

**Agreement on judicial cooperation in civil and criminal matters
between the Great Socialist People's Libyan Arab Jamahiriya
and the Arab Republic of Egypt**

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and the Arab Republic of Egypt**

In our endeavour to establish fruitful cooperation between the Arab Republic of Egypt and the Libyan Jamahiriya in the field of judicial cooperation in civil and criminal matters, the extradition of criminals, and the transfer of detained convicts;

And out of our desire to base this cooperation on solid foundations to achieve the wellbeing of our societies and ensure the stability thereof by providing judicial protection to individuals residing within the territory thereof;

have agreed to the following:

**Section (1)
General Provisions**

Article (1)

The Ministry of Justice in the Arab Republic of Egypt and the Secretariat of Justice in the Libyan Jamahiriya shall regularly share texts of the legislation in force, as well as legal and judicial publications, bulletins, and studies, and journals in which legal provisions are published.

Article (2)

The competent bodies in both countries shall undertake to exchange judicial cooperation in civil, commercial, personal status, and criminal matters, and to develop cooperation between themselves. Cooperation shall include the administrative procedures that are subject to litigation before the courts and before judicial investigation authorities.

Each country shall designate the central body that shall specifically be responsible for the following:

- a. Receive and follow up with requests for legal aid in accordance with the provisions of this agreement if the applicant is not a resident of the country by which he is wanted.
- b. Receive letters rogatory issued by a judicial body and sent thereto by the central body in the other country, and send these letters to the competent body for implementation.
- c. Receive notification and service of process requests sent thereto by the central body in the other country and follow up therewith.
- d. Receive and follow up with requests related to the implementation of expenses, as well as those related to the custody of children and visiting and viewing rights.

The Office of Judicial Body Affairs in the Secretariat of Justice in the Libyan Jamahiriya, and the Department of International Cooperation in the Technical Office of the Minister of Justice in the Arab Republic of Egypt, shall be the central authorities assigned to receive and follow up with cooperation requests in civil, commercial, personal status, and criminal matters. To that end, these central authorities shall maintain direct communication among themselves. When necessary, the matter shall be referred to the competent bodies thereof.

The requests and documents sent in implementation of the provisions of this agreement shall be exempted from any certification or similar procedure. The documents must be signed and stamped by the competent body for the issuing thereof. If the matter is related to a copy, it shall be certified by the competent body, indicating the conformity thereof to the original. In all cases, its physical appearance must reveal its validity.

In the event that serious doubt exists regarding the validity of a document, it shall be verified by the central authorities.

Article (3)

The citizens of both countries within the territory of the other country shall have easy recourse to courts in order to defend their rights and interests with the same terms prescribed for the citizens of the other country. They shall enjoy the same legal protection therein.

When exercising this right, they shall not be requested to present any warrantee or guarantee of their status as non-citizens or of their lack of a domicile or habitual place of residence within the territory of such country. This principle shall apply to the payments requested by prosecutors or interveners to secure judicial expenses.

Article (4)

The provisions of the previous article shall apply to all legal persons established or licensed in accordance with the law within the territory of either country and in which its main office is located, on the condition that the establishment and purpose thereof do not violate public order in the other country. Capacity to litigate for these legal persons shall be determined in conformity with the legislation of the country in which the main office is located.

Section (2)

Ensuring the Right to Litigate

Article (5)

The citizens of both parties shall enjoy the right to obtain legal aid consistent with that of the citizens thereof in accordance with the legislation in effect therein.

Article (6)

A certificate of the applicant's financial status shall be attached to the legal assistance request indicating the insufficiency of his resources. This certificate shall be provided by the competent body to the applicant at his habitual place of residence. If he is a resident of a different country, this certificate shall be provided thereto by the regionally competent representative of his country.

If the petitioned body deems it suitable, it may request additional information on the applicant's financial status from the competent authorities in his country of citizenship, especially if he is a resident of the petitioned country. The petitioned body shall inform the petitioning body of any difficulties related to addressing the request and to the decree issued in its regard.

Article (7)

Requests for legal aid shall be submitted accompanied by the supporting documents thereof:

1. Either directly to the competent adjudicating body in the petitioned country, in the event that the applicant is a resident thereof;
2. Or by means of the central authorities indicated in Article (2);

3. Or through their representatives, if the applicant is a resident of a third country.

Article (8)

The competent body shall not collect any fees or expenses for sending, receiving, or adjudicating requests for legal aid. Requests for legal aid shall be addressed urgently.

Section (3)

Cooperation between Judicial Bodies

Part (1)

Sending and Serving Judicial and Non-Judicial Papers and Documents

Article (9)

Judicial and non-judicial papers and documents in civil and commercial matter, personal status cases, criminal matters, and administrative cases directed at persons residing in the country of either party shall be sent directly to the competent body's counterpart in the country of the other party in whose jurisdiction they reside to notify them thereof, subject to the following:

1. Execution of the notification or service shall conform to the procedures in effect in the legislation of the petitioned country; however, addressed documents may be delivered to the recipient if he agrees to accept such.
2. The notification or service may be conducted in accordance with a special form on the basis of a stated request from the petitioning body, on the condition that it not conflict with the legislation of the petitioned country or its norms.

The notification or service received in either country in conformity with the provisions of this agreement shall be considered as if it had been completed in the other country.

Judicial and non-judicial papers and documents in criminal matters shall be sent through the Secretariat or Ministry of Justice and shall observe the provisions pertaining to criminal matters included in this agreement.

The provisions of this article shall not preclude the right of either party to serve judicial or non-judicial papers or documents directly to their citizens through their representatives or deputies. In the event of conflicting laws on the nationality of the person to which to paper or document is being sent, such shall be determined in conformity with the law where the service of process is being conducted.

Article (10)

If the body requested to serve judicial or non-judicial papers and documents is not competent, it shall automatically send them to the competent body in its country. If it is unable to do so, it shall refer them to the Ministry or Secretariat of Justice, and the petitioning body shall be notified immediately of the action in either case.

The country from which notification or service is requested may not refuse to process it, unless it finds that the implementation thereof shall prejudice its sovereignty or public order.

In the event of a refusal to implement, the body from which this was requested shall notify the petitioning body thereof with a statement indicating the reasons for refusal.

Article (11)

The task of the competent body in the party requested to deliver the papers and documents shall be limited to delivering them to the person whom it was requested to notify.

Delivery shall be confirmed in the form of the signature of the person requested for notification on a copy of the paper or document indicating the date of delivery, or a certificate prepared by the competent body clarifying the method of implementing the request, date of implementation, and the person to whom the paper or document was delivered. If necessary, it shall include the reason that prevented delivery.

The body from which certificates are requested indicating the completion of notification, or the delivery of judicial or non-judicial papers, may send them directly to the petitioning body through means other than the central authorities.

Article (12)

The service of judicial and non-judicial papers and documents shall not result in the payment of any fees or expenses in either country.

Article (13)

The judicial and non-judicial papers and documents shall be attached to a request containing the following information:

1. The body by which the judicial or non-judicial paper or document was issued.
2. The type of judicial or non-judicial paper or document requested for service.
3. The full name of every person that is to be notified or served as well as their profession, address, nationality if available, and the legal headquarters of legal persons as well as their address, and full name and address of their legal representatives, if available.
4. The subject and reason for the request.
5. The judicial characterisation of the crime and the articles applicable thereto.

Article (14)

The provisions of the previous article shall not preclude the right of each party's citizens residing in the other party's country to serve persons residing therein with all judicial and non-judicial papers and documents in civil, commercial, personal status, or administrative cases. The rules and regulations in effect in the country of the party being served shall be apply.

Article (15)

Service conducted in accordance with the provisions of this part shall be considered as if it had been received in the country of the party requesting service of process.

Part (2) Letters Rogatory

Article (16)

Judicial bodies in either country may request judicial bodies in the other country, through letters rogatory, to carry out the necessary judicial procedures related to cases present before them in civil, commercial, personal status, criminal or administrative issues.

Letters rogatory shall be sent in accordance with the form indicated in Article (2).

Article (17)

The two parties may also directly implement requests pertaining to their citizens through their representatives, especially those in which statements must be taken or examined by experts, or in which documents must be submitted or studied.

In the event of conflicting laws, the nationality of the person whose statements are to be heard shall be determined in conformity with the legislation of the country in which the request is being implemented.

Article (18)

The following information shall be included in the letter rogatory:

1. The issuing body and, if possible, the petitioned body.
2. The identity and address of the parties and, upon necessity, the identity and address of their representatives.
3. The subject matter of the case and a brief summary of the facts.
4. The judicial functions or procedures that are to be completed. If necessary, the letters rogatory shall also contain the following:
 - a. The names and addresses of the persons whose statements are to be heard.
 - b. The questions that are to be posed thereto or the facts concerning which their statements are to be taken.
 - c. The documents or other items that are to be studied and examined.
 - d. The special form that is to be applied.

Article (19)

Letters rogatory in civil, commercial, personal status, criminal, and administrative cases shall be sent directly from the requesting party's competent body to the judicial body that is to implement the other party's request. If it emerges that such body lacks jurisdiction, the request shall be automatically transferred to the competent judicial body. If it is unable to do hear the case, it shall transfer it to the central body stipulated in Article (2). The petitioning body shall be immediately notified of the action taken in either case and the reason therefor.

Article (20)

Letters rogatory that apply to criminal cases shall be sent directly through the Ministry or Secretariat of Justice. They shall be executed by judicial bodies on the basis of the procedures followed thereby, subject to the following:

1. In accordance with its own legislation, the petitioned country shall be responsible for implementing letters rogatory related to criminal cases sent thereto by the judicial bodies in the petitioning country. The subject thereof shall be undertaking the functions for verifying or sending evidence, files, documents, correspondences, or any other papers related to the crime.
2. If the petitioning country desires to have the witnesses or experts take an oath prior to giving their statements, this shall be explicitly stated. The petitioned country shall fulfill this request provided that it not be in violation of its legislation.
3. The petitioned country may send a notarised copy or version in conformity with the original requested documents. However, if the petitioning country indicates explicitly its desire to obtain the original, its request shall be granted whenever possible.
4. Judicial bodies may not use the information sent to the petitioning country, except within the scope of the cases for which it was requested.

5. The petitioned country shall inform the petitioning country of the time and place where the letter rogatory will be implemented, if the country expresses its desire therefor. The relevant bodies and persons shall be permitted to attend, subject to the approval of the petitioned country.

Article (21)

The petitioned country may postpone submitting the items, files, or documents that are to be sent if they are needed for a criminal procedure it is performing.

The petitioning country must return the items and original files and documents sent thereto in implementation of the letter rogatory to the petitioned country as quickly as possible, except if the petitioned country has disclaimed them.

Article (22)

The body being requested to implement the letter rogatory may refuse to execute it in the following cases:

1. If this implementation falls outside the jurisdiction of the judicial body of the party that is being requested to implement it.
2. If implementation would prejudice the sovereignty of the party that is being requested to do so, or the public order or safety thereof.
3. If the request is related to a crime considered to be of a political nature by the party that would implement it.
4. In the event of the refusal or inability to implement a letter rogatory, the petitioned body shall notify the petitioning body thereof immediately. It shall return the documents and state the reasons that necessitated the refusal or inability to implement the request.

Article (23)

The letter rogatory shall be implemented in accordance with the legal procedures in effect in the laws of the party requested to do so. On the basis of an explicit request by the petitioning body, the petitioned body shall do the following:

1. Implement the letter rogatory in conformity with the designated form provided that this form is not in violation of the legislation of the country thereof.
2. Notify in a timely manner the petitioning body of the date and time in which the letter rogatory shall be implemented in order to enable the relevant party to attend if it so wishes, or to appoint a representative therefor, in conformity with the legislation in force in the petitioned country.

Article (24)

Persons asked to provide testimony shall be assigned to attend through the means followed by the party to whom the testimony shall be given.

Article (25)

The procedure undertaken by virtue of a letter rogatory in accordance with the provisions of this agreement shall have the same legal effect as if it had been undertaken before the requesting party's competent body.

If the petitioned body finds that it requires additional clarifications to verify that the conditions stipulated in this part have been met, and finds it possible to fill this gap, it shall inform the

petitioning country thereof through its representatives. The petitioned country shall specify the timeframe for providing these clarifications.

Article (26)

The implementation of letters rogatory shall not result in the payment of any expenses by the requesting party except for the wages of experts, as well as the expenses of witnesses, which must be paid by the petitioner. A statement thereof shall be sent with the letter rogatory file.

Part (3)

Attendance of Witnesses and Experts in Criminal Cases

Article (27)

1. Witnesses or experts that appear before the judicial bodies of the petitioning country may not be tried, detained, or held in custody in that country regardless of their nationality, on the basis of a subpoena for prior acts or provisions concerning their departure from the territory of the country from which they are requested.
2. Persons that appear for trial before the judicial bodies of the petitioning country may not be tried, detained, or held in custody in that country regardless of their nationality, on the basis of a subpoena for other acts or provisions not indicated in the subpoena and that occurred prior to their departure from the territory of the country from which they are requested.
3. The immunity stipulated in this article shall expire if the witness, expert, or requested person remains in the petitioning country for thirty consecutive days despite his ability to depart therefrom after his presence is no longer needed by the judicial bodies, or if he returns to the petitioning country after his departure.

Article (28)

Witnesses or experts shall have the right to collect travel and accommodation expenses, as well as any foregone wages or earnings, from the requesting party. Experts shall also have the right to claim remuneration for providing their opinions. This shall be determined on the basis of the rates and regulations in force with the requesting party.

The money earned by the witness or expert shall be noted in the subpoena papers. Upon the request of the witness or expert, the requesting party shall pay these sums in advance.

Article (29)

Each party shall be responsible for transferring the person imprisoned thereby who was subpoenaed in accordance with the provisions of this agreement to appear before the other party's judicial body that has requested to hear his testimony or opinion as a witness or expert. The requesting party shall bear the expenses of his transfer.

The requesting party shall bear the responsibility for his stay as a prisoner and for returning him as quickly as possible or within the timeframe set by the requested party, subject to the provisions of Article (27) of this agreement.

The party transferring the imprisoned person in accordance with this article may refuse the transfer in the following cases:

1. If his presence is needed by the party that is to transfer him due to pending criminal proceedings.

2. If his transfer to the requesting party would result in an extension of his imprisonment period.
3. If there are special considerations or those that cannot be overcome that prevent his transfer to the country of the requesting party.

Part (4)
Sharing Information on Prior Convictions

Article (30)

Each party shall provide the other party with information on final judicial rulings issued against the citizens thereof, persons born therein, or residents of the country registered in the records of prior convictions in accordance with the relevant domestic legislation.

Article (31)

In the case of an indictment issued by either party's judicial body or other investigatory or prosecutorial body, that body may directly obtain an extract from the records of prior convictions pertaining to the indicted person from the competent body due to its necessity in a criminal case.

Article (32)

Outside of indictments, either party's judicial or administrative bodies may obtain an extract from the records of prior convictions from the other party's competent bodies within the circumstances and limits stipulated in its domestic legislation.

Part (5)
Notification to Initiate Public Action

Article (33)

1. Every notification of the occurrence of a crime issued from either country to the other shall be communicated between the Secretariat or Ministry of Justice.
2. The petitioned country shall notify the other of the actions it takes in regards to such notification. Upon necessity, it shall send a copy of the country's ruling issued in its regard.

Section (4)
Jurisdiction and Recognition of the Rulings Issued in Civil, Commercial and Personal Status Cases, and the Execution Thereof

Part (1)
Jurisdiction

Article (34)

Each party's courts shall have jurisdiction to adjudicate the following matters:

- a. *In rem* rights related to real estate in the country.
- b. The validity, invalidity, or dissolution of companies or legal persons whose main office is in the country, as well as in the validity or invalidity of their decisions.
- c. The authenticity of entries in the public registers of the country.
- d. The validity of the registration of patents, trademarks, fees, forms, and other similar rights that are registered or deposited in the country.
- e. Anything related to the execution of rulings if the place of execution is in the country.

Article (35)

The courts of the country in which the ruling to be recognised was issued shall be considered competent in conformity with this agreement in the following cases:

- a. If at the time that the case is initiated, the domicile or place of residence of the defendant, or of one of them if there are multiple defendants, is in that party's country, or if he has a representative present therein. The domicile of a natural person shall refer to his habitual place of residence, the place of his activity for cases related to that activity, his elected domicile, or his last known domicile if he has left it and become of unknown domicile. The domicile of a legal person shall refer to its headquarters, centre or branch, in the event that the case is related to the use of this centre or branch, and its summons is sent there.
- b. If the contractual obligation in dispute was implemented or is to be implemented by that party by virtue of an explicit or tacit agreement.
- c. In cases of non-contractual liability, if the action entailing liability occurred in that party's country.
- d. If the defendant explicitly accepts the jurisdiction of that party's courts, whether by appointing an elected domicile, or by agreeing on the jurisdiction thereof.
- e. If the defendant delivers his defence on the subject matter of the case without claiming the lack of jurisdiction of the court before which the dispute has been brought.
- f. If the matter is related to a counterclaim or interlocutory motions, and these courts are competent to adjudicate the original case by virtue of the provisions of this agreement.
- g. If the case is related to capacity, or if the alimony creditor has a domicile or place of habitual residence within that country's territory. If the case is related to matters of custody if the family's place of residence or last place of residence is within that country's territory, in regards to citizens of the party who hold citizenship therein at the time that the case is filed.

When examining the territorial jurisdiction of the court of the country in which the ruling was issued, the petitioned body shall consider the facts that the court relied on in determining jurisdiction, except if the ruling was issued in absentia.

Article (36)

Each party's courts must automatically rule a lack of jurisdiction to adjudicate cases originally brought before them:

- a. If the courts of the other party have subject-matter jurisdiction in accordance with Article (34).
- b. If the court determines that it lacks jurisdiction under the relevant legislation.

Article (37)

If cases that are unified with respect to the persons, subject matter, and grounds are filed before multiple competent courts under the provisions of this agreement, the court to which the case was first filed shall hold jurisdiction, subject to the provisions included in this part.

Article (38)

Each country shall recognise the rulings issued by the other country's courts in civil and commercial matters that have acquired the force of *res judicata*. It shall execute them in accordance with the rules included in this part. The same shall apply to rulings issued by criminal courts in matters of compensation for damages and reimbursement.

This shall also apply to rulings issued in matters of personal status, alimony and the custody of children. This part shall apply to every decision regardless of the name thereof, issued by a judicial body on the basis of judiciary or jurisdictional procedures.

Part (2) **Recognition of Rulings**

Article (39)

Judicial rulings and jurisdictional decisions issued by judiciary bodies in either of the countries shall be recognised by force of law in the other country if the following conditions are met:

- a. The ruling is issued by a competent judicial body under international jurisdictional rules determined by the party that is to recognise or execute, or that is competent pursuant to the provisions of the previous part.
- b. The convicted person was summoned, represented, or had his violation inspected on the basis of the law of the country in which the ruling was issued, and on the basis of the provisions of this agreement.
- c. The ruling has acquired the force of *res judicata*. It has become enforceable pursuant to the law of the country in which it was issued. However, rulings issued in personal status matters related to payment of alimony, visiting, and seeing, shall be recognised when it is enforceable in the country in which it was issued.
- d. The ruling does not include anything that violates public order in the country from which recognition or an execution order is requested.
- e. There is not a dispute between the same litigants on the same subject matter and based on the same facts.
 - Brought before a judicial body in the country petitioned to recognise the ruling, if the dispute had been filed there first;
 - A ruling has been issued thereon by a judicial body in the petitioned country that meets all of the necessary conditions for recognition;
 - Or a ruling has been issued in its regard in a third country that meets all of the necessary conditions for recognition in the petitioned country.
- f. The ruling shall not have been issued in violation of the requirements of Articles (36) and (37).

Article (40)

The rules prescribed in this part shall not apply to the following:

- a. Rulings for which recognition or execution orders are in contradiction of international treaties and agreements in force in the country of the party petitioned to order execution.
- b. Rulings issued on bankruptcy, composition, judicial settlement and insolvency, and on taxes, fees, and provisional rulings.

Part (3) **Execution of Rulings**

Article (41)

Execution orders shall be issued on the basis of a request from someone who has standing in the execution. This shall be on the part of the competent body pursuant to the law in the country in which it is being requested.

Procedures for requesting the execution order shall be subject to the law of the country in which it is being requested.

Article (42)

Rulings recognised by force of law shall not establish the right to take any compulsory execution measure. They shall not serve as the basis for any action undertaken by the competent body, such as recording in the public registers, except upon an execution order. However, in personal status matters, it is permitted to endorse rulings that have acquired the force of *res judicata* and that do not have a writ of execution appended in the civil status records, provided that this is not in violation of the law of the country in which these records are held.

Article (43)

Rulings issued by judicial bodies in either country that are recognised in the other country in conformity with the requirements of this agreement shall be enforceable in the petitioned country in accordance with the implementation procedures decreed by the relevant legislation.

The judicial body petitioned for execution shall be responsible for verifying that the ruling meets all conditions included in Part (2) without consideration of the subject matter of the ruling. The order to execute may be partial, where it applies to any of the parts of the ruling that is maintained.

In addition to the documents necessary for recognising the ruling, the litigant in the case that is requesting the execution order shall submit a certificate from the competent body indicating, for personal status matters, that the ruling is enforceable, for some matters that the ruling is unenforceable, and for other matters that the ruling is not subject to appeal and enforceable.

Article (44)

The effects of the order to implement shall apply to all persons included thereunder that reside in the country in which the execution order is issued.

The ruling for which the execution order was issued shall receive, beginning from the date of the issuance of the order, the same executive force as that received by rulings issued by the same court that issued the execution order.

Article (45)

Anyone advancing a ruling that has acquired the force of *res judicata* or who is requesting the execution thereof must submit the following:

- a. An executive copy of the ruling that meets all of the conditions necessary for authenticity.
- b. A copy of the notification of the ruling or any other document equivalent to notification.
- c. A certificate from the competent body confirming that the ruling was not appealed through ordinary or extraordinary means.
- d. An official copy of the summons report addressed to the party convicted in absentia.

Part (4)

Recognition and Enforcement of Arbitration Awards and Judicial Conciliation

Article (46)

Arbitration awards issued in the other party's country shall be recognised and enforced thereby in the same way that rulings stipulated in the previous part are enforced, regardless of the nationality of those included thereunder and subject to the legal rules of the enforcing party.

The order to enforce the award may only be rejected in the following cases:

- a. If the law of the country petitioned to recognise or enforce the arbitration award does not allow resolution of the subject matter of the dispute through arbitration.
- b. If the arbitration award is issued in implementation of a void or incomplete arbitration clause or agreement.
- c. If the arbitrators are not competent under the arbitration agreement or clause or under the law pursuant to which the arbitration award was issued.
- d. If the litigants are not properly summoned to appear.
- e. If the arbitration award contains something that violates the public order of the contracting party petitioned to enforce the award.

Article (47)

Executive judicial conciliation in either country shall be enforceable in the other country with the same conditions required for the enforcement of the judicial rulings therein and within the limits permitted by the legislation of that country.

Article (48)

The provisions of this section shall apply to all natural or legal persons regardless of their nationality.

Section (5)

Extradition of Accused Persons and Convicts

Article (49)

Each party shall agree to extradite to the other party persons present in its territory that have been accused by competent bodies or convicted by other judicial bodies of the party requesting the extradition. This shall be in accordance with the rules and conditions stipulated in this section.

Article (50)

The persons indicated below shall be extradited:

- a. Anyone who has been accused of actions punishable pursuant to the laws of both parties, the party requesting extradition and the party from which extradition is requested, with a custodial sentence for a period of at least one year.
- b. Anyone convicted in person or in absentia by the courts of the party requesting a custodial sentence for a period of at least one year.

Article (51)

Extradition shall be prohibited if the crime for which the person is requested is considered by the party by which he is requested to be a crime of a political nature or related thereto.

An attempt on the life of a leader or president of either country shall not be considered a crime of a political nature.

Article (52)

Extradition shall be prohibited in the following cases:

- a. If all or part of the crime for which it is requested is committed within the territory of the party to which the extradition is requested, or in a place subject to the jurisdiction thereof.

- b. If the party to which extradition is requested has issued a final verdict with regards to the crime.
- c. If the case has expired or the penalty has been dropped for any reason pursuant to the legislation of the requesting party or the party to which extradition is requested at the time that the extradition request is received.
- d. If the crime is committed outside of the requestor's country by a person who does not bear the nationality thereof, and if the legislation of the party to which extradition is requested is not authorised to file accusations against such a person.
- e. If the crime is a pending matter inside the country of the party to which extradition is requested, or if a verdict was previously issued in its regard by the courts of either party or the courts of a third country.
- f. If a pardon is issued in the petitioning or petitioned country. In the latter case, the crime must be one for which this country may hand indictments if it is committed outside of the territory thereof by a foreigner.
- g. If the petitioned country has serious cause to believe that the extradition request, even if based on a crime of public law, is submitted either in order to prosecute or penalise the person for considerations related to race, religion, nationality, or political opinion, or if any of these considerations would be applicable to settling this person's status.
- h. If the crime for which extradition is requested is considered a purely military crime.

Article (53)

Extradition may be refused if the relevant crime is punishable by execution in the legislation of only one of the two countries.

Article (54)

Neither party may extradite its citizens. Within the limits of their respective jurisdictions, they shall undertake to indict any of their citizens who commit crimes punishable in the law of each country with a custodial sentence for a period of at least one year in the territory of the other party. In this regard, they may have recourse to the investigations performed by the petitioning country.

Article (55)

Extradition is permitted in fee, tax, customs, and financial matters according to the conditions prescribed in this agreement, as agreed by an exchange of messages for each crime, or specifically for each specific type of crime.

Article (56)

The extradition request shall be submitted in writing by the requesting party's Ministry or Secretariat of Justice directly to the Ministry or Secretariat of Justice of the party from which extradition is being requested.

The extradition request shall be accompanied by the following documents:

- a. If the request concerns a person under investigation, attached thereto shall be an arrest warrant from the competent judicial body with a brief description of the facts of the crime in question. Also attached thereto shall be a (certified) copy of the legal text applicable to this crime, and an official copy of the investigation documents if available.
- b. If the request concerns a person convicted pursuant to an enforceable ruling, a facsimile of that ruling shall be attached thereto.
- c. A description of the wanted person in as much detail as possible, and any other information for the purpose of determining his identity and nationality.

Article (57)

In urgent cases and on the basis of a request from the requesting party's competent body, the person shall be temporarily arrested pending the arrival of the extradition request and the documents mentioned in the previous article.

The arrest request shall be sent to the competent body of the party from which extradition is requested directly through post, telegraph, or any other means that leave a written trace. It shall simultaneously be confirmed through the Ministry or Secretariat of Justice of the party from which extradition is requested. Mentioned therein shall be the attachment of the documents designated in the previous article, as well as a declaration of the intention to send the extradition request. It shall also mention the crime for which the extradition request is needed and the date and place it was committed, with a description of the wanted person to the greatest possible extent. The body requesting the extradition shall be informed of what has become of its request without delay.

Article (58)

If the contracting party from which extradition is requested does not receive one of the documents mentioned in Article (56) within thirty days of the temporary arrest, the person may be released. However, the release thereof shall not preclude his re-arrest and extradition if the extradition request is completed later.

Article (59)

If it the party from which extradition is requested realizes that it requires additional information to verify that all prescribed conditions in this section have been met, and considers that rectifying this insufficiency is possible, it shall provide notification thereof through the requesting party's Ministry or Secretariat of Justice before refusing the request. The petitioned party may determine the timeframe for obtaining this information.

Article (60)

Each party's competent body shall decide on extradition requests submitted thereto in accordance with the law in force at the time of its submission. The party from which extradition is requested shall notify the requesting party's competent body of its decision in that regard.

The reasoning of the full or partial rejection decision shall be provided. In the case of acceptance, the requesting party shall be notified of the place and date of extradition.

The requesting party shall receive the wanted person at the designated date and place therefor. If the person is not extradited at the designated place and date, he may be released fifteen days after that date. In any case, he shall be released thirty days after the date designated for extradition without its completion. His extradition may not be requested again for the act or acts for which extradition was requested.

If exceptional circumstances prevent the extradition or receipt of the person in question, the concerned party must inform the other party thereof before expiration of the timeframe. The two parties shall agree on a final deadline for extradition, after which the person shall be released. His extradition may not be requested again for the act or acts for which extradition was already requested.

Article (61)

If the party from which extradition is requested receives multiple requests from other countries, whether for the same or for different crimes, it shall decide on these requests with absolute freedom. It shall take into consideration all circumstances, especially the date of these requests' arrival, the seriousness of the crime, and the place it was committed.

Article (62)

If it is decided to extradite the wanted person, the items obtained from the crime, used therein, or related thereto that can be used as evidence and are in the possession of the person whose extradition is wanted at the time of his arrest or are discovered later, shall be seized and submitted to the requesting party on the basis of a request thereby.

The aforementioned items may be submitted even if the wanted person is not extradited due to his flight or death. The rights acquired by the party from which extradition is requested or those of others to these items shall be maintained, without prejudice to the provisions of the law in force in the party from which extradition is requested. The items must be returned to the party from which extradition is requested at the expense of the requesting party as quickly as possible after the completion of the indictment procedures taken by the requesting party.

The party from which extradition is requested may temporarily keep the detained items if it finds that they are needed in the criminal proceedings. When sending them, it may also maintain the right to have them returned for the same reason with a pledge to return them itself when able.

Article (63)

If the person whose extradition is requested is indicted or convicted by the extraditing party for a crime other than that for which his extradition is requested, that party must nevertheless issue a decision on the extradition request. It must inform the requesting party of its decision thereon in accordance with the procedures stipulated in Article (60) of this agreement. In the event of acceptance, the extradition of the wanted person shall be postponed until completion of his trial by the party from which he is to be extradited; if he is convicted, it shall be postponed until the sentence for which he was convicted is implemented. In this case, the stipulations of the article mentioned in the previous article must be followed.

Article (64)

The person who was extradited may not be indicted or tried in person, nor imprisoned in execution of a sentence inflicted for any crimes committed prior to the date of extradition, except for the crimes for which he was extradited and crimes related thereto, or crimes he committed after extradition, except in the following cases:

- a. If the extradited person is freed and provided with a means to exit the country of the party to which he was extradited. If he does not leave within 30 days of this final release, or if he exits therefrom and returns thereto of his own volition.
- b. If the party that extradited him agrees thereto, on the condition that a new request is submitted with the documents stipulated in Article (56) of this agreement attached thereto, and with a judicial report containing the statements of the extradited person concerning the extension of the extradition. It shall indicate that he received the opportunity to submit a defence memorandum to the competent body of the party from which the extradition is requested.

If a change occurs to the description of the crime attributed to the extradited person during the proceedings, they shall not continue and he shall not be tried, except if extradition is valid in the crime based on its new description.

Article (65)

The requesting party may not extradite the extradited person to another country, except upon the approval of the party that extradited him. It shall not require this approval if the extradited person remains within its territory, or returns thereto of his own volition according to the conditions prescribed in the previous article.

If an amendment is made to the legal characterisation of the act constituting the crime while procedures are being taken against the extradited person, he may not be indicted or punished, except if the elements constituting the crime with its new characterisation allow extradition.

Article (66)

Both parties shall permit passage of the person that is to be extradited to another country through their own territory. This shall be based on a request sent thereto. The request shall be supported by the documents required for conformation that the matter is related to a crime that may lead to extradition under the provisions of this agreement.

In the event of the use of aerial means to transport the person that is to be extradited, the following rules shall be observed:

- a. If the airplane is not scheduled to land in a given territory over which it passes, the requesting party shall inform the other party whose airspace the airplane will cross through that the documents stipulated in Article (56) of this agreement exist.

In the event of an emergency landing, the requesting party may, under the provisions of Article (65) of this agreement, send a request for the arrest of the person who is to be extradited pending the submission of a request for passage in accordance with the conditions stipulated in Paragraph (1) of this article to the country in whose territory the airplane landed.

- b. If the airplane is scheduled to land in a given territory, the requesting party must submit a request for passage. In the event that the party requested to approve the passage is also requesting the extradition thereof, the passage shall not occur until after an agreement is reached between the requesting party and that country in this regard.

Article (67)

The party from which extradition is requested shall bear all expenses accrued for the extradition procedures that are taken within its territory. The requesting party shall bear the expenses of transporting the person outside of the country of the country from which his extradition is requested.

The requesting party shall bear all expenses for the extradited person's return to the place where he was at the time of his extradition, if his lack of responsibility is proved or he is acquitted.

Section (6)
Transfer of Convicts with Custodial Sentences

Part (1)
General Provisions

Article (68)

The two countries shall agree to transfer imprisoned convicts for the purpose of implementing the provisions issued by the courts of either country against one of the other country's citizens, in accordance with the rules and conditions set forth in this section.

Article (69)

In the implementation of the provisions of this section, the following terms shall have the following meanings:

Country of conviction: The country in which the person who is to be transferred is convicted.

Country of implementation: The country to which the convict is transferred for the completion of the implementation of the penalty inflicted.

Convict: Any person in custody in implementation of a ruling issued for his conviction by the courts of either country, as long as he has not been indicted for a crime for which a ruling has not been issued.

Article (70)

The transfer request shall be submitted by the country of conviction or country of implementation. The convict or his legal representative shall submit a transfer request to either country.

Article (71)

The transfer request shall meet the following conditions:

1. The convict shall bear the nationality of the country of implementation at the time when the request is submitted.
2. The act for which the conviction ruling is issued shall be punishable in the law of the country of implementation with a custodial sentence.
3. The conviction ruling must be decisive and enforceable.
4. The conviction ruling shall not be based on proceedings for which a criminal case has been held in the country of implementation. It shall not have had a decisive ruling issued therefor that has been implemented in the country of implementation. The punishment shall not have expired under the statute of limitations.
5. The conviction ruling shall not have been issued for a crime related to drugs, a strictly military crime, or other crimes that prejudice the sovereignty, security, or public order of either country.
6. The remaining duration of the custodial sentence that must be enforced shall be no less than one year at the time of submission of the transfer request. In exceptional cases, the two countries may agree to transfer when the duration remaining of the sentence that must be enforced is less than that.
7. There shall be no discrepancy between the sentence implementation systems of the two countries.
8. The convict shall agree to the transfer. In the event of his inability to express his will, approval shall be issued by his legal representative. His will shall be expressed in accordance with the law of the country of conviction.

Article (72)

The country of conviction may reject the transfer request in the following cases:

1. If the acts for which the conviction ruling was issued are grounds for criminal procedures being undertaken by the judicial bodies in the country of implementation.
2. If the convict fails to pay the fines, compensation, and any other sums that he must pay by virtue of the conviction ruling.
3. If the convict bears the nationality of the country of conviction at the time of the commission of the act for which the conviction ruling was issued.

Article (73)

The country of conviction shall notify in writing any convict detained thereby that is a citizen of the country of implementation of the essential provisions of this agreement, and of any decision issued by either country concerning the transfer request.

Article (74)

The true will of a convict for transfer shall be verified in the country of conviction for the country of implementation on the basis of a request therefrom through a representative.

Article (75)

The competent body in either country shall investigate the transfer request and the fulfilment thereof. It shall issue a decree regarding the acceptance or rejection thereof as quickly as possible. It shall notify the country requesting the decree.

The transfer of the convict shall be implemented in the event of the approval thereof as quickly as possible.

Part (2) Procedures

Article (76)

The transfer requests and responses related thereto shall be directly submitted in writing through the Ministry or Secretariat of Justice in either country. The request shall be comprised of the following:

- a. The most precise available information on the identity, nationality, place of residence, and country of the convict.
- b. A thorough statement on the conviction ruling issued against the convict.
- c. A declaration from the convict or his legal representative approving the transfer and his knowledge of the effects resulting therefrom.

Article (77)

The request submitted by the country of conviction shall be accompanied by the following documents:

- a. An official copy of the conviction ruling issued, attached with proof that it is has become decisive and enforceable.
- b. A copy of the legislative texts on which the conviction ruling is based.
- c. A statement of how much of the sentence has been implemented, the manner of its implementation, and the duration for which the convict was held in provisional detention, and all important information related to implementation.

Article (78)

The request submitted by the country of implementation shall be accompanied by the following documents:

- a. A certificate indicating that the convict is a citizen thereof at the time of the request's submission.
- b. A copy of the legislative texts that indicate that the actions for which the conviction ruling was issued constitute a criminal offence in the country of implementation and the penalties prescribed therefor.
- c. A declaration of the method of implementing the conviction ruling subject of the request.

Article (79)

The petitioned country shall provide the petitioning country with the documents mentioned in Articles (76) and (77).

In the event of an insufficiency of information available thereto, the petitioning country may request necessary supplementary information. It shall specify the timeframe for receiving this information that may be extended on the basis of a reasoned request.

In the event of a failure to provide these supplementary documents, the petitioning country shall issue its decision in regards to the request, on the basis of the information and documents that were made available thereto.

Article (80)

The papers and documents submitted pursuant to the provisions of this agreement shall be exempted from any formal procedures necessitated by the legislation of either country. They shall be stamped by the competent body.

Article (81)

Decisions related to the implementation of the provisions of this part shall be issued by the Ministry of Justice, or the Secretary of the General People's Committee for Justice, or through the competent body in accordance with the provisions of the internal legislation of each country.

Article (82)

All requests, correspondence, and notifications related to the implementation of the provisions of this part shall be addressed to the General Department for International and Cultural Cooperation in the office of the Minister of Justice, in the Lazoghly Square in the Arab Republic of Egypt, and to the Secretariat of Justice in the Libyan Jamahiriya.

Part (3)

Implementation of the Ruling

Article (83)

Upon the completion of the transfer of the convict, the competent body in the country of implementation shall directly complete the implementation of his sentence, restricting him therein for the remaining duration of the enforceable sentence. It shall deduct therefrom the duration of the provisional detention the convict has served under the crime for which the conviction verdict was issued. In all other cases, implementation shall be subject to the conditions, rules, and regulations in effect in the country of implementation.

Article (84)

The ruling issued in the country of conviction shall have the same legal effects as rulings issued in the country of implementation in penal matters. The country of implementation may not take any investigatory procedures against the convict, or try him for the crime for which the conviction ruling was issued and for which he was transferred.

Article (85)

The country of implementation shall notify the country of conviction in matters related to the implementation of the sentence in the following cases:

- a. Completion of the implementation of the sentence.
- b. If the country of conviction requests that it be provided with a report on any order related to the implementation of the sentence.
- c. If the convict escapes before implementation of the sentence is completed.

Article (86)

The country of conviction shall have the right to complete implementation of the remaining part of the sentence in the event of the convict's escape from the country of implementation and a failure to keep him in the territory thereof.

Article (87)

Only the country of conviction shall have the competency to decide on any request to reopen the conviction ruling issued.

Article (88)

The competent bodies in the country of conviction or implementation may issue a decree to fully exempt the convict in accordance with the prescribed constitutional and legal rules therein. The right to issue the exemption decree shall be reserved to the competent bodies in the country of conviction.

Article (89)

The existence of any of the reasons mentioned in the previous article shall result in discontinuation of the implementation of the conviction ruling.

Article (90)

The country of implementation shall bear responsibility for any expenses accrued by the completion of the transfer, with the exception of the expenses covered by the country of conviction.

Article (91)

The rules prescribed in this agreement shall apply to the implementation of the rulings issued before and after its entry into effect.

Section (7) Final Provisions

Article (92)

Difficulties arising from implementation and construal of this agreement shall be settled through direct communication between the Ministry of Justice and the Secretariat of the General People's Committee for Justice in the Libyan Jamahiriya.

Article (93)

This agreement shall be ratified in conformity with the constitutional rules in effect in both contracting countries. The ratification papers shall be exchanged in the quickest possible timeframe.

This agreement shall enter into effect thirty days after exchange of the ratification papers.

In confirmation of the foregoing, the two authorised signatories signed this agreement.

This agreement was executed in two original copies. It was signed by the representatives of the two countries on Wednesday, 22 Shaaban 1412 AH corresponding to 26 February 1992 AD in the city of Cairo. They shall have the same legal force.

**On behalf of
The Arab Republic of Egypt
(Counsellor Farouk Seif al-Nasr)
Minister of Justice**

**On behalf of
The Secretariat of the General People's
Committee in the Great Socialist People's
Libyan Arab Jamahiriya
(Mr. Ibrahim Mohamed Bakar)
Secretary of the General People's
Committee for Justice**