

MEMORANDUM OF UNDERSTANDING  
REGARDING  
MUTUAL LEGAL ASSISTANCE IN  
CRIMINAL MATTERS  
BETWEEN  
THE GOVERNMENT OF  
THE STATE OF QATAR  
AND  
THE SWISS FEDERAL COUNCIL

The Government of the State of Qatar

and

the Federal Council of the Swiss Confederation,

hereinafter referred to as the Signatories

GUIDED BY the traditional friendly relations and the fruitful cooperation between the two States;

DESIRING to improve the effectiveness of cooperation between the two friendly States in the field of mutual legal assistance in criminal matters;

AWARE of the need to ensure that cooperation is carried out in the most effective way;

ON THE BASIS of mutual respect for sovereignty and territorial integrity, equality, mutual benefit and non-interference in each other's internal affairs, with full respect for international law, including human rights;

IN OBSERVANCE of the constitutional and legal regulations of the respective States and their international obligations,

HAVE COME TO THE FOLLOWING UNDERSTANDING:

### **ARTICLE 1 – Objective**

1. The Signatories wish to further improve the existing cooperation in the field of mutual legal assistance in criminal matters as stated in articles 2 and 3 of this Memorandum.
2. This Memorandum aims at:
  - a. developing a firm foundation for future relations between the two States for cooperation in the field of mutual legal assistance in criminal matters;
  - b. defining the scope of mutual legal assistance in criminal matters;
  - c. enumerating measures for advancing cooperation;
  - d. promoting a greater understanding of each other's laws, legal system and legal institutions;
  - e. extending and strengthening the ties between the authorities directly responsible in the field of mutual legal assistance in criminal matters;
  - f. simplifying certain aspects of the mutual legal assistance procedure.

### **ARTICLE 2 – General principles of cooperation in the field of mutual legal assistance in criminal matters**

1. Mutual legal assistance in criminal matters can be sought and provided in accordance with the domestic legislation and the international obligations of the respective State, on the basis of reciprocity and in the context of this MoU.
2. The Signatories reaffirm their commitment to the rule of law, human rights and fundamental freedoms, in accordance with their obligations under international law.
3. The provisions of this Memorandum are without prejudice to existing obligations of the Signatories pursuant to treaties, bilateral arrangements, domestic legislation or otherwise.
4. This Memorandum can also be applied to requests for mutual legal assistance relating to acts or omissions committed before its coming into effect.

## **ARTICLE 3 – Scope**

1. Mutual legal assistance may be afforded in particular for the following purposes:
  - a. serving of documents;
  - b. obtaining and handing over of evidence;
  - c. seizure, confiscation and handing over of objects or assets.
  
2. The assistance may include the following measures:
  - a. effecting service of judicial documents;
  - b. taking evidence or statements of persons;
  - c. executing searches and seizures, and freezing of assets;
  - d. examining objects and sites;
  - e. providing of information, evidentiary items and expert evaluations;
  - f. providing of originals or copies of relevant documents and records, including bank, financial, corporate or business records;
  - g. identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;
  - h. handing over of objects or assets with a view to forfeiture or for restitution to the entitled natural or legal person;
  - i. facilitating the voluntary appearance of persons in the requesting State;
  - j. any other type of assistance in accordance with the domestic legislation of the requested State.

## **ARTICLE 4 – Further measures for advancing cooperation**

Measures with a view to further advancing the cooperation as stated in articles 2 and 3 may include:

- a. the exchange of materials concerning the relevant laws, legal systems and legal institutions of the respective State;
- b. the organizing of expert meetings in order to discuss questions and issues regarding mutual legal assistance, of a more general nature or with regard to concrete cases;
- c. the establishment and strengthening of appropriate contacts between the responsible authorities.

## **ARTICLE 5 – Confidentiality**

Each Signatory may apply the provisions regarding confidentiality as provided for in its domestic legislation.

## **ARTICLE 6 – Exchange of information with regard to the respective legal system**

The Signatories may exchange information on the respective legal systems, on national legislation in the field of mutual legal assistance in criminal matters as well as on the legal institutions involved.

## **ARTICLE 7 – Meetings and consultations**

The Signatories may, upon mutual agreement, hold meetings and consultations in order to exchange their practical experience and discuss issues of mutual interest either of a more general nature or with regard to concrete cases.

## **ARTICLE 8 – Central Authorities**

1. The Signatories may designate Central Authorities responsible for the cooperation in accordance with this Memorandum.

a. The Central Authority for the Swiss Confederation is:

The Federal Office of Justice of the Federal Department of Justice and Police  
(Bundesrain 20, CH-3003 Berne; phone: +41 58 462 11 20; fax: +41 58 462 53 80; e-mail: rh@bj.admin.ch)

b. The Central Authority for the State of Qatar is:

Public Prosecution  
Office of the Attorney General  
(P.O. Box 705, Doha; phone: +974 448 43270; fax: +974 4484 3151; e-mail: icb@pp.gov.qa)

2. Within the framework of this Memorandum, the Central Authorities may communicate directly with each other. Any changes regarding

the Central Authority should be communicated to the other Signatory through diplomatic channel.

### **ARTICLE 9 – Model request**

1. To facilitate and speed up cooperation between the Central Authorities, a model request, attached as Annex to this MoU, taking into consideration the particularities of the respective laws may be used.
2. The model request enumerates as a guideline the following types of mutual assistance in criminal matters:
  - a. hearing of persons;
  - b. obtaining evidence;
  - c. restraining assets or seizing objects;
  - d. handing over assets or objects for the purpose of forfeiture or return (asset recovery).

### **ARTICLE 10 – Consultations**

1. In order to ensure that cooperation is carried out in the most effective way, the Central Authorities may consult each other.
2. To that end, the Central Authorities may provide advice at the stage of drafting a request for mutual legal assistance.

### **ARTICLE 11 – Language**

1. The Central Authorities may communicate in English.
2. Requests for legal assistance and supporting documents should be accompanied with a translation into one of the languages of the requested State.
3. In urgent cases or when agreed by the Central Authorities, requests for legal assistance and supporting documents may be transmitted in English.
4. Other documents falling within the framework of this Memorandum should as a rule be transmitted in English.

## **ARTICLE 12 - Settlement of differences**

Differences between the two Signatories arising out of the interpretation, operation and implementation of this Memorandum should be settled amicably through consultations on the basis of mutual understanding and respect between the Central Authorities.

## **ARTICLE 13 - Amendments**


This Memorandum or its Annex may be amended at any time by mutual consent. All such amendments will be agreed upon in writing between the Signatories.

## **ARTICLE 14 – Effectiveness**

This Memorandum will come into effect on the date of its signature.

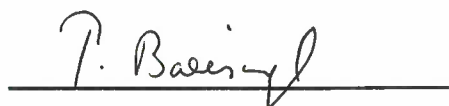
Signed at Berne on 6<sup>th</sup> March 2018, in two original copies in the English, German and Arabic languages, all texts being equally valid.

For the Government of  
the State of Qatar



H.E. Dr Ali bin Fetais Al Marri

For the Federal Council of  
the Swiss Confederation



H.E. Pascale Baeriswyl