

## Qatar Anti-Terrorism Law

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*On 26 December 2019, the State of Qatar issued Qatar Law No. 27/2019 on Combatting Terrorism, which replaces Qatar Law No. 3 /2004 on Combatting Terrorism. Qatar Law No. 27/2019 was published in the Official Gazette on 29 December 2019, and immediately came into force.*

*Qatar Law No. 27/2019 is part of a larger group of counter-terrorism measures taken by the State of Qatar to align itself with international standards.*

## **Key provisions of Qatar Law No. 27/2019**

Article 1 of Qatar Law No. 27/2019 contains the definitions of the terms mentioned by the law, like terrorism offence, terrorist acts, funds and freeze.

The definition of terrorist act given by Article 1 of Qatar Law No. 27/2019 is wide and refers not only to the definition given by the International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly of the United Nations, but includes also the offences as prescribed by the international treaties and the conventions related to combating terrorism to which the State is a party.

Article 4 of Qatar Law No. 27/2019 prescribes more severe penalties than those prescribed by Qatar Law No. 11/2004 on the Issuance of the Penal Code for those committing terrorism-related offences.

The “National Counter-Terrorism Committee” (NCTC) and Sanction Lists are established by Qatar Law No. 27/2019.

Qatar Law No. 27/2019 also prescribes the requirements and the procedures to be used by the authorities in order to freeze the funds of the terrorism-related persons or entities.

## **Jurisdiction and statute of limitations**

Given the provisions of Qatar Law No. 11/2004, Article 2 of Qatar Law No. 27/2019 extends the jurisdiction of the State to the acts committed outside the country by the residents of the State and to the offences committed against a State's governmental or public facility.

Article 21 of Qatar Law No. 27/2019 prescribes that there is no statute of limitations for terrorism-related crimes punishable according to Qatar Law No. 27/2019.

## **Sanctions and exemptions**

Qatar Law No. 27/2019 prescribes severe sanctions, including the death penalty or life imprisonment, as per Article 4 of Qatar Law No. 27/2019, for those that:

- provide any terrorist or terrorist entity with explosives or certain category of weapons, as per Article 5 of Qatar Law No. 27/2019;
- coerce a person to join a terrorist entity or prevents such person from dissociating therefrom, as per Article 6 of Qatar Law No. 27/2019;
- use the managing powers of an entity or legal person established in accordance with the law to advocate the commission of a terrorism offence, as per Article 7 of Qatar Law No. 27/2019;
- in any manner, directly or indirectly, and with the intention to commit a terrorism offence domestically or abroad, prepare or train individuals to any methods whatsoever to be used in the commission of a terrorism offence, as per Article 8 of Qatar Law No. 27/2019; and
- manufacture, design, possess, acquire, present or make available a conventional or unconventional weapon for the purpose of using or preparing such weapon for use in the commission of a terrorism offence, as per Article 9 of Qatar Law No. 27/2019.

According to Article 18 of Qatar Law No. 27/2019, the following further measures can be imposed in addition to the prescribed sentence:

- prohibition of residence in a particular place or specified area;
- obligation to reside in a particular place; and
- prohibition from frequenting particular places or premises.

Any object, fund, weapon, and machinery, which are obtained or used, or was to be used, in any terrorism offence, will be confiscated as per Article 20 of Qatar Law No. 27/2019.

Article 19 of Qatar Law No. 27/2019 provides the possibility to be exempt from punishment for the perpetrators that inform the relevant authorities of the planned offence before it has been committed, or before being investigated by the competent authorities or, in case of reporting that leads to the arrest of the remaining perpetrators.

The court may reduce the penalty if the accused assisted in the investigations or prosecutions.

## Powers of the Public Prosecutor

Articles 22-27 of Qatar Law No. 27/2019 prescribe extraordinary powers to the Public Prosecutor who is investigating and initiating a criminal case concerning terrorism offences.

As per Article 24 of Qatar Law No. 27/2019, the Public Prosecution may order the use of special investigative techniques for the investigation of the offences provided for under Qatar Law No. 27/2019, including:

- undercover operations;
- audio-video supervision;
- accessing information systems;
- intercepting communications; and
- controlled delivery.

The Public Prosecutor may also order the seizure of correspondences of all kinds and the monitoring of all means of communication whenever such order is useful for the counter-terrorism purpose.

The Public Prosecutor will be responsible for the implementation of targeted financial sanctions related to combatting terrorism and its financing, the financing of the proliferation of weapons of mass destruction, issuing relevant implementation mechanisms, and publishing and announcing such mechanisms as they may deem appropriate, as per Article 30 of Qatar Law No. 27/2019.

As per Article 34 of Qatar Law No. 27/2019, the Public Prosecutor will enact the necessary rules and procedures for the implementation of the Sanction List.

## National Counter-Terrorism Committee

Article 28 of Qatar Law No. 27/2019 prescribes the establishment of the NCTC within the Ministry of Interior with the following responsibilities:

- coordinate efforts among all relevant national authorities to implement the international obligations related to the combating of terrorism;
- seek to achieve the objectives contained in international conventions that are concerned with the combating of terrorism that the State has acceded to or ratified;
- raise public awareness of the risks of terrorism and enhance the contribution of citizens to the combating of terrorism;
- participate in delegations representing the State at conferences and UN Committees on issues related to combatting terrorism;
- prepare, supervise and monitor the implementation of a national strategy for combating terrorism, violent extremism and proliferation of weapons of mass destruction in coordination with different relevant national authorities;
- monitor, and ensure the implementation of, the Public Prosecutor's orders regarding the implementation of targeted financial sanctions related to combating terrorism and its financing, and the financing of the proliferation of weapons of mass destruction issued pursuant to the provisions of Qatar Law No. 27/2019, in coordination with Ministries, competent authorities and supervisory authorities;
- propose all matters related to targeted financial sanctions, including names of designated terrorist persons and entities to be listed on the Sanctions List and UN Lists or delisted therefrom, and submit such names to the Public Prosecutor to take the relevant appropriate decisions;
- propose basic and extraordinary expenses for designated persons or their dependents, and submit them to the Public Prosecutor to take the relevant necessary procedures;
- monitor and ensure the implementation of the Public Prosecutor's orders regarding the implementation of targeted financial sanctions in coordination with the national competent authorities and supervisory authorities as per Article 30 of Qatar Law No. 27/2019;
- publish the designations at the sanction list on its website immediately upon the issuance of the designation orders by the Public Prosecutor as per Article 32 of Qatar Law No. 27/2019; and
- coordinate with the national competent authorities and supervisory authorities to issue instructions and circulars to financial institutions, designated non-financial businesses and professions (DNFBPs) and non-profit organisations (NPOs) regarding the implementation of designation orders, and their implications, and communicate the outcomes of such coordination to the Public Prosecutor as per Article 35 of Qatar Law No. 27/2019.

## Sanctions List

A "Sanctions List", subject to international standards and requirements will be established according to Article 31 of Qatar Law No. 27/2019 and everything related to this list will be regulated by a decision of the Public Prosecutor.

As per Article 32 of Qatar Law No. 27/2019, the Public Prosecutor will designate, without prior notification, on the Sanctions List:

- any person or entity designated by a Security Council or Sanctions Committee resolution pursuant to Chapter VII of the Charter of the United Nations; or
- any person or entity designated by virtue of a decision by the Public Prosecutor, upon the proposal of the NCTC, without initiating a criminal proceeding, in any of the following cases:
  - if there are reasonable grounds or reasonable basis to believe that the person or entity will commit an act punished by Qatar Law No. 27/2019;
  - if the person or entity carries out an armed or unarmed terrorist act against the State or its interests abroad; or
  - if the person or entity has publicly recognized, adopted, threatened, incited or publicly promoted a terrorist act.

The Public Prosecutor can remove a designed person or entity from the Sanctions List:

- in case of de-listing of such person or entity by the UN Security Council or Sanctions Committee, given the possibility for the Public Prosecutor to place anyway such person or entity on the Sanctions List, upon the proposal of the NCTC;
- following the decision to revoke the designation order of a competent court in the State; or
- on their own, or upon the proposal of the NCTC, if they determine that there is no basis for designating the person or entity on the Sanctions List, taking into account the recommendations of the NCTC in this regard.

## Appeal against the designation

The petition against the designation by virtue of a Security Council or Sanctions Committee resolution cannot be proposed before national courts. Related appeals will follow the relevant rules and procedures established by the Security Council in this regard as per Article 34 of Qatar Law No. 27/2019.

The petitions of the concerned parties against the designation order issued upon the proposal of the NCTC will be received by the Public Prosecutor who will decide, upon the recommendation of the NCTC, according to the timelines and procedures that they may order.

An appeal against any designation on the Sanctions List, extension thereof, de-listing and

removal from the Sanctions List can be proposed at the Court of Appeal, by any person concerned within 60 days of the announcement of the order as per Article 37 of Qatar Law No. 27/2019.

## Implications of the designation

As per Article 38 of Qatar Law No. 27/2019, the designation order will have the following implications for the duration of its validity for a designated natural person:

- inclusion on travel ban lists and watch lists;
- prohibition of non-Qataris from entering the State except in the cases determined by the Public Prosecutor, or where the designated person is wanted by the public authorities or bodies;
- withdrawal or revocation of passport, or prohibition of the issuance of a new passport;
- freezing the funds of the designated natural person;
- prohibition of the licensing to possess or acquire weapon, and revocation of the licence thereto, if any; and
- ineligibility to assume public functions or positions, as may be determined by the Public prosecutor, at the proposal of the NCTC.

As per Article 38 of Qatar Law No. 27/2019, the designation order will have the following implications for the duration of its validity for a designated entity:

- prohibition of the designated entity;
- closure of the premises of the designated entity, and prohibition of meetings;
- prohibition of financing or raising funds or objects for the designated entity, whether directly or indirectly;
- freezing the funds owned by the designated entity or the relevant members; and
- prohibition of joining, inciting to join, promoting, or circulating the slogans of the designated entity.

## Frozen funds

As per Article 39 of Qatar Law No. 27/2019, in case of designation by the Security Council or the Sanctions Committee or in the Sanction List of a person or an entity all the government authorities, financial institutions, DNFBPs, NPOs and other relevant authorities must freeze, within a maximum of 24 hours, all the funds of that person or entity. All the above-mentioned organizations should also avoid any transactions involving any relevant funds or financial services or other related services

related to the designed person or entity except with prior authorization from the Public Prosecutor upon the proposal of the NCTC.

The frozen funds will be managed by a person assigned by the Public Prosecutor as per Article 41 of Qatar Law No. 27/2019.

The Public Prosecutor may authorize the use of some frozen funds to cover the basic and extraordinary expenses stipulated in Article 42 of Qatar Law No. 27/2019.

## **Supervising authorities**

According to Article 40 of Qatar Law No. 27/2019, the supervising authorities responsible for licensing or supervising financial institutions, DNFBPs and NPOs must ensure the compliance of those organizations with the requirements of Qatar Law No. 20 /2019 on the Issuing of the Anti-Money Laundering Law.

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***Areas of expertise***

Corporate Law; Criminal Law; Litigation; Mediation

***Education***

- Bachelor of Laws, University of Naples “Federico II”, Italy

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***Biography***

Paraskevoula is an experienced Italian lawyer, based in Perugia (Italy). During the past two years she had the opportunity to spend a lot of time in Qatar supporting the interests of the international clients. She is an of-Counsel collaborator of Essa Al Sulaiti Law Firm, sharing the vision of the firm to provide high quality legal services. She speaks English, Greek and Italian.