operation if necessary.”

Article (50): “[1] searches may only be carried out to locate objects relating to the crime being investigated. However, if during the search, there were items found by chance that constitute a crime in themselves, or might be useful in revealing the truth about another crime, it is permissible for the judicial officer to seize them. [2] All items found during the search which are relevant to the crime are to be seized, bagged, preserved and noted down in the search record and referred to the competent authorities. [3] If there were any papers sealed or closed in any other way found in the house, it is not permissible for Judicial officers to open them. [4] The search record must be written and signed by the officer in charge, stating items that have been seized, where they were found and who attended the search procedure.”

The search of lawyers' offices is a matter that was addressed by the law regulating the legal profession No. 3 of 1999. Article 20 stipulates that:

“It is prohibited to search a lawyer during the conduct of a trial. Furthermore, a lawyer's office is not to be searched except in the presence of the chief clerk or their representative.”

2. International legal framework applicable for this measure in your State

The law does not address the issue of judicial cooperation in the process of searching homes but it is possible to apply the domestic laws in this respect. This can be either:

- The Code of Criminal Procedure with regards to house searches; or
- The law regulating the Palestinian legal profession with regards to the searching of lawyers and their homes and offices in the event of international judicial cooperation.
- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- The procedures of Palestine are applied or rely on the principle of reciprocity and international customary law between the requesting State or Palestine and the application of the provisions of the Riyadh Convention for judicial cooperation (article 15 paragraph b) between the State of Palestine and the other State Parties to the Convention where the domestic law of each State is applied with regard to procedures.
- Palestinian judicial authorities may cooperate with non-Palestinian judicial authorities in respect of requests for mutual legal assistance, letters rogatory, the sentenced, extradition of criminals, freezing or precautionary seizure of funds or proceeds of crime committed in connection with the offense of money laundering or financing of terrorism, in accordance with the laws in force in Palestine and the bilateral or multilateral agreements to which Palestine is a signatory (article 45/2 of Decree Law No. 20 of 2015 on combating money laundering and the financing of terrorism).

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The competent authority for issuing a search warrant is the public prosecution and the competent authority to implementation is the Judicial Enforcement Office.

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The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible as there is no text on the intervention of others in the matter of house searches.

Visit and search on the site of an offence (602)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Article 27 of the Palestinian Code of Criminal Procedure addresses this issue where it stipulates:

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“In the event of a felony or a misdemeanour being committed, the judicial officer must immediately go to the scene of the crime, examine the physical traces of the crime and secure them, noting down the condition of the places and people and anything that is useful in revealing the truth, and hear the statements of those present or those who can provide clarifications regarding the crime and the perpetrators. (S)he must notify the public prosecutor immediately of their movements and a competent member of the prosecutor’s team must at once go to the scene of the crime as soon as (s)he is notified that a felony is being committed”.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator:

The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Competent authority is the Judicial Arrest Officer.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular; the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible as there is no provision on the intervention of other bodies in this matter.

7. WITNESSES, VICTIMS, SUSPECTS – SUMMONING AND HEARING

Summoning witnesses (701)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Palestinian Criminal Procedure Law No. 3 of 2001 addresses the issue of summoning witnesses in Articles 77-78 in the following terms:

- Article 77: The prosecutor or the investigator in charge can summon all persons whom (s)he deems as possibly useful in providing a testimony to help uncover the truth, whether or not their names were mentioned in (crime) reports or complaints. (S)he can hear the statements of any witness who comes forward of their own accord and in such case; this should be noted down on record.

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- Article 78: The prosecutor is to assign the competent authorities to summon witnesses by serving them with summons at least 24 hours before the deadline for hearing their statements.

If the implementation of the aforementioned procedure were not possible, articles 85-87 address this issue as follows:

- Article 85 states: If the witness fails to attend after being summoned for the first time, a second summons is further served, following which, if the witness fails to attend, the prosecutor shall issue the witness with a subpoena.
- Article 86 states: If the witness is unable to attend for health reasons, the prosecutor shall go to their place of residence to hear their testimony if (s)he resides within this area where (s)he has jurisdiction. However, if the witness resides outside that area, (s)he should delegate the competent prosecutor in that district to hear their testimony, with the testimony to be sent in a sealed envelope to the prosecutor in charge of the investigation.
- Article 87: If the prosecutor finds that the health condition of the witness would not have prevented them from attending, (s)he may issue them with a subpoena.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, the Palestinian national law is applied, according to international customary law and procedures stipulated in the Palestinian Code of Criminal Procedure.

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The competent body for calling witnesses is the public prosecutor or the Investigator in Charge. The public prosecutor assigns the competent bodies to summon witnesses to issue witness summons to be served at least 24 hours before the appointed time for hearing their testimony.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing witnesses: standard procedure (702)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Palestinian Code of Criminal Procedure addresses the question of hearing witnesses in articles 79-84 and articles 88-90 in the following terms:

- Article 79: The prosecutor ascertains the witness's identity, name, age, occupation, home address and the extent of their relationship to one of the opponents noting this down in the record, before hearing and recording the witness statements.
- Article 80: Witnesses shall testify individually before the prosecutor after taking the oath in the presence of the investigation clerk, writing down their statements and questions directed to them.
- Article 81: The testimony shall be recited to the witness and approved by them either by signing or making a thumb print. If (s)he declines or is unable to do so, this should be noted in the record, and the statement shall be signed by both the prosecutor and the investigation clerk.
- Article 82: [1] The opponents may, after hearing the statements of the witness, request from the prosecutor or the investigator in charge to question the witness about points not mentioned in their testimony. [2] The prosecutor may refuse to direct at the witness any question that is unrelated to the case or not conducive to uncovering the truth.
- Article 83: [1] Testimonies of persons who have not yet reached the age of fifteen without taking an oath are heard by way of a consultation. [2] The defendant's father and mother, close relatives and spouse are exempt from taking the oath unless the crime was committed against one of them.
- Article 84: The prosecutor may have the witnesses confront one another, and confront the accused, if necessary.

There is no alternative measure to hear the witnesses, except for the traditional method mentioned above. There is nothing in the Palestinian Code of Criminal Procedure or any other Palestinian law that provides for the possibility of hearing witnesses via video conference which means that this code did not keep pace with modern development and technology in the matter of hearing witnesses, which kept the issue of hearing witnesses in the conventional way. Besides, we can say that the presence of the Israeli occupation is still an obstacle to the possibility of calling witnesses and accessing the competent courts in Palestine as a result of the presence of military checkpoints.

2. International legal framework applicable for this measure in your State

In cases that require international cooperation, the Palestinian national law is applied, according to international customary law and procedures stipulated in the Palestinian Code of Criminal Procedure.

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

EUROMED JUSTICE

EuroMed Fiches

- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The competent body during the investigation is the public prosecutor and during the proceedings it is the competent judge.

The competent prosecutor or the judge during the trial verifies the identity of the witness and have them taking an oath before hearing their testimony in the case.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing witnesses: by video conference (703)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible as there is nothing in the Palestinian Code of Criminal Procedure or any other Palestinian law that provides for the possibility of hearing witnesses via video conference, which means that this code did not keep pace with modern development and technology.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing witnesses: by telephone (704)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing children (705)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Palestinian law of the child raised the threshold of the age of reason, so that a child is defined as “any person who has not attained the age of eighteen years old”.

The Palestinian Code of Criminal Procedure No. 3 of 2001 does not have any provisions that provide for the protection of the child while testifying. Only article 83/1 states the following: The testimony of persons who have not reached 15 years of age can be heard without taking an oath by way of an advice.

The Juveniles Act of 2016 explains how to conduct court hearings and protect the privacy of the juvenile. Article 30:

- The Court hearings shall be held in secret under the penalty of invalidity. The juvenile may be tried only in the presence of their guardian, the child protection counsellor, their lawyer, or whomever the Court authorizes to attend with special permission in accordance with the law.
- At the start of the trial, the Court shall explain in simple language the summary of the charge against the juvenile and ask them about it.
- If the juvenile confesses the offense, their confession shall be recorded using the words closest to the words used in the confession. The Court then hears the report of the child protection counsellor and the interventions of the parties to the case, and then closes the case, unless it finds sufficient reasons to do otherwise.
- If the juvenile does not confess the offense, the Court shall proceed to hear the witnesses, and the Court or their guardian or counsel may have a discussion with the witnesses.
- If the Court finds any evidence against the juvenile after hearing the evidence and the testimony of the defence witnesses, the juvenile is allowed to present their defence, and their guardian or lawyer, as well as the child protection counsellor, are allowed to assist them.

The Court hears the report of the child protection counsellor, and the juvenile or their guardian may, in addition to the lawyer, discuss with the child protection counsellor and refute their report, as may be the case with the Court.

The Court may order to take out the juvenile from the hearing after questioning them, or to take out one of the persons mentioned in the first paragraph of this article at any time it deems

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necessary, except for the juvenile's lawyer or the child protection counsellor. The Court shall not make any conviction unless after making it understood to the juvenile the procedures taken in their absence. Furthermore, the Court may exempt the juvenile from attending the trial if it deems it in the child's interest or based on the recommendation of the Child Protection Counsellor or the Juvenile Prosecution; in such a case, the judgment is considered to be judged in presence.

Article 31:

- The Court shall take all necessary measures to put an end to the violations that the juvenile may be exposed to in their private life, such as the seizure of books, recordings, photographs, films, correspondence or any other document affecting their reputation, honour, or the reputation and honour of their family.
- When absolutely necessary, the procedures mentioned in the preceding paragraph may be taken by a juvenile prosecutor upon a request from the juvenile, or a member of their family or a child-related institution, and it may be challenged before the Court. The persons charged by the juvenile judge and the juvenile prosecution shall, when preparing the social file, respect the privacy of the families and the private life of the juvenile.

When failing, no alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

There is no specific provision in the Palestinian Code of Criminal Procedure with regards to the hearing of children as witnesses within the framework of international cooperation; however, stipulated procedures in the domestic Palestinian Code of Criminal Procedure can be applied in accordance with international customary law and the principle of reciprocity.

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The competent body to hear the child's testimony during the investigation is the public prosecutor and during the proceedings it is the judge who is competent to hear the child.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular; the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

- According to the provisions of the Palestinian Code of Criminal Procedure, a child's testimony is taken only as advisory (article 83/1) and cannot be relied upon as evidence of guilt without being corroborated by other evidence.
The language used to speak with the child must be clear and simple. Usually the Court hearings where a child is present are closed (confidential) hearings, such as with the cases of domestic violence.

An interrogation cannot be carried out with a minor without their lawyer or parent being present; if this was not possible, a probation officer attends the interview.

- The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing persons collaborating with the inquiry (706)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible as Palestinian law does not address the issue of hearing persons who cooperate with the investigation.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing victims/plaintiffs (707)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The testimony of the victim or plaintiff/claimant of civil right can be taken according to article 228 of the Palestinian law. (S)he is heard as a witness and takes an oath.

When failing, no alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Bench (the Court judges). The victim and the claimant of a civil right must take an oath and their testimony in Court is dealt with as those of witnesses.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing experts (708)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Palestinian Code of Criminal Procedure addresses the question of delegating experts in articles 64-71.

Article 64: The prosecutor shall be assisted by a specialist physician and other experts to prove the conditions of the crime committed. The delegated physician and other experts shall take the necessary measures under the supervision of the competent investigation authority. The investigator shall be present while the experts do their work, if this would serve the interest of the investigation.

Article 65: The technical expert may carry out their work without the presence of adversaries.

Article 66: The expert shall be obliged to submit their technical report within the time scale specified by the prosecutor in charge of the case, taking into account the existence of perishable items.

Article 67: The prosecutor may replace an expert if (s)he is in breach of their duties, or does not submit their report within the prescribed period.

Article 68: The expert shall take an oath to carry out their duty with integrity and honesty before starting the work unless their name is registered in the roster of legally authorised experts.

Article 69: The expert shall submit their reasoned report, having signed every page thereof.

Article 70: The accused may be assisted by an advisory expert and requests to be able to view the papers, provided that this shall not cause a delay in the proceedings.

Article 71: The adversaries may refute the expert if there are serious reasons to do so. The request to refute is to be submitted to the prosecutor in charge of the investigation, and must be reasoned. The prosecutor must present this to the Attorney General or one of their deputies for a decision to be made within three days from the date of submission. The submission of this application entails the suspension of the expert's work, unless instructed otherwise. Such a decision must be justified.

When failing, no alternative measure with the same purpose is available.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The competent body during the investigation is the public prosecutor and the judge during the proceedings.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular; the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Summoning suspects/persons accused (709)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The Palestinian Code of Criminal Procedure addresses the issue of summoning suspects and those held in custody in articles 106, 107, 109 and 114.

Article 106 stipulates the following: [1] The public prosecutor can issue a summons for the accused to attend an interview for the purposes of the investigation. [2] If the accused does not attend or there is fear that (s)he may escape, the public prosecutor may issue them with a subpoena.

Article 107 states: [1] The manager of the centre or the place where the accused is held in custody must surrender them within twenty-four hours to the public prosecutor for investigation. [2] The public prosecutor questions (interviews) the accused/person wanted with a summons immediately whereas the public prosecutor has to question the accused who has been served a subpoena within twenty-four hours from the date of their arrest.”

Article 109 states: [1] Summons orders and subpoenas are to be executed forthwith and remain effective until implemented. [2] The subpoena may not be implemented after three months from the date of issuance unless approved by its issuer for a further period of time.

Article (31) addressed cases of the suspected crimes being committed where it stipulates: [1] If the defendant is not present under the conditions set forth in the preceding article, the judicial officer may obtain an arrest warrant and bring the suspect. This shall be noted in the record. [2] If there is sufficient evidence to accuse someone of committing a felony or misdemeanour punishable by imprisonment for more than six months, it is permissible for judicial officer to request the public prosecutor to issue an arrest warrant.

Article (114) states: If the condition of health of the accused does not allow them to be brought forward, the public prosecutor may go to their place of residence to conduct the interview with them, (s)he can order their admission to hospital for treatment if necessary, making the necessary arrangements for guarding them if (s)he is to be under arrest.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The summons is issued by/through the public prosecutor and is carried out by the judicial enforcement officer.

The public prosecutor can issue a summons for the accused to attend an interview for the investigation. If the accused does not attend or there is fear that (s)he may escape, the public prosecutor may issue them with a subpoena.

The manager of the centre or the place where the accused is held in custody must surrender them within twenty-four hours to the public prosecutor for investigation.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the

offence, the task to be performed, in particular; the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.

- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing suspects/persons accused: standard procedure (710)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

It is to examine (question) the accused in detail about the acts attributed to them and confront them with queries, questions and suspicions concerning the charge, and asking them to answer them.

Article 95 of the Palestinian Code of Criminal Procedure states: The prosecutor shall question the accused about all crimes and misdemeanours, which (s)he sees fit to question them about them.

Article 96 states: [1] When the accused attends questioning for the first time, the prosecutor has to verify their identity, name, address and occupation and question them about the charge against them asking them to answer it. (S)he should inform them of their right to a lawyer, and read them their rights that everything (s)he says may be submitted in evidence against them in a court of law at their trial. [2] The statements of the accused must be noted down on the record of the interrogation.

Article 97 states: [1] The accused has the right to remain silent and not answer questions directed at him. [2] The accused has the right to postpone the questioning for 24 hours until the presence of their lawyer. Should their lawyer not attend or if (s)he declined to have legal representation, (s)he may be questioned at once.

Article (98) states that “the prosecutor can question the accused before inviting a lawyer to attend in cases of flagrante delicto, and due to necessity and urgency as well as fear of losing evidence, on condition that such reasons should be noted down on record. The lawyer shall have the right to see the statements of the accused at the end of the interrogation.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The competent public prosecutor:

After verification of the identity of the accused by their name, address and occupation, and questioning them about the charge against them asking them to respond.

(S)he is also to be informed of their right to have a lawyer and that everything (s)he says may be submitted as evidence against them in a Court of law at their trial and (s)he may remain silent until the presence of their lawyer.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Hearing suspects/persons accused: by video conference (711)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible as Palestinian Law does not address hearing experts via video conference.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing suspects/persons accused: by telephone (712)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible as Palestinian Law does not address the hearing of experts via telephone.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Confrontation (713)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. Witnesses may be confronted with one another or they may confront the accused. The Palestinian Code of Criminal Procedure addresses this issue in article 84 and says: The prosecutor may confront witnesses with one another and with the accused, if necessary.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation of 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The competent public prosecutor. Confrontation takes place during the investigation and can be ordered by the public prosecution if necessary.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

8. CROSS-BORDER OPERATIONS

Cross-border observation (801)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

In fact, there are no specific legal provisions governing the issue of cross-border operations in the Palestinian legislation, due to the presence of the Israeli occupation, which has full control over the border crossings, which in turn impedes the process of prosecuting criminals and having them returned from other countries. However, the Law on the extradition of fugitives of 1927 is applicable in Palestine but needs to be modified, since it has not kept pace with the modern and technological developments, the development of modern and cybercrimes trends, in addition to the new procedures for international judicial cooperation associated with this. There is also a number of regional agreements signed by Palestine in this regard, the provisions of which can be referred to, namely:

- Riyadh Arab Agreement for Judicial Cooperation of 1983
- Arab Convention against Corruption of 2010
- Arab Convention for the Suppression of Terrorism of 1998
- Arab Convention against Transnational Organized Crime
- Arab Convention against money laundering and the Financing of terrorism of 2010.

The Palestinian State has no control over the border or over the Palestinian crossings, with the exception of the Jericho crossing.

There is the so-called Palestinian Interpol affiliated to the Arab and international relations Unit at the Palestinian Ministry of Interior, which is considered a member of the Arab Interpol, and can make contacts with the Arab Interpol and in the Arab members States to inquire about the whereabouts of any accused Palestinian fugitive and vice versa.

Article 28 of the Palestinian Basic Law states: "No Palestinian may be deported from the homeland, prevented or prohibited from returning to or leaving it, deprived of their citizenship, or handed over to any foreign entity."

Palestine needs to pass a law on international judicial cooperation that would include clear provisions to control cross-border operations, hot pursuit of fugitive criminals, controlled delivery, and other matters. Indeed, the law on extradition of 1927 is an old law that does not contain innovative provisions and the Palestinian Code of Criminal Procedure does not contain any provisions governing such matters as mentioned above.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Cross-border hot pursuit (802)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

In fact, there are no specific legal provisions governing the issue of cross-border operations in the Palestinian legislation, due to the presence of the Israeli occupation, which has full control over the border crossings, which in turn impedes the process of prosecuting criminals and having them returned from other countries. However, the Law on the extradition of fugitives of 1927 is applicable in Palestine but needs to be modified, since it has not kept pace with the modern and technological developments, the development of modern and cybercrimes trends, in addition to the new procedures for international judicial cooperation associated with this. There is also a number of regional agreements signed by Palestine in this regard, the provisions of which can be referred to, namely:

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- Riyadh Arab Agreement for Judicial Cooperation of 1983
- Arab Convention against Corruption of 2010
- Arab Convention for the Suppression of Terrorism of 1998
- Arab Convention against Transnational Organized Crime
- Arab Convention against money laundering and the Financing of terrorism of 2010.

The Palestinian State has no control over the border or over the Palestinian crossings, with the exception of the Jericho crossing.

There is the so-called Palestinian Interpol affiliated to the Arab and international relations Unit at the Palestinian Ministry of Interior, which is considered a member of the Arab Interpol, and can make contacts with the Arab Interpol and in the Arab members States to inquire about the whereabouts of any accused Palestinian fugitive and vice versa.

Article 28 of the Palestinian Basic Law states: "No Palestinian may be deported from the homeland, prevented or prohibited from returning to or leaving it, deprived of their citizenship, or handed over to any foreign entity."

Palestine needs to pass a law on international judicial cooperation that would include clear provisions to control cross-border operations, hot pursuit of fugitive criminals, controlled delivery, and other matters. Indeed, the law on extradition of 1927 is an old law that does not contain innovative provisions and the Palestinian Code of Criminal Procedure does not contain any provisions governing such matters as mentioned above.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Cross-border tracking (by placing a beeper on a vehicle or a person) (803)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

In fact, there are no specific legal provisions governing the issue of cross-border operations in the Palestinian legislation, due to the presence of the Israeli occupation, which has full control over the border crossings, which in turn impedes the process of prosecuting criminals and having them returned from other countries. However, the Law on the extradition of fugitives of 1927 is applicable in Palestine but needs to be modified, since it has not kept pace with the modern and technological developments, the development of modern and cybercrimes trends, in addition to the new procedures for international judicial cooperation associated with this. There is also a number of regional agreements signed by Palestine in this regard, the provisions of which can be referred to, namely:

- Riyadh Arab Agreement for Judicial Cooperation of 1983
- Arab Convention against Corruption of 2010
- Arab Convention for the Suppression of Terrorism of 1998
- Arab Convention against Transnational Organized Crime
- Arab Convention against money laundering and the Financing of terrorism of 2010.

The Palestinian State has no control over the border or over the Palestinian crossings, with the exception of the Jericho crossing.

There is the so-called Palestinian Interpol affiliated to the Arab and international relations Unit at the Palestinian Ministry of Interior, which is considered a member of the Arab Interpol, and can make contacts with the Arab Interpol and in the Arab members States to inquire about the whereabouts of any accused Palestinian fugitive and vice versa.

Article 28 of the Palestinian Basic Law states: "No Palestinian may be deported from the homeland, prevented or prohibited from returning to or leaving it, deprived of their citizenship, or handed over to any foreign entity."

Palestine needs to pass a law on international judicial cooperation that would include clear provisions to control cross-border operations, hot pursuit of fugitive criminals, controlled delivery, and other matters. Indeed, the law on extradition of 1927 is an old law that does not contain innovative provisions and the

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Palestinian Code of Criminal Procedure does not contain any provisions governing such matters as mentioned above.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Controlled deliveries (804)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and is organized under the Jordanian Law on the extradition of fugitives of 1927, which is in force in the State of Palestine.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Prosecutor General or one of their assistants order the seizure at the Postal and Telegraph Office of the mail, letters, newspapers, prints, parcels and telegrams linked to the crime or its perpetrator.

(S)he can also trace phone and radio conversations, record them in a specified place upon authorization of the district judge when this is useful in revealing the truth in cases of misdemeanour or crime punishable of at least a year of imprisonment.

The order of the judge to the public prosecution to seize, the authorization to intercept and record must be substantiated and for a time limit not exceeding 15 days; it is renewable once.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular, the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

Joint investigation teams (805)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible as long as there is no national legislation preventing it.

Article 43 of Decree Law No. 16 of 2017 on Cybercrime states that the competent authorities shall facilitate cooperation with their counterparts in foreign countries in the framework of the ratified international, regional, and bilateral agreements or in accordance with the principle of reciprocity.

2. International legal framework applicable for this measure in your State

- If the bilateral conventions ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.
- If the multilateral conventions (for instance the Palermo Convention of 2000 on Transnational Organized Crime, the Merida UN Convention of 2003 against Corruption, the Arab Convention on Combating Information Technology Offences and the Riyadh Arab Agreement for Judicial Cooperation 1983 (article 15 paragraph b)) ratified by Palestine provide for this possibility in their provisions, the execution will take place in accordance with these provisions.

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- If there are no conventions or they are not applicable, it is still possible to process international requests for legal cooperation. A request can or may be executed under the regime of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Legal requests for assistance in criminal matters are received through diplomatic channels, starting with the Arabic Liaison Department of the Palestinian Ministry of Foreign Affairs, which in turn transfers the requests to the Ministry of Justice. The role of the Ministry of Justice is that of a mediator. The Ministry of Justice sends it to the competent public prosecution which takes all the needed measures to execute the requests. Currently, a specialized public prosecution has been established in the field of international judicial cooperation and specialized public prosecutors have been trained.

b. Execute/recognize the measure (if other than the receiving authority)

The Prosecutor General or one of their assistants may order the seizure at the Postal and Telegraph Office of the mail, letters, newspapers, prints, parcels and telegrams linked to the crime or its perpetrator.

(S)he can also trace phone and radio conversations, record them in a specified place upon authorization of the district judge when this is useful in revealing the truth in cases of misdemeanour or crime punishable of at least a year of imprisonment.

The order of the judge to the public prosecution to seize, the authorization to intercept and record must be substantiated and for a time limit not exceeding 15 days; it is renewable once.

The procedure shall also be executed by a party who did not receive the application but is competent to conduct it. If the execution of this procedure is not within its jurisdiction, the execution of the procedure will not be accepted.

4. Accepted languages for the request/decision

As a rule, a translation into Arabic of the request is required. The request should always be accompanied by the original version of the request drawn up in the official language of the requesting country. These formalities are not provided for in an agreement in which the State of Palestine is a party, but they are linked to the principle of reciprocity, in addition to the international practice applicable in such matters.

5. Deadlines for the execution of the request/decision (where applicable)

No, legal requests are not subject to any timeframes for the execution thereof. However, the Palestinian authorities will do their utmost in order to comply with any timeframes set by the requesting authority in the legal request.

6. Concise legal practical information

a. Special requirements

- Any legal request should at least behold detailed information on the type of case, the requesting party and the requested party, the facts, the legal provisions relating to the criminalization of the offence, the task to be performed, in particular; the names of the witnesses, their residence and the questions to be asked, possible articles covering time limits, confidentiality, the name(s) of the law enforcement officers/agents or experts of the requesting State and their contact details (name, telephone number, email address), and all other information relevant to the executing authority to perform the execution of the legal request as efficiently and thoroughly as possible.
- Requests for mutual legal assistance, extradition, the seizure of money, combatting the financing of terrorism and money laundering will be executed when not in breach with domestic laws as well as bilateral and multilateral agreements.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is not possible.

"The information contained in this tool equivalent to the "Fiches Belges" is based on the information which has been provided by the experts and representatives of the concerned beneficiary countries in the framework of the work carried out under the Euromed Justice Project. The Consortium implementing the project cannot be held responsible for its accuracy, actuality or exhaustiveness, nor can it be made liable for any errors or omissions contained in this document."

TUNISIA



1. TRACING AND INTERCEPTION OF (TELE) COMMUNICATIONS

Interception, recording and transcription of telecommunications (101)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, the measures for the interception, recording, and transcription of telecommunications are possible under the scope of the international judicial cooperation in Tunisia.

These measures can only be ordered by the public prosecutor as part of preliminary proceedings or by the investigating judge after the opening of the information phase.

Two legal frameworks apply:

General framework: Article 53 of the Code of Criminal Procedure: "Assisted by their clerk, the investigating judge shall hear the witnesses... and carry out all the acts seeking to reveal the incriminating or exonerating evidence."

Specific framework: Article 54 of Organic Law No. 26 of 07/08/2015 on the fight against terrorism and money laundering. "If the investigation so demands, the public prosecutor or investigating judge can intercept the defendants' communications; the interception of communication includes flow data, listening or access to their contents, as well as their reproduction and recording".

2. International legal framework applicable for this measure in your State

All conventions and protocols ratified by Tunisia, including also:

- United Nations Convention against Corruption of 2003;
- International Convention on the Fight against the Financing of Terrorism of 1999;
- the Single Convention on Narcotic Drugs of 1961;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- Palermo Convention on Transnational Organized Crime of 2000;
- Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

Bilateral agreements are also applicable.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority can be the investigating judge or the Prosecution in the case of flagrante delicto (crimes or misdemeanours that have just been or are being committed and where a rapid response is required).

Pursuant to article 50 of the Code of Criminal Procedure, the investigating judge is responsible for the investigation in criminal proceedings, diligently seeking the truth and establishing all the facts that the adjudicating Court can use to reach a decision.

Requests are then further processed through the intermediary of two bodies:

- the judicial police officers attached to the Ministry of the Interior;
- the telecommunications technical agency.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs; however double criminality and reciprocity are always required.

b. Other useful information

As regards the fight against terrorism, there are two limits:

- The means of evidence collected on site during an operation of infiltration, interception, or audio visual surveillance cannot be cited except to provide evidence of the offences concerned by the investigation or any other terrorist offence (article 65 of Organic Law No. 26 of 07/08/2015);

- Time limit: 4 months, which can be renewed once and for the same duration, by a reasoned decision pursuant to article 54 of Organic Law No. 26 of 07/08/2015.

The assistance or participation of agents of the requesting State in the execution of the measure is in principle possible, but will be assessed on a case-by-case basis.

Tracing of telecommunications (102)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible in Tunisia under the scope of international judicial cooperation. The legal basis for this is article 53 of the Code of Criminal Procedure. Tunisian law sets no limit to its application.

These measures can only be ordered by the public prosecutor as part of preliminary proceedings or by the investigating judge after the opening of the information phase.

Two legal frameworks apply:

- General framework: Article 53 of the Code of Criminal Procedure: "Assisted by their clerk, the investigating judge shall hear the witnesses... and carry out all the acts seeking to reveal the incriminating or exonerating evidence."
- Specific framework: Article 54 of Organic Law No. 26 of 07/08/2015 on the fight against terrorism and money laundering: "If the investigation so demands, the public prosecutor or investigating judge can intercept the defendants' communications; the interception of communication includes flow data, listening or access to their contents, as well as their reproduction and recording".

When failing, no alternative measure with the same purpose is possible.

2. International legal framework applicable for this measure in your State

All conventions and protocols ratified by Tunisia, including:

- United Nations Convention against Corruption of 2003;
- International Convention on the Fight against the Financing of Terrorism of 1999;
- the Single Convention on Narcotic Drugs of 1961;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- Palermo Convention on Transnational Organized Crime of 2000;
- Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

Bilateral agreements are also applicable.

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In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority can be the investigating judge or the Prosecution in the case of flagrante delicto (crimes or misdemeanours that have just been or are being committed and that require a rapid response).

Pursuant to article 50 of the Code of Criminal Procedure, the investigating judge is responsible for the investigation in criminal proceedings, diligently seeking the truth and establishing all the facts that the adjudicating Court can use to reach a decision.

Requests are then further processed through the intermediary of two bodies:

- the judicial police officers attached to the Ministry of the Interior;
- the telecommunications technical agency.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

As regards the fight against terrorism, there are two limits:

- The means of evidence collected on site during an operation of infiltration, interception, or audio visual surveillance cannot be cited except to provide evidence of the offences concerned by the investigation or any other terrorist offence (article 65 of Organic Law No. 26 of 07/08/2015);
- Time limit: 4 months, which can be renewed once and for the same duration, by a reasoned decision pursuant to article 54 of Organic Law No. 26 of 07/08/2015.

The assistance or participation of agents of the requesting State in the execution of the measure is in principle possible, but will be assessed on a case-by-case basis.

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

Interception and recording of other forms of communication (103)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, the measures for the interception, recording and transcription of telecommunications are possible under the scope of the international judicial cooperation in Tunisia. It must be noted that these measures can only be ordered by the public prosecutor as part of preliminary proceedings, or by the investigating judge after the opening of the information phase.

Two legal frameworks apply:

- General framework: Article 53 of the Code of Criminal Procedure: "Assisted by their clerk, the investigating judge shall hear the witnesses... and carry out all the acts seeking to reveal the incriminating or exonerating evidence."
- Specific framework: Article 54 of Organic Law No. 26 of 07/08/2015 on the fight against terrorism and money laundering: "If the investigation so demands, the public prosecutor or investigating judge can intercept the defendants' communications; the interception of communication includes flow data, listening or access to their contents, as well as their reproduction and recording".

When failing, no alternative measure with the same purpose is possible.

2. International legal framework applicable for this measure in your State

All conventions and protocols ratified by Tunisia, including also:

- United Nations Convention against Corruption of 2003;
- International Convention on the Fight against the Financing of Terrorism of 1999;

EUROMED JUSTICE

EuroMed Fiches

- the Single Convention on Narcotic Drugs of 1961;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- Palermo Convention on Transnational Organized Crime of 2000;
- Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

Bilateral agreements are also applicable.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority can be the investigating judge or the prosecution in the case of flagrante delicto (crimes or misdemeanours that have just been or are being committed and where a rapid response is required).

Pursuant to article 50 of the Code of Criminal Procedure, the investigating judge is responsible for the investigation in criminal proceedings, diligently seeking the truth and establishing all the facts that the adjudicating Court can use to reach a decision.

Applications are then further also processed through the intermediary of two bodies:

- the judicial police officers from the Ministry of Interior;
- the telecommunications technical agency.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

As regards the fight against terrorism, there are two limits:

- The means of evidence collected on site during an operation of infiltration, interception, or audio visual surveillance cannot be cited except to provide evidence of the offences concerned by the investigation or any other terrorist offence (article 65 of Organic Law No. 26 of 07/08/2015);
- Time limit: 4 months, which can be renewed once and for the same duration, by a reasoned decision pursuant to article 54 of Organic Law No. 26 of 07/08/2015.

The assistance or participation of agents of the requesting State in the execution of the measure is in principle possible, but will be assessed on a case-by-case basis.

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

Interception of mail (104)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, the interception of mail is possible in Tunisia on the basis of article 53 of the Code of Criminal Procedure. Article 99 gives investigating judges the option of “ordering the seizure of all objects, correspondence, and other dispatches”.

The privacy of correspondence is guaranteed in accordance with the legislation in force.

The examining magistrate may order the seizure of any object, correspondence and other dispatches. (S) he deems useful for ascertaining the truth. Even apart from cases of crimes or misdemeanours requiring a rapid response, the prosecution always has the option of ordering correspondence addressed to or sent by the accused to be seized. They may resort to this measure when there is a risk of delay.

Dispatches that by their nature are capable of undermining law and order and public security will not be delivered to their addressees or returned to the sender. They will be confiscated by the competent body and the public prosecutor will be informed (art. 20-21 of the Postal Code and art. 29 of the Code of Criminal Procedure).

2. International legal framework applicable for this measure in your State

All conventions and protocols ratified by Tunisia, including:

- United Nations Convention against Corruption of 2003;
- International Convention on the Fight against the Financing of Terrorism of 1999;
- the Single Convention on Narcotic Drugs of 1961;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- Palermo Convention on Transnational Organized Crime of 2000;
- Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

Bilateral agreements are also applicable.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

Applications are processed directly by the public prosecutor and the investigating judge or through the intermediary of the judicial police officers from the Ministry of Interior.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is in principle possible, but will be assessed on a case-by-case basis.

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

Observation (105)

1. Is this measure possible in your State under International Judicial Cooperation?

There is no specific legislation on this subject, but the agents authorised to prevent the perpetration of offences and public nuisances within the general legal framework applicable to the police may undertake observation measures.

Under Tunisian law, observation is only envisaged for juvenile offenders and the fight against terrorism.

2. International legal framework applicable for this measure in your State

In general, all international conventions ratified by Tunisia, in addition to the decisions made by the Security Council. For instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The observation measure is executed by judicial police officers. The normal procedures to ensure the safety of citizens must be followed.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but it is possible to accept and process applications drawn up in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not lay down a specific time frame, but processing depends on the administrative procedures required by bilateral or multilateral conventions. However, it is important to note that the competent legal authority can demand the immediate execution of the observation measure.

6. Concise legal practical information

a. Special requirements

Information collected through the observation measure on the fight against terrorism is only used under this scope.

b. Other useful information

Double criminality and reciprocity are always required in matters of international cooperation.

The assistance or participation of agents of the requesting State in the execution of the measure is in principle not possible.

Interception of telecommunication without the technical assistance of another State (106)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

Applications are processed through the intermediary of two bodies:

- the judicial police officers from the Ministry of Interior;
- the telecommunications technical agency.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor; remains confidential for reasons of national security.

2. AGENTS AND INFORMERS – INFILTRATION

Infiltration by undercover agents of the requested State (201)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible but only in the fight against terrorism. Article 57 of Organic Law No. 26 of 07/08/2015 establishes that infiltration is only authorised by the judicial authority for a period of 4 months, which can be extended just once, for the same duration.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

Applications are processed through the intermediary of the judicial police officers attached to the Ministry of the Interior.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

Infiltration by agents of the requesting State in the territory of the requested State (202)

1. Is this measure possible in your State under International Judicial Cooperation?

This measure cannot be applied and there are no other procedures that may replace it.

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2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Infiltration by an informer of the requested State (203)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, but this measure is possible only in the fight against terrorism.

Article 57 of Organic Law No. 26 of 07/08/2015 establishes that infiltration is only authorised by the judicial authority for a period of 4 months, which can be extended just once, for the same duration.

Article 57 of Organic Law No. 26 of 07/08/2015 requires the informant to be recognised by the judicial police officers qualified to report on terrorist offences.

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2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

Applications are processed through the intermediary of the judicial police officers attached to the Ministry of the Interior.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs; however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

Handling of informers (204)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is Not applicable.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

3. EXAMINATION, BODY SEARCH AND EXPERT EVALUATION

Superficial body search (301)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible under article 53 of the Code of Criminal Procedure and the Customs Code.

Body searches aim to find clues, objects or documents allowing the existence of an offence to be established. In addition to the general principle set forth in the Code of Criminal Procedure, article 56a 12 of the Customs Code provides that body searches will take place at premises provided for this purpose and are undertaken when there are suspicions that a person may be hiding goods on their body.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

In urgent situations: the investigating judge, the public prosecution or officers of the judicial police (cantonal judges, police superintendents, chief National Guard officers, government officials authorised by special laws).

b. Execute/recognize the measure (if other than the receiving authority)

Applications are processed through the intermediary of the judicial police officers attached to the Ministry of Interior.

Body searches are carried out at police stations, National Guard stations and special premises at the customs office. A report is made.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State.

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

Invasive body search (302)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, it is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

This measure is applicable to:

- Prove alcohol levels in drivers;
- Prove drug consumption;
- DNA sampling.

This is a medical examination taking the form of a medical evaluation. There are no express provisions in the Code of Criminal procedure. However, in connection with looking for customs contraventions (minor offences) and misdemeanours, the Customs Code allows customs officers to submit a person crossing the border to medical examinations if that person is suspected of concealing prohibited products inside their body.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

In urgent situations the investigating judge, the public prosecution or officers of the judicial police (cantonal judges, police superintendents, chief National Guard officers, government officials authorised by special laws).

b. Execute/recognize the measure (if other than the receiving authority)

Applications are processed through the intermediary of the medical services.

The suspected person can be submitted to screening medical examinations provided that the said person has expressly agreed to it.

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In case of refusal, the customs officers and other officers of the judicial police send the senior public prosecutor a request asking permission to proceed to such examinations, and the latter appoints the competent doctor in charge of carrying out the said examinations.

This will be mentioned in the transcript that shall be sent to the Senior public prosecutor.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor; remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Psychiatric medical examination (303)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and it applies to all types of offences.

When failing, there is no other alternative measure with the same purpose.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;

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EuroMed Fiches

- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

In urgent situations: the investigating judge, the public prosecutor in cases of crimes or misdemeanours that have just been or are being committed, the criminal Court of Appeal or the adjudicating Court.

b. Execute/recognize the measure (if other than the receiving authority)

Applications are processed through the intermediary of the medical services.

A medical and psychiatric expert will be appointed by the examining magistrate or the public prosecutor.

In the course of pending criminal proceedings, the adjudicating Court may, upon the opinion of a medical expert, opt for the mandatory internment of a detainee suffering from mental problems in a specialised public institution in order for them to undergo analyses of their mental faculties and to determine their criminal liability under the Mental Health Act, law No. 83-1992 of 3-8-1992 as amended and supplemented by Law 2004-40 of 3-5-2004.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Control of identity, measures for judicial identification (304)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and it applies to all types of offences.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

The Directorate-General of Criminal Affairs at the Ministry of Justice sends it then to the competent investigating judge or the public prosecutor to be further executed.

b. Execute/recognize the measure (if other than the receiving authority)

Applications are processed through the intermediary of the judicial police officers from the Ministry of the Interior.

Officers of the judicial police, police superintendents, National Guard chiefs and government officials authorised by special laws to request that citizens present their national identity card for inspection may request identification in order to prevent an offence against law and order; in particular an offence against the safety of people and property.

An identity check is an act by a law enforcement agent the aim of which is, while respecting the legal conditions, to ask a private individual to prove their identity. Article 7 of the Law of 22 March 1993 concerning the national identity card states that all citizens for whom it is mandatory to hold a national identity card pursuant to the said law, must present it when requested to do so by police National Guard officers.

The accused will be examined by the police records department with a view to establishing their identity and checking their background.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Technical or scientific examinations or expert evaluations (305)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible and it applies to all types of offences.

It is possible to resort to technical or scientific examinations or evaluations where the circumstances call for this.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

EUROMED JUSTICE

EuroMed Fiches

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority.

This can be officers of the judicial police, the investigating judge or the public prosecutor, the criminal Court of Appeal or the adjudicating courts.

The judicial police works under the supervision of the public prosecutor, one of their assistants, the investigating judges and the indictment chamber.

Experts must carry out their tasks in coordination with the authority that appointed them.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

4. DOCUMENTS - OBTAINING

Spontaneous exchange of information (401)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, legal cooperation and spontaneous exchange of information is possible with the limit of reciprocity. This measure can also be applied with police services, customs, the national commission for the fight against terrorism and the financial analysis commission, in accordance with the specific conventions.

2. International legal framework applicable for this measure in your State

The principle of reciprocity and all international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial police officers, the investigating judge or the public prosecutor intervene only in the context of execution.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Order to produce documents (402)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, but this measure applies within the limits laid down by the Data Protection Code and the rules governing the confidentiality of bank documents.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

EUROMED JUSTICE

EuroMed Fiches

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

It can be processed by the judicial authority like the public prosecutor directly or through the intermediary of the judicial police agents.

The public prosecutor will decide how to follow up on the complaints and reports they receive or that are transmitted to them.

Article 333 of Code of Criminal Procedure stipulates that: Where, in a criminal case heard abroad, the foreign Government considers it necessary to communicate the evidence or documents to the Tunisian authorities, the request shall be made through the diplomatic channel. It shall be acted upon, unless special considerations preclude it, and under the obligation to return the documents and documents as soon as possible.

All the authorities and all public officials are bound to report to the public prosecutor any offence of which they become aware in the exercise of their duties and to provide the public prosecutor with all the information, minutes, and documents relating to this.

In any case, they cannot have a defamation action brought against them or an action for compensation for damages in relation to opinions that they are bound to provide pursuant to this article, unless it is proved that they were acting in bad faith (Article 29 of the Code of Criminal Procedure). The officers of the judicial police referred to in points 3 and 4 of article 10 must: provide an opinion to the public prosecutor concerning any offence of which they become aware in the exercise of their duties and provide the public prosecutor with all the information, minutes and documents relating to this (Article 13 (1) of the Code of Criminal Procedure).

Whether the proceedings in question are civil, commercial or investigative and even if they are dismissed, the prosecution must inform the Customs Department of any information it may gather that gives rise to a presumption that an offence has occurred in the area of customs law or a manoeuvre aimed at infringing legislative or regulatory provisions connected with the application of the Customs Code. (Article 319 of the Customs Code).

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Other possibilities of obtaining information concerning taxes or bank accounts (403)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible. The public prosecutor, investigating judge or the criminal Court of Appeal may obtain any useful information of a financial or fiscal nature from any government authority or financial institution.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;

EUROMED JUSTICE

EuroMed Fiches

- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The public prosecutor, investigating judge or the Minister of Finance.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

All the authorities and all public officials are bound to report to the public prosecutor any offence of which they become aware in the exercise of their duties and to provide the public prosecutor with all the information, minutes, and documents relating to this.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Access to public documents in judicial files (404)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

It can be processed by the judicial authority directly or through the intermediary of the judicial police agents. Depending on the stage of the proceedings this can be the public prosecutor, the investigating judge or the Court to which the case has been referred.

EUROMED JUSTICE

EuroMed Fiches

In addition to that the following: See also the below mentioned articles 55, 57, 193 and 194 of the Code of Criminal Procedure.

The parties' counsels referred to or summoned before the adjudicating court have a right to communication of the trial documents. The file, whose exhibits must be numbered and initialled, is consulted at the Court secretariat (Article 193 of the Code of Criminal Procedure).

It may be issued to the parties at their expense:

1. at their request, a copy or authenticated copy of the complaint or report, the final orders, rulings and judgements;
2. subject to authorisation by the public prosecutor; a copy or authenticated copy of the other trial documents.

If the request is issued by a third party, the authorisation of the public prosecutor is necessary for any document for which a copy or authenticated copy is requested.

If the documents form part of a file lodged with the secretariat of a court of appeal, the authorisation must come from the senior public prosecutor.

The refusal to issue an authorisation must be reasoned and notified in the correct administrative form. There is no provision for an appeal against it.

Criminal trial documents may be sent and addressed to the courts that issued a decision in this connection and to the Secretary of State in the Department of Justice. An inventory drawn up by the clerk will be enclosed with the file (Article 194 of the Code of Criminal Procedure).

... "If the implementation of letters rogatory requires the suspect to be heard, officers of the judicial police must inform them that they are entitled to assistance from a lawyer of their choice. This is mentioned in the report. If the suspect appoints a lawyer, the latter will be immediately informed by the judicial police officer of the date set for their client's hearing. This will also be mentioned in the report. In that case, the hearing will only take place in the presence of the lawyer authorised in advance to familiarise themselves with the trial documents unless the suspect has expressly renounced their right to assistance from a lawyer or the latter fails to present himself on the scheduled date. This will also be mentioned in the report" (Article 57(2) of the Code of Criminal Procedure).

In the initial indictment and at any stage in the investigation in additional indictments, the public prosecutor may request that the examining magistrate should take any actions that appear useful to the public prosecutor for the purpose of ascertaining the truth.

To this end, the public prosecutor may have the trial documents sent to them, on condition that they will return them within forty-eight hours (Article 55 paragraphs 1 and 2 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Communication of individual police records (405)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority. Depending on the stage of the proceedings: the public prosecutor; the investigating judge, the court to which the case has been referred or the rehabilitation services attached to the Ministry for Justice.

In addition to that, the following: See also articles 362, 363 and 365 of the Code of Criminal Procedure mentioned below.

The police records department is tasked with the centralisation of sections 1 (of police record forms) and issuing statements or extracts from sections 2 and 3 under the conditions laid down in the following articles (Article 362 of the Code of Criminal Procedure):

Section 1 provides a statement of:

1. any convictions in the course of proceedings where both sides have a right to be heard or, by default, convictions that were unopposed, pronounced in relation to crimes or misdemeanours by any court;
2. decisions pronounced in relation to minors under thirteen years of age;
3. disciplinary decisions pronounced by a judicial authority or by a government administration that lead to or declare incapacity;
4. decisions refusing entry or stays and orders for public surveillance;
5. deportation decisions taken against foreigners;
6. judgements declaring bankruptcy.

Section 1 will also mention exonerations, commutations or reductions in sentences, parole or rehabilitation decisions and decisions deferring deportation orders, refusals of entry or stays and public surveillance orders as well as the date on which the sentence ends or the date of payment of a fine.

EUROMED JUSTICE

EuroMed Fiches

Section 1 concerning sentences erased by amnesty or revised by a judgement correcting the police record will be removed from an individual's police record (Article 363 of the Code of Criminal Procedure). The full Section 1 statement applicable to the same person is contained in a Section 2, which will only be issued at the express request of the judicial authority.

Apart from this case, a Section 3 is issued, under the conditions laid down in administrative regulations, which reports the sentences referred to in article 363.I that have not been erased by rehabilitation and any sentences which the judge has not ordered to have stayed unless, in the latter case, a new sentence has deprived the interested party from benefiting from this stay of execution.

Section 3 does not report judgements sentencing persons to a term of imprisonment of less than six months or a fine that does not exceed one thousand Dinars unless judgement imposing the sentence was pronounced during the following five years.

In no cases may these extracts be sent to private individuals other than the persons concerned.

Judgements imposing community service or compensation measures are not recorded in Section 3 of a person's police record (Article 365 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Sending and service of procedural documents (406)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of international letters rogatory sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

It can be processed by the judicial authority directly or through the intermediary of the judicial police agents. Depending on the stage of the proceedings this can be the public prosecutor, the investigating judge or the Court to which the case has been referred.

In addition to that, the following: See also articles 362, 363 and 365 of the Code of Criminal Procedure mentioned below.

EUROMED JUSTICE

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The police records department is tasked with the centralisation of sections 1 (of police record forms) and issuing statements or extracts from sections 2 and 3 under the conditions laid down in the following articles (Article 362 of the Code of Criminal Procedure):

Section 1 provides a statement of:

1. any convictions in the course of proceedings where both sides have a right to be heard or, by default, convictions that were unopposed, pronounced in relation to crimes or misdemeanours by any court;
2. decisions pronounced in relation to minors under thirteen years of age;
3. disciplinary decisions pronounced by a judicial authority or by a government administration that lead to or declare incapacity;
4. decisions refusing entry or stays and orders for public surveillance;
5. deportation decisions taken against foreigners;
6. judgements declaring bankruptcy.

Section 1 will also mention exonerations, commutations or reductions in sentences, parole or rehabilitation decisions and decisions deferring deportation orders, refusals of entry or stays and public surveillance orders as well as the date on which the sentence ends or the date of payment of a fine.

Section 1 concerning sentences erased by amnesty or revised by a judgement correcting the police record will be removed from an individual's police record (Article 363 of the Code of Criminal Procedure). The full Section 1 statement applicable to the same person is contained in a Section 2, which will only be issued at the express requests of the judicial authority.

Apart from this case, a Section 3 is issued, under the conditions laid down in administrative regulations, which reports the sentences referred to in article 363.1 that have not been erased by rehabilitation and any sentences which the judge has not ordered to have stayed unless, in the latter case, a new sentence has deprived the interested party from benefiting from this stay of execution.

Section 3 does not report judgements sentencing persons to a term of imprisonment of less than six months or a fine that does not exceed one thousand Dinars unless judgement imposing the sentence was pronounced during the following five years.

In no cases may these extracts be sent to private individuals other than the persons concerned.

Judgements imposing community service or compensation measures are not recorded in Section 3 of a person's police record (Article 365 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Transfer of proceedings (407)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

At national level: If it is impossible for the investigating judge to undertake certain investigative acts, (s)he may send letters rogatory to investigating judges in other districts or to officers of the judicial police of their own district, each to the extent of their involvement, in respect of any acts open to them with the exception of judicial orders. For that purpose (s)he will issue an order to be sent to the public prosecutor for enforcement (Article 57, paragraph 1 of the law No. 75-2003). However, as the law No. 75-2003 was repealed and replaced by the organic law No. 2015-26 of 7 August 2015 on the fight against terrorism and suppression of money laundering.

Article 83 of organic law No. 2015-26 : "The Court of First Instance of Tunis, through judges appointed to the Counter-Terrorism Judicial Pole, is competent to deal with terrorist offenses under this law and related offenses committed outside the national territory in the following cases:

- If committed by a Tunisian citizen,
- If committed against Tunisian parties or interests,
- If committed against foreign persons or interests, by a foreigner or a stateless person whose habitual residence is on Tunisian territory, or by a foreigner or a stateless person on the national territory whose extradition has not been duly requested by the competent foreign authorities before a final judgment has been rendered against them by the competent Tunisian courts".

EUROMED JUSTICE

EuroMed Fiches

Article 84 of organic law No. 2015-26: “In the cases provided for in article 83 of this law, the initiation of criminal proceedings does not depend on the criminalization of the acts being prosecuted under the law of the State where they are committed”.

Article 85 of organic law No. 2015-26: “The public prosecutor at the Court of First Instance of Tunisia has exclusive jurisdiction to initiate and carry out the criminal prosecution of terrorist offenses under this law and related offenses committed outside the national territory”.

The cantonal judges may, within their districts, personally instigate or have the other officers of the judicial police listed in points 3 to 6 of article 10, instigate any acts coming within the remit of the preliminary investigation.

They may proceed to the provisional arrest of accused persons, provided that such persons are immediately presented to the closest court.

Moreover, the cantonal judges receive reports of crimes and misdemeanours committed in the place in which they carry out their tasks.

They submit an option to the public prosecutor regarding all crimes and misdemeanours of which they become aware in the exercise of their tasks, sending them all the information, transcripts and writs relating thereto (Article 12 of the Code of Criminal Procedure).

At international level:

- Send or receive letters rogatory in the context of mutual judicial assistance in criminal-law matters. The legal requests must indicate the nature of the matter; the body issuing the request, the body to which the request is addressed, the type of offence, the name of the person sought or sentenced and any useful information concerning the facts of the case and the tasks entrusted to the requested authority at an international level.
- As regards extradition, Tunisia, like many countries, does not extradite its own citizens and in order to prevent persons from escaping criminal proceedings, it is possible to request a delegation of the criminal proceedings against the person forming the subject matter of the extradition request, thus allowing the State of origin to pursue the suspect itself.

Similarly, Tunisia may delegate criminal proceedings to a State that refuses to extradite one of its citizens who has committed an offence in Tunisia.

The competent body will send the file containing an account of the facts, a reference to the applicable articles in the Criminal Code, the investigation files, and the evidence.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;

EUROMED JUSTICE

EuroMed Fiches

- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of international letters rogatory sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The investigating judge, the public prosecutor, the senior public prosecutor at the court of appeal (depending on the stage of the case) and the central authority within the Ministry of Justice (as the focal point).

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication

technical agencies and under the supervision of the public prosecutor; remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

5. ASSETS - SEQUESTRATION, CONFISCATION AND RESTITUTION

Sequestration of assets (501)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Seizure consists of placing objects or documents that may be useful in ascertaining the truth in the hands of the justice system.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the public prosecutor, the officers of the judicial police or government officials authorised by special laws.

In addition to that, the following:

The investigating judge must look for and seize papers or belongings that may be used to ascertain the truth.

An inventory is made, as far as possible in the presence of the accused or a third party in whose possession the seized objects were found. This will be mentioned in the transcript.

The objects seized are, as the case may be, closed and placed in an envelope or sealed package or have a label placed on them indicating the date of the seizure and the case number.

Apart from cases requiring a rapid response, the judicial police officers only have the same powers if there is risk of delay (Article 97 of the Code of Criminal Procedure). Where the object seized is likely to deteriorate or preserving it may prove onerous, the magistrate may, after obtaining an opinion from the public prosecutor and notification to the party from whom it has been seized, sell it at public auction as soon as the requirements of the investigation allow this. In that case, the owner's right will be to the price by the deadline laid down in article 100 (Article 98 of the Code of Criminal Procedure).

The investigating judge may order the seizure of any object, correspondence and other consignments, if they deem this useful for ascertaining the truth. Even apart from cases requiring a rapid response, the public prosecutor always has the option of having correspondence addressed to or sent by the accused searched for and seized. They may not look at it unless there is risk of delay (Article 99 of the Code of Criminal Procedure).

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Freezing of bank accounts (502)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The freezing of bank accounts is a customary measure for certain types of crimes and misdemeanours.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

EUROMED JUSTICE

EuroMed Fiches

In all cases, the application from the requesting State must be presented in the form of legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

By order of the investigating judge referred to in the course of normal proceedings.

The investigating judge, the President of the Tunis Court of First Instance (law on the fight against terrorism and the suppression of money-laundering).

In addition to that, the following:

- Under the Law 75-2003 of 10/12/2003 concerning support for international efforts in the fight against terrorism and the suppression of money-laundering.
- Article 87: The Tunisian Financial Analysis Committee (TFAC) may instruct the author of a declaration that the funds forming the subject matter of the declaration have been temporarily frozen and deposited in a temporary account. The author of the statement must refrain from informing the person concerned about the declaration made by the author and the measures resulting from it.
- Article 94: The senior public prosecutor at the Tunis Court of Appeal may, despite any declarations concerning a suspicious or unusual operation or transaction, instruct the president of the Tunis Court of First Instance to order the freezing of assets belonging to natural or legal persons suspected of being linked to persons, organisations or activities relating to the offences targeted by this law, even if they were not committed on Tunisian national territory.
- Article 95: The decision to freeze [assets] as per the preceding article is taken by the president of the Court of First Instance in accordance with the procedure for interim orders.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative

procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Restitution (503)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Restitution is the return to their legitimate owners of any objects, sums of money and personal belongings of any kind that were placed in the hands of the justice system on the occasion of a real or presumed offence.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the criminal court of appeal, the adjudicating court or the senior public prosecutor:

In addition to that, the following:

Article 100 of the Code of Criminal Procedure: Any person claiming a right to objects in the possession of the justice system may request their restitution from the examining magistrate and, if they refuse, from the Criminal Court of Appeal, which will rule in response to a simple request. Any object seized that is not claimed by the owner within a deadline of three years to run from the dismissal of the case or from the judgement will become the property of the State.

Article 184 of the Code of Criminal Procedure: The accused, the plaintiff or the person incurring civil liability may claim restitution of objects placed in the hands of the justice system, addressing the request to the court where the proceedings were conducted.

Article 185 of the Code of Criminal Procedure: Any person other than the accused, the plaintiff or the person incurring civil liability who claims a right to the objects placed in the hands of the justice system may also address the request to the court where the proceedings were conducted. Only the transcripts relating to the seizure may be communicated to them. The court will rule in a separate judgement, having heard the parties.

Article 186 of the Code of Criminal Procedure: If the court grants restitution, it may take any precautionary measures to ensure that objects restituted can be presented again up to a final decision on the merits.

Article 189 of the Code of Criminal Procedure: The Court that dealt with the case retains jurisdiction to order restitution of objects placed in the hands of the justice system if no appeal is made against the judgement on the merits.

It will rule at the request of any person claiming to have a right to the object or at the request of the public prosecution. Its decision may be referred to the Court of Appeal, in accordance with the provisions in article 188.

Article 190 of the Code of Criminal Procedure: Where the Court of Appeal is referred to on the merits, it will have jurisdiction to order restitution under the conditions laid down in articles 184 and 187. Even after a final decision has been taken on the merits, it will retain jurisdiction to order restitution under the conditions laid down in paragraphs 1 and 2 of article 189.

Article 32 of the Code of Criminal Procedure: A complainant may request restitution of objects taken from them, without being obliged to file civil proceedings.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Interim measures in view of confiscation (504)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

The seizure of the fruits or instruments of a misdemeanour or crime in order to ensure confiscation is a provisional measure par excellence.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;

EUROMED JUSTICE

EuroMed Fiches

- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the Investigating judge, the public prosecutor, the officers of the judicial police or government officials authorised by special laws.

The examining magistrate must look for and seize papers or belongings that may be used to ascertain the truth.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Confiscation (505)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

Special confiscation is the allocation to the State of the fruits of offences or the instruments which were used or may be used to commit an offence. In the case of a conviction, the judge may order the confiscation of objects that were used or intended to be used for the offence and any that are the fruits of the offence, regardless of who owns them. The confiscation of objects whose manufacture, use, transportation, keeping and sale constitutes an offence is ordered in all cases.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The adjudicating Court.

In addition to that, the following:

- Confiscation is a supplementary sanction applied by the adjudicating court in accordance with article 5 of the Criminal Code.
- Special provisions are laid down by Law 75-2003 of 10/12/2003 as amended and supplemented by Law 2009-65 of 12-8-2009 concerning support for international efforts in the fight against terrorism and the suppression of money-laundering, as follows:
- Article 46: The Court may also order confiscation of all or some of the chattels, real estate or financial assets belonging to a convicted person if there are serious charges concerning their use for the financing of persons, organisations or activities relating to the terrorist offences.
- Article 67: The Court may also order the confiscation, to the benefit of the State, of assets that have formed the subject matter of money-laundering as well as the fruits directly or indirectly generated by the offence of money-laundering and its liquidation. If actual seizure is not possible, a fine equivalent to liquidation [of same] will be pronounced, which may, in no case, be less than the value of the funds to which the offence relate.
- Article 102: Judgements pronouncing liquidation or confiscation of assets under this law may in no case harm the rights of third parties acquired in good faith.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

6. PLACES - VISIT AND SEARCH

Visit to and search of homes (601)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Searches can be carried out in any place where documents whose discovery would be useful for ascertaining the truth are located.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority, like the investigating judge, the public prosecutor in a case in which rapid action is required, judicial police officers (in a case in which rapid action is required or letters rogatory from an examining magistrate) or government officials authorised by special laws.

In addition to that, the following:

- Article 94 of the Code of Criminal Procedure: Searches come under the sole jurisdiction of the examining magistrate. However, the following may undertake searches of homes:
 1. Judicial police officers where rapid action is required in relation to a crime or misdemeanour under the conditions laid down in the present Code;
 2. Judicial police officers as per points 2 to 4 of article 10 delegated by the examining magistrate;
 3. Officials and agents of an administration authorised for this purpose by a special text.
- Article 95 of the Code of Criminal Procedure: No searches may be undertaken before 6 a.m. and after 8 p.m. in houses and outbuildings, except in the case of a crime or misdemeanour requiring rapid action or where there is reason to enter, even without a call from help from the head of the household, in order to seize the accused or arrest an escaped prisoner.
- Article 96 of the Code of Criminal Procedure: The investigating judge or judicial police officer who undertakes a home visit must, if necessary, be assisted by a trustworthy woman. If the presence of the accused during the search is not deemed possible or useful, the magistrate will be accompanied during the operation by two witnesses selected from the people in the house or, failing that, neighbours who will sign the transcript.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Visit and search on the site of an offence (602)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

A visit and search on the site of the offence makes it possible to identify directly the various circumstances capable of providing information concerning the commission of the offence or the identity of the perpetrator:

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority. Assisted by their clerk, the investigating judge will hear witnesses, question the accused and undertake searches on-site, house visits and the seizure of evidence.

In addition to that, the following:

Article 56 of the Code of Criminal Procedure: The investigating judge, either on their initiative or at the request of the public prosecutor, goes to the scene of the offence, the home of the accused or any other place where it is presumed that useful information for ascertaining the truth might be found. If they go on their initiative, they must inform the public prosecutor and, despite the absence of the latter, they may undertake the necessary operations. The accused will be taken to the place visited, if their presence appears necessary.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

7. WITNESSES, VICTIMS, SUSPECTS - SUMMONING AND HEARING

Summoning witnesses (701)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

This is a summons served on a witness obliging them to appear and testify before an investigating or adjudicating Court.

When failing, no other alternative measure with the same purpose is possible.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

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In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the public prosecutor in a case in which rapid action is required, the judicial police officers (in a case in which rapid action is required or letters rogatory from an investigating judge), government officials authorised by special laws and the adjudicating Court.

In addition to that, the following:

- Article 60 of the Code of Criminal Procedure: Witnesses are summoned by the administrative channel or by a bailiff. A witness who presents themselves voluntarily may be heard without a prior summons. This will be mentioned in the transcript.
- Article 61 of the Code of Criminal Procedure: Any person summoned as a witness is bound to appear, to take an oath and testify without prejudice to the provisions in the criminal code on professional secrecy. If the witness summoned does not appear, the examining magistrate may, at the request of the public prosecutor, sentence them to a fine of twenty Dinars. If they subsequently appears, they may, upon production of excuses and justifications, be relieved of this fine by the examining judge following an instruction from the public prosecutor. If, having been summoned a second time, they still does not appear, a bench warrant may be issued against them. A fine of ten to twenty dinars may, at the request of the public prosecutor, be imposed on a witness who does appear but refuses to take an oath or to testify. Any sentence of the witness according to the aforesaid articles cannot be appealed.
- Article 62 of the Code of Criminal Procedure: Where a witness finds it impossible to comply with a summons, their statement can be taken at home.
- Article 334 of the Code of Criminal Procedure: If, in a criminal case, the personal appearance of a witness residing in Tunisia is deemed necessary by a foreign government, the Tunisian government, having received the summons through the diplomatic channel, undertakes to reply to the invitation sent to it.

Nevertheless, the summons will only be admitted and served on condition that the witness cannot have an action brought against them or be detained for acts or convictions predating their appearance.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Hearing witnesses: standard procedure (702)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

A person capable of having knowledge of the facts to be proved may be heard as a witness.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the public prosecutor in a case in which rapid action is required, the Judicial police officers (in a case in which rapid action is required or letters rogatory from an examining magistrate), Government officials authorised by special law and the adjudicating Court.

In addition to that, the following:

Article 53 of the Code of Criminal Procedure: Assisted by their clerk, the investigating judge will hear witnesses, question the accused and undertake searches on-site, house visits and the seizure of evidence.

Article 59 of the Code of Criminal Procedure: The investigating judge has a right to hear any persons whose testimony they deem useful.

Article 65 of the Code of Criminal Procedure: Witnesses are heard separately and without the presence of the accused. They testify without the aid of any document. At the beginning of their testimony, they are invited to state their identity and indicate whether there is any reason for objecting to their testimony on the basis of the relationship between them and one of the parties.

Once they have testified, the judge can question them, confront them with each other or with the accused and, with their assurance, undertake any operations that are useful for ascertaining the truth.

The testimony and confrontations are recorded in the transcript which is read out to the parties appearing and then signed by them, the magistrate and the clerk.

If a witness is unwilling or unable to sign, this will be mentioned.

Article 66 of the Code of Criminal Procedure: If the accused or witnesses do not speak Arabic, an interpreter will be officially assigned by the examining magistrate.

If the witness or accused are deaf or dumb, the questions and answers will be in writing.

If they cannot write, they will be given an interpreter capable of conversing with them or who is accustomed to doing so.

If the interpreter is not already sworn in, they will take an oath to translate the testimony faithfully. The transcript will mention the surname, first name, age, profession and domicile of this interpreter who will sign it as a witness.

Article 144 of the Code of Criminal Procedure: The Court may hear any witnesses whose testimony they deem useful. The representative of the public prosecution, the plaintiff and the accused may request to have witnesses heard. They must indicate the identity of these witnesses and the subject matter of their testimony. The court will decide whether the request is appropriate. If it refuses to call the witnesses requested, it will do so in a reasoned judgement.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Hearing witnesses: by video conference (703)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

A person capable of having knowledge of the facts to be proved may be heard as a witness.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge and the adjudicating Court.

In addition to that, the following:

Article 49 of Law No. 2003-75 of 10 December 2003 concerning support for international efforts in the fight against terrorism and money-laundering.

In the case of risk of delay, the investigating judge or President of the Court may, as the case may be and if the circumstances require it, order that the investigation or hearing be held in a place other than its usual location, without prejudice to the accused person's right to a defence.

They may proceed to interrogate the accused and to hear any persons whose testimony they consider useful by using appropriate means of visual or aural communications without any need for them to appear personally at the hearing.

EUROMED JUSTICE

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Suitable measures will be taken in order to avoid revealing the identity of the persons questioned. It should be noted that sole jurisdiction lies with the Tunis Court of First Instance in relation to terrorist offences.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Hearing witnesses: by telephone (704)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

EUROMED JUSTICE

EuroMed Fiches

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable).

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Hearing children (705)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

A person capable of having knowledge of the facts to be proved may be heard as a witness.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the public prosecutor and also the adjudicating Court.

In addition to that, the following:

Children aged under 13 years may be heard without taking an oath and for informational purposes. If the child is over 13 years of age, they may be heard as a witness in accordance with the normal procedure.

It should also be noted that a code concerning the protection of children was promulgated by Law 95-92 of 9 November 1995 that regulates the situation of a child in danger. By way of an example, article 20 of that code states that :

“The following, in particular, are considered difficult situations endangering the health of a child or their physical or mental well-being :

- a) The loss of their parents by a child who is left without family support.
- b) The exposure of a child to negligence and vagrancy.
- c) A manifest and continuous lack of education and protection.
- d) Habitual ill-treatment of the child.
- e) Sexual abuse of a child, whether a boy or a girl.
- f) Use of children in organised crime within the meaning of article 19 of this code.
- g) The exposure of a child to begging and their economic exploitation.
- h) The incapacity of the child's parents or guardians to ensure their protection and education.”

It also regulates the child's social protection. See in particular article 30, which provides that: “The representative for the protection of children is tasked with taking preventative action in all cases in which it appears that the health of a child or their physical or mental well-being is endangered or at risk due to the child's surroundings, the activities or actions they carried out, or the various types of ill treatment a child may suffer in difficult situations as set forth in article 20 of this code.”

Articles 68 et seq. of the code regulate the protection of juvenile offenders:

Article 68: "There is an irrebuttable presumption that a child aged less than thirteen years does not have the capacity to infringe the criminal law. This presumption becomes rebuttable in the case of children between thirteen and fifteen years."

Article 71: "Children, aged thirteen to eighteen years who are accused of a defined offence, contravention [minor offence], misdemeanour or crime, are not referred to the ordinary criminal courts. They can only be judged by a juvenile court judge or court."

Article 77: "Judicial police officers may not hear an accused child or take any proceedings against them before notifying the competent public prosecutor:

If the acts attributed to a child are very serious, the public prosecutor must automatically assign a lawyer to assist the child, if the latter has not selected one.

In all cases, children aged less than 15 years can only be heard by the judicial police in the presence of the person responsible for them, their parents, guardian, person close to them or a neighbour (who must have reached the age of majority)."

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality: Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Hearing persons collaborating with the inquiry (706)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

A person capable of having knowledge of the facts to be proved may be heard as a witness.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the public prosecutor in a case in which rapid action is required, the Judicial police officers (in a case in which rapid action is required or letters rogatory from an examining magistrate), government officials authorised by special law and the adjudicating Court.

In addition to that, the following:

Article 53 of the Code of Criminal Procedure: Assisted by their clerk, the investigating judge will hear witnesses, question the accused and undertake searches on-site, house visits and the seizure of evidence.

Article 59 of the Code of Criminal Procedure: The investigating judge has a right to hear any persons whose testimony they deems useful.

Article 65 of the Code of Criminal Procedure: Witnesses are heard separately and without the presence of the accused. They testify without the aid of any document. At the beginning of their testimony, they are invited to state their identity and indicate whether there is any reason for reason for objecting to their testimony on the basis of the relationship between them and one of the parties.

Once they have testified, the judge can question them, confront them with each other or with the accused and, with their assurance, undertake any operations that are useful for ascertaining the truth.

The testimony and confrontations are recorded in the transcript which is read out to the parties appearing and then signed by them, the magistrate and the clerk.

If a witness is unwilling or unable to sign, this will be mentioned.

Article 66 of the Code of Criminal Procedure: If the accused or witnesses do not speak Arabic, an interpreter will be officially assigned by the examining magistrate.

If the witness or accused are deaf or dumb, the questions and answers will be in writing.

If they cannot write, they will be given an interpreter capable of conversing with them or who is accustomed to doing so.

If the interpreter is not already sworn in, they will take an oath to translate the testimony faithfully. The transcript will mention the surname, first name, age, profession and domicile of this interpreter who will sign it as a witness.

Article 144 of the Code of Criminal Procedure: The Court may hear any witnesses whose testimony they deems useful. The representative of the public prosecution, the plaintiff and the accused may request to have witnesses heard. They must indicate the identity of these witnesses and the subject matter of their testimony. The court will decide whether the request is appropriate. If it refuses to call the witnesses requested, it will do so in a reasoned judgement.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Hearing victims/plaintiffs (707)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the public prosecutor, the judicial police officers, the government officials authorised by special laws and also the adjudicating Court.

In addition to that, the following:

- Article 43 of the Code of Criminal Procedure: A person who files a civil action in criminal proceedings cannot be heard as a witness.
- Article 143 of the Code of Criminal Procedure: The President will be in charge of the submissions and the police will be in charge of the hearing. The submissions (and closing) are public and are held in the presence of a representative of the public prosecution and the parties unless the Court decides to hold the proceedings in camera, either on its own initiative or at the request of the public prosecution in order to safeguard law and order and public morals. This will be mentioned in the transcript of the hearing. If the complainant is present and is not filing a civil action, they will be heard first.

4. Accepted languages for the request/decision

The accepted language is Arabic, however applications prepared in French can be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures

carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor; remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Hearing experts (708)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

A person capable of having knowledge of the facts to be proved may be heard as an expert.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia for instance:

- United Nations Convention against Corruption of 2003;
- International Convention on the Fight against the Financing of Terrorism of 1999;
- the Single Convention on Narcotic Drugs of 1961;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- Palermo Convention on Transnational Organized Crime of 2000;
- Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the public prosecutor in a case in which rapid action is required, the Judicial police officers (in a case in which rapid action is required or letters rogatory from an examining magistrate), government officials authorised by special law and the adjudicating Court.

In addition to that, the following:

Article 53 of the Code of Criminal Procedure: Assisted by their clerk, the investigating judge will hear witnesses, question the accused and undertake searches on-site, house visits and the seizure of evidence.

Article 59 of the Code of Criminal Procedure: The investigating judge has a right to hear any persons whose testimony they deems useful.

Article 65 of the Code of Criminal Procedure: Witnesses are heard separately and without the presence of the accused. They testify without the aid of any document. At the beginning of their testimony, they are invited to state their identity and indicate whether there is any reason for reason for objecting to their testimony on the basis of the relationship between them and one of the parties.

Once they have testified, the judge can question them, confront them with each other or with the accused and, with their assurance, undertake any operations that are useful for ascertaining the truth.

The testimony and confrontations are recorded in the transcript which is read out to the parties appearing and then signed by them, the magistrate and the clerk.

If a witness is unwilling or unable to sign, this will be mentioned.

Article 66 of the Code of Criminal Procedure: If the accused or witnesses do not speak Arabic, an interpreter will be officially assigned by the examining magistrate.

If the witness or accused are deaf or dumb, the questions and answers will be in writing.

If they cannot write, they will be given an interpreter capable of conversing with them or who is accustomed to doing so.

If the interpreter is not already sworn in, they will take an oath to translate the testimony faithfully. The transcript will mention the surname, first name, age, profession and domicile of this interpreter who will sign it as a witness.

Article 144 of the Code of Criminal Procedure: The Court may hear any witnesses whose testimony they deems useful. The representative of the public prosecution, the plaintiff and the accused may request to have witnesses heard. They must indicate the identity of these witnesses and the subject matter of their testimony. The Court will decide whether the request is appropriate. If it refuses to call the witnesses requested, it will do so in a reasoned judgement.

4. Accepted languages for the request/decision

The accepted language is Arabic, however applications prepared in French can be accepted.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

Summoning suspects/persons accused (709)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

A suspect/accused person may be summoned during the police enquiry, the Court investigation and the hearing.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia for instance:

- United Nations Convention against Corruption of 2003;
- International Convention on the Fight against the Financing of Terrorism of 1999;
- the Single Convention on Narcotic Drugs of 1961;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- Palermo Convention on Transnational Organized Crime of 2000;
- Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the public prosecutor, the Officers of the judicial police and Government officials authorised by special laws.

In addition to that, the following:

Article 68 of the Code of Criminal Procedure: If the accused is free, they will be summoned in writing to be questioned. The summons will be sent by the administrative channel or served by a bailiff. It will indicate:

1. the surname, first name, profession and address of the accused;
2. the place, date and hour of the appearance
3. the nature of the accusation

Article 134 of the Code of Criminal Procedure: Subject to contrary legal provisions, a subpoena is sent by the administrative channel or served by a bailiff.

Article 135 of the Code of Criminal Procedure: A subpoena is issued at the request of the prosecution, plaintiff or any legally authorised administration. A subpoena will state the act at issue and the text of the law prohibiting it. It indicates the court to which the matter has been referred, the place, time and date of the hearing and specified the capacity of the addressee as accused, party incurring civil liability or witness. If it is issued at the plaintiff's request, it should mention the surname, first name, profession and actual domicile of the latter. A witness subpoena must also mention that a failure to appear, refusal to testify or false testimony are punishable by law.

Article 136 of the Code of Criminal Procedure: The gap between the day on which the subpoena is served and the date set for the appearance at the hearing must be at least three days. If the addressee lives outside of the territory of the Republic, this gap is extended to thirty days.

Article 137 of the Code of Criminal Procedure: A subpoena served on an accused in detention will be made through the chief superintendent of the prison.

Article 139 of the Code of Criminal Procedure: The subpoena must be handed to the interested party, their representative, their servant or any person living with them, provided that the latter is of sound mind. If the party tasked with handing over the subpoena does not find anyone at home or if the person found there refuses to take the subpoena, it will be handed to the head of the district, sheikh, police station or National Guard in the district in which the interested party lives.

Article 140 of the Code of Criminal Procedure: The original or the stub of the subpoena indicates the name and capacity of the person tasked with handing the subpoena to the interested party as well as the date of handover. They will contain the signature of the party on whom the subpoena is served and if they are unwilling or unable to sign, this will be mentioned. They must also contain the signature of the person ensuring handover. They are sent back immediately to the clerk of the court to which the matter has been referred and are then appended by the clerk to the trial documents.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Hearing suspects/persons accused: standard procedure (710)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

This is an interrogation of the person under investigation concerning the acts and evidence giving rise to the accusation.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia for instance:

- United Nations Convention against Corruption of 2003;
- International Convention on the Fight against the Financing of Terrorism of 1999;
- the Single Convention on Narcotic Drugs of 1961;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- Palermo Convention on Transnational Organized Crime of 2000;
- Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the public prosecutor in a case in which rapid action is required, the judicial police officers, government officials authorised by special laws and the adjudicating Court.

In addition to that, the following:

Article 72 of the Code of Criminal Procedure: The judge first hears the accused persons separately and will then confront them with each other or with the witnesses, if applicable. The questions and answers as well as any incidents occurring during the interrogation will be recorded in the transcript of the hearing. The interrogation is read back to the accused, then all the pages are numbered and initialled and signed by the judge, court clerk, party appearing and, if applicable, the lawyer and interpreter. If the accused is unwilling or unable to sign, this will be mentioned and the reason given. Unless the accused expressly renounces this right, they will only be questioned in the presence of their counsel, who must have been duly summoned at least twenty-four hours in advance.

The trial documents are made available to counsel on the day before each of the interrogations of the accused. The counsel for the accused may only speak after being authorised to do so by the examining magistrate. If they are refused permission, this must be mentioned in the transcript. The counsel's statements must also be mentioned. The judge will assess whether or not it is appropriate to take any additional investigative measures requested in order to ascertain the truth.

Article 74 of the Code of Criminal Procedure: If the accused refuses to reply or simulates infirmities that would prevent them from doing so, the judge will warn them that the court will dispense with the examination and this warning will be mentioned in the transcript.

Article 79 of the Code of Criminal Procedure: After execution of a bench warrant, the examining magistrate will question the accused within three days at the latest from their entry into the place of detention. Upon expiry of this deadline, the accused will be automatically taken, at the responsibility of the superintendent, to the public prosecutor, who will request an immediate interrogation with the examining magistrate. If the accused is unwilling or unable to comply, the interrogation will be held by the president of the court or any judge they appoints, failing which the public prosecutor will order the immediate release of the accused.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Hearing suspects/persons accused: by video conference (711)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia for instance:

- United Nations Convention against Corruption of 2003;
- International Convention on the Fight against the Financing of Terrorism of 1999;
- the Single Convention on Narcotic Drugs of 1961;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- Palermo Convention on Transnational Organized Crime of 2000;
- Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the public prosecutor in a case in which rapid action is required, the judicial police officers (in a case in which rapid action is required or letters rogatory from an examining magistrate), government officials authorised by special laws and the adjudicating Court.

The legal authority like the investigating judge and the adjudicating Court.

In addition to that, the following:

Article 49 of Law No. 2003-75 of 10 December 2003 concerning support for international efforts in the fight against terrorism and money-laundering. In the case of risk of delay, the examining magistrate or president of the court may, as the case may be and if the circumstances require it, order that the investigation or hearing be held in a place other than its usual location, without prejudice to the accused person's right to a defence. They may proceed to interrogate the accused and to hear any persons whose testimony they consider useful by using appropriate means of visual or aural communications without any need for them to appear personally at the hearing. Suitable measures will be taken in order to avoid revealing the identity of the persons questioned. It should be noted that sole jurisdiction lies with the Tunis Court of First Instance in relation to terrorist offences.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

Hearing suspects/persons accused: by telephone (712)

1. Is this measure possible in your State under International Judicial Cooperation?

This measure is not possible.

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2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Confrontation (713)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, if this is possible.

If there is a contradiction between the suspects/accused persons/witnesses, a confrontation may be held.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia for instance:

- United Nations Convention against Corruption of 2003;

EUROMED JUSTICE

EuroMed Fiches

- International Convention on the Fight against the Financing of Terrorism of 1999;
- the Single Convention on Narcotic Drugs of 1961;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- Palermo Convention on Transnational Organized Crime of 2000;
- Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

The judicial authority like the investigating judge, the Criminal Court of Appeal, the public prosecutor, the judicial police officers, government officials authorized by special laws and the adjudicating Court.

In addition to that, the following:

Article 65 of the Code of Criminal Procedure: Witnesses are heard separately and without the presence of the accused. They testify without the aid of any document. At the beginning of their testimony, they are invited to state their identity and indicate whether there is any reason for objecting to their testimony [on the basis of the relationship] between them and one of the parties. Once they have testified, the judge can question them, confront them with each other or with the accused and, with their assurance, undertake any operations that are useful for ascertaining the truth. The testimony and confrontations are recorded in the transcript which is read out to the parties appearing and then signed by them, the magistrate and the clerk. If a witness is unwilling or unable to sign, this will be mentioned. Pursuant to article 143 of the Code of Criminal Procedure, the adjudicating court may undertake any useful confrontations

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

The assistance or participation of agents of the requesting State in the execution of the measure is possible if this is provided for in the bilateral convention concluded by Tunisia and the requesting State. In the absence of a convention, the question will be dealt with on a case-by-case basis.

8. CROSS-BORDER OPERATIONS

Cross-border observation (801)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible yet. This will depend in the future on whether a bilateral or multilateral convention dealing with the question will have been concluded.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

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b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Cross-border hot pursuit (802)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible yet. This will depend in the future on whether a bilateral or multilateral convention dealing with the question will have been concluded.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Cross-border tracking (by placing a beeper on a vehicle or a person) (803)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible yet. This will depend in the future on whether a bilateral or multilateral convention dealing with the question will have been concluded.

2. International legal framework applicable for this measure in your State

Not applicable.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognize the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

Controlled deliveries (804)

1. Is this measure possible in your State under International Judicial Cooperation?

Yes, this measure is possible.

2. International legal framework applicable for this measure in your State

All international bilateral and multilateral conventions ratified by Tunisia, for instance:

- The United Nations Convention against Corruption of 2003;
- The International Convention on the Fight against the Financing of Terrorism of 1999;
- The Single Convention on Narcotic Drugs of 1961;
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
- The Palermo Convention on Transnational Organized Crime of 2000;
- The Additional Protocol to the United Nations Convention on Transnational Organized Crime with a view to Preventing, Repressing and Punishing Human Trafficking and in Particular the Trafficking of Women and Children.

In the absence thereof, the question will be dealt with on a case-by-case basis and according to the principle of reciprocity.

3. Competent authority to:

a. Receive the request/decision for judicial cooperation

In the area of judicial cooperation, the decision to accept and to cooperate is the responsibility of the Directorate-General of Criminal Affairs at the Ministry of Justice.

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In all cases, the application from the requesting State must be presented in the form of a legal request sent through diplomatic channels containing all useful information regarding the facts of the case and the tasks entrusted to the requested authority.

b. Execute/recognize the measure (if other than the receiving authority)

International judicial cooperation, which includes also receiving requests for mutual legal assistance and the execution of rogatory letters is the responsibility of the Ministry of Justice in Tunisia, the public prosecutor, the prosecutor of the republic and investigating judges.

4. Accepted languages for the request/decision

Officially, the accepted language is Arabic, but unofficially, applications can be processed in French.

5. Deadlines for the execution of the request/decision (where applicable)

The law does not establish a specific time frame. In fact, applications can be processed immediately.

6. Concise legal practical information

a. Special requirements

There are no specific needs, however double criminality and reciprocity are always required.

b. Other useful information

Confidentiality. Given the very sensitive nature of cases related to terrorist crimes, the information relating to this, and in particular information relating to the special investigative techniques and investigative procedures carried out by special agents of national safety with the assistance of the telecommunication technical agencies and under the supervision of the public prosecutor, remains confidential for reasons of national security.

Joint investigation teams (805)

1. Is this measure possible in your State under International Judicial Cooperation?

No, this measure is not possible yet. This will depend in the future on whether a bilateral or multilateral convention dealing with the question will have been concluded.

2. International legal framework applicable for this measure in your State

Not applicable.

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3. Competent authority to:

a. Receive the request/decision for judicial cooperation

Not applicable.

b. Execute/recognise the measure (if other than the receiving authority)

Not applicable.

4. Accepted languages for the request/decision

Not applicable.

5. Deadlines for the execution of the request/decision (where applicable)

Not applicable.

6. Concise legal practical information

a. Special requirements

Not applicable.

b. Other useful information

Not applicable.

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