

**Agreement on legal and judicial cooperation
between the countries of the Arab Maghreb Union**

**The Great Socialist People's Libyan Arab Jamahiriya,
the Tunisian Republic,
the People's Democratic Republic of Algeria,
the Kingdom of Morocco,
and the Islamic Republic of Mauritania,**

- Based on the founding treaty of the Arab Maghreb Union, especially Article (2) thereof;
- To work towards achieving our goals, and to implement the work program of the Arab Maghreb Union;
- Based on the declaration of the establishment of the Arab Maghreb Union that expressed the solid individual and group management in the Arab Maghreb, and inspired by our authenticity and spiritual values;
- Out of its conviction that legislative and judicial unity are main goals in the Arab Maghreb Union that we must work to achieve by strengthening the forms of cooperation, coordination and unity.
- Out of its desire to strengthen judicial protection for persons residing in the territory thereof, and in our endeavour to maintain the well-being of its societies and ensure the stability thereof;
- Taking into consideration the effect that simplifying litigation procedures, serving documents, executing letters rogatory, unifying jurisdiction rules, adopting and executing judicial rulings, extraditing suspects and convicts, executing sentences has on all of these goals;

have agreed as follows:

**Section (1)
General Provisions**

Article (1)

The Ministry or Secretariat of Justice in each contracting party shall regularly and continuously share with its counterparts in the other contracting parties texts of the legislation in force, as well as legal and judicial publications, bulletins, studies and journals in which legal provisions are published. It shall also share information related to judicial organisation and work to take the necessary procedures to unify legislative texts and judicial systems between the countries thereof.

Article (2)

A committee shall be formed of two experts from each contracting party under the name "Permanent Committee for Judicial and Legal Cooperation for the countries of the Arab Maghreb Union." The Committee shall be responsible for studying and monitoring means for executing the stipulations of this agreement, and proposing items for review and amendment thereby upon necessity.

This committee shall meet in a regular session a minimum of once every year by virtue of an invitation from the General Secretariat for the Arab Maghreb Union.

Article (3)

The contracting parties shall be responsible for exchanging assistance to form candidates for judicial positions.

Each contracting party shall be responsible for encouraging the citizens of the other parties in the country thereof to perform studies and trainings in the judicial institutes, courts, or transportation thereof.

Article (4)

The contracting parties shall exert its best efforts to facilitate the exchange of judges, researchers, and other experts in various judicial and legal fields.

Article (5)

Within the scope of the exchange stipulated in the preceding article, judges shall enjoy all the rights and privileges enjoyed by equivalent judges in the party country in which they work.

Article (6)

Citizens of each contracting party may apply to register in one of the lawyer syndicates in the country of one of the other parties. They shall meet the legal conditions required thereby for registration and shall upon their admission enjoy all the rights and privileges enjoyed by lawyers affiliated therewith.

Each lawyer registered in the lawyers' syndicate in the country of one of the contracting parties shall have the right to prosecution and defence before the countries of the other contracting parties with the same conditions applied to the lawyers therein. The said layer shall receive a designated place in the office of one of the lawyers therein to receive all of the legal papers and documents stipulated by the law.

Article (7)

The citizens of each contracting party shall have the right to practice liberal professions to assist the judiciary in the country of one of the contracting parties in accordance with the laws thereof pursuant to which the citizens thereof practice these professions, without discrimination between them.

Article (8)

The contracting parties shall promote the exchange of visits and convening of meetings between judiciary personnel and employees of judicial bodies, as well as between the professional organisations of judicial personnel and lawyers in the countries thereof. The purpose thereof shall be the review of legislative and judicial developments and experiences thereof, and to exchange opinions in problems being faced thereby in this field.

Section (2)

Guaranteeing the Right to Litigate

Article (9)

The citizens of each contracting party shall enjoy the right to litigate before the judicial bodies in the other party countries to claim and defend their rights.

Article (10)

It shall be prohibited to impose any personal or *in rem* guarantees of any form on the citizens of any contracting party in the other party countries that are not imposed on the citizens thereof.

The provision stipulated in the preceding paragraph shall apply to legal persons that are established or licensed in accordance with the laws of one of the contracting parties.

Article (11)

The citizens of the contracting parties in any of the countries shall enjoy the right to obtain judicial assistance equivalent to the citizens thereof in accordance with the legislation in force therein.

Certificates establishing financial insufficiency shall be delivered to the person requesting the same by the competent authorities at his elected place of residence. If he resides outside of the contracting party countries, the certificate shall be delivered thereto by the competent consulate of his country, or the equivalent thereof.

If the person resides in the country in which the request was submitted, he may obtain additional information from the competent authorities of the contracting party to which he belongs.

Section (3)

Cooperation between Judicial Bodies

Part (1)

Sending and Serving Judicial and Non-Judicial Papers and Documents

Article (12)

Judicial and non-judicial papers and documents in civil and commercial matters, administrative cases and personal status cases directed at persons residing in the country of one of the contracting parties shall be sent directly from the competent body to the counterpart thereof in the country of the other party in whose jurisdiction they reside to notify them thereof.

Judicial and non-judicial papers and documents in criminal matters shall be sent through the Ministry or Secretariat of Justice of each contracting party and shall observe the provisions pertaining to the extradition of defendants and convicts.

The provisions of this article shall not preclude the right of the contracting parties 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 the paper or document is being sent, such shall be determined in conformity with the law of the contracting party where the service of process is being conducted.

Article (13)

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.

Article (14)

The mission of the competent body in the contracting 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.

A copy of the paper or document signed by the person requested for notification or the certificate verifying the delivery shall be sent directly to the petitioning body.

Article (15)

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

Article (16)

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 the person that is to be notified or served as well as his 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.

Article (17)

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

Article (18)

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

Section (3)

Cooperation between Judicial Bodies

Part (2)

Letters Rogatory

Article (19)

Contracting parties may request other contracting parties to perform, in the country and on behalf thereof, judicial procedures related to a present case, especially hearing a witness's testimony or receiving and discussing expert reports, performing inspections, and requesting to swear an oath.

Article (20)

Letters rogatory in civil, commercial, administrative and personal status cases shall be sent directly from the requesting contracting party's competent body to the body that is to implement any other contracting party's request. If it emerges that such body lacks jurisdiction, the request shall be automatically transferred to the competent body. If it is unable to hear the case, it shall transfer it to the Ministry or Secretariat of Justice. The petitioning body shall be immediately notified of the action taken in either case.

Article (21)

Letters rogatory that apply to criminal cases that are to be implemented by any of the contracting parties shall be sent directly through the Ministry or Secretariat of Justice in each of the parties. They shall be executed by judicial bodies on the basis of the procedures followed by each of 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 contracting party that is being requested to implement it.
2. If implementation would prejudice the sovereignty of the contracting 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 contracting party that would implement it.
4. In the event of 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 contracting 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 countries.

Article (24)

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

Article (25)

The implementation of letters rogatory shall not result in the payment of any expenses by the requesting contracting 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.

Article (26)

The action 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 contracting party's competent body.

Part (3)

Appearance of Witnesses and Experts in Criminal Cases

Article (27)

Every witness or expert, regardless of the nationality thereof, that is summoned to appear before one of the contracting parties or voluntarily appears for this purpose before the judicial bodies of the petitioning contracting party shall enjoy immunity against criminal procedures taken in his regard, arrest, detention for his actions, or the implementation of previous rulings regarding his entry into the country of the petitioning contracting party.

The body that summoned the witness or expert shall be responsible for notifying him in writing of this immunity before his first appearance.

This immunity shall be revoked from the witness or expert after the passage of thirty days from the date the petitioning contracting party's judicial bodies no longer require his presence in the country without him having left the country thereof, providing that his departure is not prevented by reasons outside of his control, or if he voluntarily returns thereto after his departure.

It shall be prohibited to impose any penalty or use any mode of coercion against this witness or expert that fails to fulfil his summons.

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 contracting 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 contracting 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 contracting party shall pay these sums in advance.

Article (29)

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

The requesting contracting 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 contracting party, subject to the provisions of Article (27) of this agreement.

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

- a) If his presence is needed by the contracting party that is to transfer him due to pending criminal proceedings.
- b) If his transfer to the requesting contracting party would result in an extension of his imprisonment period.
- c) If there are special considerations or those that cannot be overcome that prevent his transfer to the country of the requesting contracting party.

Part (4)

Sharing Information on Prior Convictions

Article (30)

Each contracting party shall provide each of the other contracting parties 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 one of the contracting 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.

Article (32)

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

Section (4)

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

Part (1)

Jurisdiction

Article (33)

Each contracting party's courts shall have exclusive 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 headquarters 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. The execution of rulings, if the place of execution is in the country.

Article (34)

In matters that are not stipulated in the preceding article, the courts of the contracting party shall be considered competent 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 contracting 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 the contracting party by virtue of an explicit or tacit agreement.
- c. In cases of non-contractual liability, if the action entailing liability occurred in that contracting party's country.
- d. If the defendant explicitly accepts the jurisdiction of that contracting 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 the capacity or personal status of the citizens of the contracting party who hold citizenship therein at the time the case is filed.

Article (35)

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

- a. If the courts of another contracting party have exclusive subject-matter jurisdiction in accordance with Article (33).
- b. If the defendant fails to appear, or appears and maintains a lack of jurisdiction in the cases stipulated in Article (34), Paragraphs (a), (b) and (c).

Article (36)

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, without prejudice to the rules of jurisdiction stipulated in Article (33) of this Agreement.

Part (2)

Recognition of Rulings

Article (37)

Rulings issued by courts located in the country of one of the contracting parties in civil cases, including rulings related to personal status and civil rights issued by criminal courts, as well as in commercial cases pursuant to the judicial and jurisdictional powers thereof, shall legally have the force of res judicata in the countries of the other parties if the following conditions are met:

- a. The ruling is issued by a competent judicial body under international jurisdictional rules determined by the contracting 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 absence scrutinised 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.
- d. The ruling does not include anything that violates public order in the country from which recognition or an execution order is requested.
- e. The ruling does not violate a ruling issued between the same litigants in the same right in terms of ground and cause that enjoys the force of res judicata in the country of the contracting party petitioned to recognise the ruling or order the execution, or in another country and is recognised by the contracting party petitioned to recognize and execute.
- f. The ruling shall not have been issued in violation of the requirements of Articles (35) and (36).

Article (38)

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

- a. Rulings issued against the contracting party petitioned to order execution or against one of the employees thereof for actions committed thereby during or because of his position.
- b. Rulings for which recognition or execution orders are in violation of international treaties and agreements in force in the country of the contracting party petitioned to order execution.
- c. Rulings issued on bankruptcy, composition, judicial settlement and insolvency, and on taxes, fees, and temporary provisional rulings.

Part (3) **Execution of Rulings**

Article (39)

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 (40)

The competent body shall be limited to verifying if the ruling that is to be executed meets all conditions stipulated in the preceding articles so that it may legally enjoy the force of res judicata. It shall do this automatically and record the result of its decision.

The execution order shall not be issued if the ruling that is to be executed is the subject of an extraordinary appeal.

The competent body, if it accepts the execution request, shall upon necessity order that the necessary measures be taken to publicise the ruling that is to be executed, as if it was issued in the same country in whose territory its execution was ordered.

The execution order may include all or some of the ruling's branches if it can be divided.

Article (41)

The rulings stipulated in Article (37) may not be executed through compulsion. No official procedures may be taken in their regard in the country of one of the contracting parties before an order of the execution therefor is issued in said country.

Article (42)

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 (43)

Anyone invoking 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. The original report pursuant to which the notification of the ruling was made.

- c. A certificate from the competent clerk of court 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

Article (44)

Arbitration awards issued in contracting party countries 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 contracting party.

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

- a. If the law of the contracting party 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 (45)

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

Article (46)

Citizens of contracting parties that request execution shall not be required to submit a fee, insurance or bond that citizens of the country petitioned to enforce the award are not required to submit. Similarly, they may not be deprived of the right to legal aid or exemption from judicial fees enjoyed by the citizens of the country petitioned to enforce the award.

Section (5)

Extradition of Accused Persons and Convicts

Article (47)

Each of the contracting parties shall be responsible for extraditing persons present in its territory that have been accused by competent bodies or convicted by judicial bodies of the contracting party requesting the extradition. This shall be in accordance with the rules and conditions stipulated in this section.

Article (48)

Extradition shall be mandatory for the persons indicated below:

- a. Anyone who has been accused of actions punishable pursuant to the laws of both contracting parties, the party requesting extradition and the party from which extradition is requested, with a custodial sentence for a period of one year or a more severe sentence in the law of either of the parties, whatever the maximum and minimum limits in determining the prescribed sentence.

- b. Anyone convicted in person or in absentia by the courts of the contracting party requesting a custodial sentence for a period of one year or a more severe sentence for actions punishable pursuant to the law of the contracting party from which extradition is requested.

Article (49)

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 kings, leaders, presidents, and crown princes of the contracting party countries shall not be considered a crime of a political nature.

Article (50)

Extradition shall be prohibited in the following cases:

- a. If the crime for which it is requested is committed within the territory of the party to which the extradition is requested.
- b. If the contracting 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 extinguished 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 requesting contracting party'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 for such a crime if committed outside of the country thereof by 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 one of the contracting parties or a third country.

Article (51)

None of the contracting parties may extradite their 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 one year or a more severe punishment in either of the contracting parties in the territory of any of the other contracting parties.

Article (52)

The extradition request may be refused if the crimes for which the request is made are limited to violation of military duties.

Article (53)

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 (54)

The extradition request shall be submitted in writing by the requesting contracting 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.

Article (55)

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 requesting party to 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 (56)

If the contracting party from which extradition is requested does not receive one of the documents mentioned in Article (54) 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 (57)

If the contracting 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 Ministry or Secretariat of Justice of the party from which extradition is requested to the Ministry or Secretariat of Justice of the requesting party before refusing the request. The petitioned contracting party may determine the timeframe for obtaining this information.

Article (58)

The competent body of each of the contracting parties 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 received 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 (59)

If the party from which extradition is requested receives multiple requests from the other parties, 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 possibility of the extradition occurring later between the requesting parties, the date of the requests' arrival, the seriousness of the crime, and the place it was committed.

Article (60)

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 these rights have been established following the completion of the indictment procedures taken by the requesting party.

The party from which extradition is requested may temporarily keep the seized items if it believes 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 (61)

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 conditions stipulated in Article (58) 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 aforementioned Article (58) must be followed.

The petitioned party may temporarily extradite the wanted person to appear before the judicial bodies of the requesting party within the conditions specified by both parties.

Article (62)

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 (54) 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 (63)

A contracting party may not extradite the extradited person to another contracting or non-contracting party, 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.

Article (64)

The contracting 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 country whose airspace the airplane will cross through that the documents stipulated in Article (54) of this agreement exist.

In the event of an emergency landing, the requesting party may, under the provisions of Article (55) 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 (65)

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 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) **Implementation of Sentences**

Article (66)

Judicial rulings may be implemented by a custodial sentence in the country of one of the contracting parties in which the convict is present on the basis of a request from the contracting party that issued the ruling, provided the approval thereof by the convict and enforcing contracting party.

Article (67)

Final criminal rulings issued by one of the contracting parties in the country of the party of which the imprisoned convict is a citizen shall be implemented on the basis of a request from either of the parties, the approval of the other party, and the explicit approval of the convict.

Custodial sentences that exceed a duration of six months shall be subject to the requirements of this article.

Article (68)

Articles (49), (50), (53), (54) and (57) of this agreement shall apply to sentence implementation demands.

Article (69)

The party implementing the sentence shall have the competency to issue decisions related to conditional release after consulting the party to which the court that issued the ruling is subordinate.

Article (70)

The party to which the court that issued the ruling is subordinate shall have the competency to issue general and special pardons.

Article (71)

Rulings stipulating a financial penalty issued by the courts of one of the parties, regardless of the crime for which it is issued, shall be implemented in the territory of the enforcing party in accordance with forms specified through correspondence.

Article (72)

The party that issued the ruling shall bear the expenses for transporting the convict to the country of the party requesting the implementation. The latter party shall bear the expenses for implementing the sentence to which he was convicted.

Section (7) **Final Provisions**

Article (73)

The provisions of Section (4) of this Agreement shall not apply to rulings issued in cases brought before it enters into force.

The provisions of bilateral judicial agreements previously in force shall remain so.

Article (74)

Bilateral and multilateral agreements entered into between the countries of the Union in this field shall remain in force. In the event of a conflict between the provisions thereof and the provisions of this Agreement, the terms of the latter shall prevail.

Article (75)

This Agreement shall be amended by virtue of a request from one of the countries of the Union after the approval of the other countries. This amendment shall enter into force after being ratified by all of the countries of the Union in accordance with the procedures stipulated in the following article.

Article (76)

This Agreement shall be subject to the ratification of all member countries in accordance with the procedures in force in each of them after they deposit ratification documents therefor in the General Secretariat of the Arab Maghreb Union that shall notify the member countries thereof.

This agreement was signed in five original texts that shall all be equal in their legal authenticity in the city of Ra's Lanuf in the Great Socialist People's Libyan Arab Jamahiriya on 23, 24 Shaaban 1400 FDP, 1411 AH, corresponding to 09 and 10/03/1991 AD.

On behalf of the Libyan Arab Jamahiriya

Ibrahim al-Bisharah

Secretary of People's Committee for Foreign Liaison and International Cooperation

On behalf of the Tunisian Republic

Habib Ben Yahia

Minister of Foreign Affairs

On behalf of the People's Democratic Republic of Algeria

Sid Ahmed Ghozali

Minister of Foreign Affairs

On behalf of the Kingdom of Morocco

Abdellatif Filali

State Minister of Foreign Affairs and Cooperation

On behalf of the Islamic Republic of Mauritania

Husni Walad Didi

Minister of Foreign Affairs and Cooperation