

Ku dhaqan Xafiis D.

FAAFINTA

الرسمية

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RASMIGA AH

الجريدة

BULLETIN

EE JAMHUURIYADDA SOOMAALIYA

Sanadka 8aad

FAAFIN SANADLE

Muqdisho

2020

Waaxda Maamulka Faafinta Rasmiga ah  
Ee Xafiiska Garyaqaanka Guud ee Dawladda

Uruurinta Sharciyada iyo Wareegtooyinta ee Jan-December 2020

Qiiimaha waa \$XXX Dollar, lambar waliba – **RUKUNKA:** Sanaddii waa \$XXX Dollar, Soomaaliya gudaheeda – Dibaddeedana waa \$XXX Dollar. Rukunka la weydiisto waqtiga loo gooyay wuxuu ka bilaabmaa 1 Janaayo. Qiiimaha Qoritaanku F.R halkii sadar iyo wixii ka yar waa \$XXX Dollar – Rukunka iyo Qoritaanku waxaa la weydiistaa Laanta Maamulka Faafinta Rasmiga ah – Lacagta waxaa lagu bixiniyaa Xafiiska Canshuuraha ee Wasaaradda Maaliyadda.

**KOBNIIN**

**BOGGA KOOWAAD**

**SHARCI**

W.M

**BOGGA LABAAD**

XEER

**BOGGA SEDDEXAAD**

**TALOOYIN, ISGAARSIIN, OGAYSIIS, IWM**

**SANADKA**

**2020**



Federal Republic of Somalia  
Office of the President

SHARCI LR. 37

TAARIIKH: 31/12/2020

ANSIXINTA SHARCIGA HESHIISKA CARBEED EE LA-DAGAALLANKA MUSUQ-MAASUQA

MADAXWEYNAHA J.F.S,

MARKUU ARKAY: Qodobka 87aad, Faqradda 1aad iyo Faqradda 2aad ee Dastuurka KMG

MARKUU ARKAY: Qodobka 90aad, Xarafka "q" ee Dastuurks KMG

MARKUU ARKAY: Warqadda Guddoomiyaha Golaha Shacabka GSH/347/2/B-10/20  
taariikh 29/12/2020 kuna saabsan ansixinta Sharciga Heshiiska Carbeed ee  
La-Dagaallanka Musuq-maasuqa

MARKUU TIXGELIYAY: Baahida loo qabo in la ansixiyo lana meel-mariyo Sharcigan

Waxa uu Madaxweynuhu soo saaray Sharcigan:

**Qodobka 1aad**

Laga billaabo marka uu Madaxweynuhu saxiixo Sharcigan, waxa si rasmi ah loo oggolaaday  
Sharciga Heshiiska Carbeed ee La-Dagaallanka Musuq-maasuqa

**Qodobka 2aad**

Marka uu Madaxweynaha JFS saxiixo Sharcigan, waxa lagu soo daabici doonaa Faafinta Rasmiga  
ah ee Jamhuuriyadda Federaalka Soomaaliyeed.

MUQDISHO: 31/12/2020

  
Madaxweynaha J. F.S  
Maxamed Cabdullaahi Maxamed "Farmaajo"



Federal Republic of Somalia  
House of the People  
Office of the Speaker

Ref: **CSH/347**2/B-10/20; الرقم:

Mogadishu, December 30, 2020 التاريخ

Ku: Madaxweyanaha Jamhuuriyadda Federaalka soomaaliya  
Muqdisho

Og: Ra'iisul wasaaraha Xukuumadda Federaalka  
Muqdisho

Og: Xildhibaabada Golaha Shacabka  
Muqdisho

Og: Garyqaanka Guud ee Dawladda  
Muqdisho

Og: Hantidhawrka Qaranka  
Muqdisho

Og: Xoghayaha Guud ee Golaha Shacabka  
Muqdisho

Ujeedo: Ansaxin Heshiiska Carbeed ee ee La-dagalanka musuq-Maasuqa .  
Mudane Madaxweyne,

Sida aad la socoto, Heshiiska Carbeed ee ee La-dagalanka musuq-Maasuqa ee halkaan ku lifaaqan waxa soo gudbisay Xafiiska R/Wasaaraha XJFS.

Kadib waxaa ka baaraandagey oo habraacii loogu talogaly marsiiyay Xubnaha Golaha Shacabka ayna ka doodeen. Ugu danbayna wuxuu Goluhu ku ansixiyay Heshiiskan Kalfadhiga 8-aad kulankiisii 10-aad taariikhdu markay ahayd 30/12/2020, codayntuna sidaan ayay u dhacday:

**Quntin: 146; Oggol: 145;**

**Diiday: 1;**

**Ka aamustay: 0;**

Hadaba M.ne Madaxweyne waxaan si waafaqsan qodobka 90aad xarafka (q) ee Dastuurka Jamhuuriyadda Federaalka kaaga codaynaa inaad go'aanka Golaha ku ogolaato Xeer Madaxweyne, looguna soo saaro Heshiiska Carbeed ee ee La-dagalanka musuq-Maasuqa ee ee Dawladda.

Iga Guddoon Salaan Qiimo iyo

M.ne Mahad Cabdala Cawad  
Kusimaha Guddoomiyaha Golaha Shacabka BJFS



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**JAAMACADDA CARABTA**

**XOGHAYNTA GUUD**

**HESHIISKA CARBEED EE LA-DAGAALLANKA  
MUSUQ-MAASUQA**

## **Horudhac:**

Wadamada carabeed ee saxiixay Heshiiskan;

*Markey ku qanceen dowladaha Arabta dhaamaan*, in uu musuqa yahay dambi qaadanaya qaabab fara badan oo saameyn xun ku leh qiyamka, anshaxa, nolosha siyaasadeed, dhaqaalaha iyo bulshada;

*Iyaado la tixgeliyey* in la dagaallanka musuqmaasuqa uusan ku koobneyn mas'uuliyiinta Dowladda kaliya laakiin sidoo kale ay ku jiraan shaqsiyaad iyo ururada bulshada rayidka ah ee kaalin libaax leh ka qaadan karaan la dagaallanka musuqa;

*Iyaado la jeclestay* in la hirgeliyo dadaallada carabta iyo kuwa caalamiga ah ee lagula dagaallamayo musuqmaasuqa iyada oo ujeeddadu tahay fududeynta iskaashiga caalamiga ah ee arinkan, gaar ahaan marka loo eego isku soo wareejinta dambiiilayaasha, bixinta gargaarka garsoorka ee labada dhinac iyo soo celinta hantida;

*Markii lagu qancey* in, baahi loo qabo iskaashi Carab ah si looga hortago loona dagaallamo musuqmaasuqa iyadoo la eegayo in musuqa yahay mid calami ah;

*Iyaadoo la ixtiriaamaayo*, mabaadi'da diinta iyo akhlaaqda suuban ee diimaha Alle kali kacabsiga ku saleysan, oo ay kujiraan kuwa Ku xusan shareecada Islaamka, sida ay ugu muuqdaan ujeeddooyinka Axdiyada ee Jaamacadda Carabta iyo Axdiga Qaramada Midoobay iyo sidoo kale Carab, heshiisyo caalami ah iyo heshiisyo la xiriira dhinacyada garsoorka, garsoorka iyo iskaashiga amniga si looga hortago la dagaallamo dambiyada la xiriira musuqmaasuqa oo ay waddamada Carabtu qayb ka yihiin, oo ay ka mid yihiin Heshiiska Caalamiga ee Ka-hortagga Musuq-maasuqa (UNCAC).

*Waxaa la isku raaceen sida soo socota:*

## **Qodobka 1<sup>AAD</sup>**

### **Qeexid**

Ujeedada Heshiiskan awgeed waxaa ereyadan iyo oraahyadan soo socda loo qeexay sidan:

- 1. Dowladda Xubinta ka ah:** dal kasto oo ka mid ah Jaamacada Arabta oo ansaxiyay ama oggolaaday Heshiiskan hadda jira mise meel mariyay ansaxinta ama meel digay oggalaanshaha Heshiiskan ka qeybgalkiisa la meel digay Xoghayaha Guud ee Ururka jamacada Arabta.
- 2. Sarkaal dowladeed:** qof kasta oo ka shaqeeya shaqada loo yaaho dadweynaha ama loo arko mas'uul rasmi ah sida ku xusan shuruucda dalkaas Heshiiskan qeeb ka ah, ha ku jiro laamaha fulinta, sharci dejinta, garsoorka ama maamulka, in

qofkaasi la magacaabo ama loo doorto, si ku meel gaar ah ama si joogto ah, ama mas'uul looga digay shaqada dadweynaha. Doladaha heshiiskan qeeb ka ah, shaqsigaas oo leh ama aan lahayn mushahar.

3. **Sarkaalka dadweynaha ee ajnabiga ah:** qof kasta oo haya jago sharci-dejin, fulin, maamul ama jago garsoor dal shisheeye, in qofkaas loo magacaabo ama loo doorto, si ku-meel-gaar ah ama joogto ah, iyo qof kasta oo qabta xafiis dowladeed oo u adeega dal shisheeye ama hay'ad dowladeed oo shisheeye ama hay'ad.
4. **Sarkaal rasmi ah oo ka socda urur dowladeed caalami ah:** shaqaale dowladeed oo caalami ah ama sarkaal ama qof kasta oo ay magacowdo hay'ad dowladeed oo caalami ah oo wakil ahaan u matalaayaa.
5. **Hanti:** hanti nooc kasta ha noqotee, ha ahaato shey ama wax aan la taban karin, la dhaqaajin karo ama aan la dhaqaajin karin, iyo dhammaan waxyaabaha carbuun galaayo, ama aaladaha sharci ee caddaynaya lahaanshaha hantidaas ama xuquuqda saxda ah.
6. **Faa'iido fal dembiga:** wixii hanti ah oo laga keeno ama laga helo, si toos ah ama si aan toos ahaynba, fulinta ficil kasta oo musuqmaasuq ah oo lagu debi ka digaayo Xeerkan hadda jira.
7. **Ka joojinta dadaqaaqa ama xakamaynta:** ku soo rogista xayiraad ku meel gaar ah wareejinta, isdhaafsiiga dhaqdhaqaaqa hantida, ama la soo waregida haynta ama xakamaynta hantida, iyada oo ku saleysan amar maxkamadeed oo sharci ah ama awood kale oo u awood u leh bixinta amar kaas.
8. **La wareegis:** la weregida hantida si joogto ah katimid amar maxkamadeed ama amar kale oo awood u leh.
9. **Dhib-u-celin la xakameeyay:** in loo oggolaado hawlgallo sharci-darro ah ama laga shakiyo inay ka baxaan dhulalka hal ama dhowr wadan, ama inay ka gudbaan ama galaan, iyagoo ay ogyihiin u hay'adaha awoodda u leh kormeerkoodana, Ujeeddana ay tahay baarista falalka musuqmaasuqa ee lagu ciqaabay qodobbada quseeya Heshiiskan xaadirka ah iyo soo helidda aqoonsiga shakhsiyaadka ku jira gudashada fal dembi ah.

### **Qodobka 2<sup>aad</sup>**

#### **Ujeeddooyinka Heshiiskan**

Heshiiskan ayaa ujeedadiisu tahay:

- In la dardar galiyo talaabooyinka loga hortagayo, la dagaalanka iyo daahfurka dhammaan noocyada musuqmaasuqa iyo dambiyada kale ee la xiriira fulista dembiga, iyo in dacwad lagu soo oogo dambiilayaasha.
- In la dardar galiyo dacadimo hufnaan, xisaabtan iyo ku dhaqanka sharciga.

- In lagu dhiiri geliyo shakhsiyaadka iyo ururada bulshada rayidka inay kaqeyb ka qaataan ka hortagga iyo la dagaallanka musuqmaasuqa.

### **Qodobka 3<sup>aad</sup>**

#### **Ilaalinta madaxbanaanida**

1. Xubinta Qaran, waxay sharfi doonaan ballanqaadyadooda sida ku xusan Heshiiskan hadda jira qaab waafaqsan mabaadi'da sinnaanta dowladaha nabadeynta gobolka iyo in aan la faragelin arrimaha gudaha ee dowladaha kale.
2. Sida ku xusan Axdiga hadda jira, majiro dowlad qeeb ka ah Heshiiskan oo u qadan karto in ay awood u leedahay dul dal kale misna ku daqaaqdo howlo ay u xaddidan yihiin masuuliyiinta wadanka iyadoo la raacayo qawaaniinta dalkaas.

### **Qodobka 4<sup>aad</sup>**

#### **Dembiyada**

Iyada oo la tixgilaayo in sifeeynta falalka musuqmaasuqa, ee lagu ciqaabayo Heshiiskan hadda jira, ay ku xiran tahay shuruucda Xubinta Qaran, sida ku xusan qawaaniinteeda gudaha, uu ku dhaqmi doono sharciga lagama maarmaanka ah iyo tallaabooyinka kale ee lagu ciqaabayo falalka soo socda markii si ula kac ah loo geysto:

1. Laaluushka sarkaalka dadweynaha.
2. Laalushka ka dhaco shirkadaha aan si gaar loolaheen, shirkadaha wadaagga ah, ururada iyo hay'adaha ka shaqeeya danaha guud ee bulshada.
3. Lалуushka ka jiro waaxda gaar looleeyahay
4. Laaluushka saraakiisha u shaqeeya dowladaha ajnabiga ah iyo mas'uuliyiinta ururada caalamiga ah ee dadweynaha, musuqaan oo la xiriira ganacsiga caalamiga ah ee ka socda dowladaha Heshiiskan qeeb ka aha.
5. ka shaqeynta sameyn ku yeleyshada haladaha dowladaha
6. Ku xadgudubka xafiiska dadweynaha.
7. is kobcin sharci daro ah
8. Laabista lacaqta laga faa'iiday fal dembi kadib
9. qarinta wixii ka soo baxa fal-dambiyeedka lagu shaciyey falalka ku xusan Heshiiskan Qodobadiisa.
10. Joojinta nidaamka caddaaladda.
11. Ku-lunsiga hantida dadweynaha iyo si sharci darada ku qabsigeeda
12. Ku-xadgudubka hantida shirkadaha iskaashatada ah, ururada gaarka loo leeyahay ee ka sheqya danta guud iyo shirkadaha gaarka loo leeyahay.
13. Kaqeybgalk ama isku daynimada kaqeybgalk dambiyada lagu qeexay Heshiiskan Qodobadiisa.

### **Qodobka 5<sup>aad</sup>**

#### **Mas'uliyada shaqsiyaadka qanuuneed**

Xubin Qaran kasta, waxey qaadaaysaa talaabooyinka lagama maarmaanka ah, iyada oo la raacayo qawaaniinta uu dalka leeyahay, si loo go'aamiyo

masuuliyada dambi, mida madaniga ama mida maamul ee qof kasta oo sharci ah dambiyada oo lagu sheegay Heshiiskan, iyada oo aan laga hor imaanin mas'uuliyadda dambiga ee dadka caadiga ah.

### **Qodobka 6<sup>aad</sup>**

#### **Dembi ku oogidda iyo maxkamadeenta**

1. Xubin Qaran kasta, waxay qaadaysa talaabooyinka lagama maarmaanka ah, iyada oo la raacayo qawaaniinteeda dalkeeda, si loo hubiyo in hay'adda baaritaanka awooda u leh ama maxkamada xaq u leeh inay xog u hesho ama hesho macluumaad la xiriira akoonnada bangiga markii la baarayo xaqiiqooyinka ku saabsan wixii dambi ah ee ku xusan heshiiskan hadda jira.
2. Marka laga hadlayo dambiyada heshikan lagu qeexey, Xubin Qaran kastaa waxey qaadeysaa talaabooyin ku habboon, sida waafaqsan sharciyadeeda gudaha, inay hubiso joogitaanka dacweysanaha baaritaannada iyo dhageysiga dacwadda, iyadoo la tixgalinayo xuquuqda difaaca.
3. Xubin Qaran Kasta, waxaay qaadeysaa, iyada oo la raacayo qawaaniinteeda gudaha iyo mabaadi'deeda dastuuriga ah, tillaabooyinka lagama maarmaanka u ah in la aasaaso ama lagu ilaaliyo isku-dheelitirka habboon ee u dhexeeya xasaanad kasta ama mudnaan la siiyo mas'uuliyiinta u sheqeeya dawladdaha kale si ay u fuliyaan waajibaadkooda iyo suurtagalnimada in la qaado, meeshii loo baahdo, baaritaan wax ku ool ah, dacwad oogista iyo maxkamadaynta ficillada lagu ciqaabay heshikan hadda jira.
4. Xubin Qaran Kasta, waa in aay ciqaabtaa dambi kasto ee lagu soo daro heshiiskan hadda jira iyadoo la tixgilinaayo halista dembiga. Go'aaminta ciqaabta dambiyada aan soo sheegnay waa la kordhin doonaa, sida ku xusan qodobka Xeerka Ciqaabta, haddii ay dhacdo soo noqoshada.
5. Xubin Qaran Kastaah,, si waafaqsan qaanuunkeeda gudaha iyo meeshii loga baahdo, waxay ka tix gelin doonta, inay ku soo rogaan xukun adag ama ciqaab dheeri ah kuwa lagu xukumo dambiyada sida ku xusan Heshiiskan.
6. Xubin Qaran Kasta, waxeey qeexi doonaataa, iyada oo la raacayo qawaaniinteeda gudaha, qaanuun u dhigansan oo xadey naayo wixii danbi ah ee ku xusan Axdiga hadda jira.

### **Qodobka 7<sup>aad</sup>**

#### **Joojinta Dadaqaaqa , qabsashada iyo la weregista hantida**

1. Intii suurto gal ah, dowlad kasta Heshiiskan hubna ka ah, waxey qaadeysaa, iyada oo la raacayo qawaaniinteeda gudaha, dhammaan tallaabooyinka lagama maarmaanka u ah in ay awood u yeeshaan la wareeggan:



- b) Macaashka ka soo baxda fal dembi ah sida ku xusan Heshiiskan hadda jira, ama hantida qiimahoodu u dhigmayo qiimaha fa'iidada laga helay falk dembiga ah.
- t) Hanti, qalab ama qalab kale oo loo adeegsaday ama loogu talagalay in lagu isticmaalo komishanka dambiga sida ku xusan Heshiiskan hadda jira.
2. Xubin Qaran Kasta, wexey qaadaaysa talaabooyinka lagama maarmaanka u ah aqoonsiga, raadraaca, qabashada, daq daqaaq joojinta mid kasta oo ka mid ah qodobbada ku xusan farqada (1) ee Qodobkan iyada oo ujeedku yahay la wareegitaankooda.
  3. Wixii macaash ah oo ka soo baxo fal-dambiyeed, qayb ahaan ama gebi ahaanba, lagu wareejiyo ama lagu beddeshto hanti kale, hantidan, halkii kaliya fa'iidada la soo qaban lahaa, waxaa lagu qaadayaa tallaabooyinka lagu soo saaray qodobka hadda jira, xitaa haddii dambiilaha uu u wareejiyay milkiilnimada hantida kuwa kale.
  4. Halk macaashka ka soo baho fal dembi ay isku darsoomaan hanti lagu helay si sharci ah, hantida noocaas ah waxaa lala wareegayaa iyada oo la xaddidaayo qiyaasta qiimaha fa'iidada ka soo baxday falk dembiga ah, iyada oo aan laga hor imaanin wax awood ah oo ku xiran daqdaqaaq joojinta ama xakamaynta.
  5. Tallaabooyinka lagu muujiyey Qodobkan sidoo kale waxa lagu dabbaqi doonaan isla qaab isku mid ah sida kuwa macaashka ka soo gala dambiyadu la xiriira dakhliyada ama dheefaha kale ee maaliyadeed ee ka soo baxa macaashka dembiga, ama hantida lagu beddeshtay falkan ama la kala wareejiyay, ama hantida macaashka fal dembi la isku qasey.
  6. Xubnaha Qaramadda waa in ay tixgeliyaan suurtagalnimada in lagu qasbo dambiilaha inuu caddeeyo sharcinimada uu ku andacoonayo macaashka ka soo baxay fal-dambiyeed ama hanti kale oo lala wareegi karo, illaa iyo inta waajibaadkaasi la jaan qaadayo shuruudaha dalka gudahiisa iyo nidaamka garsoorka iyo tallaabooyinka kale.
  7. Xubin Qaran kasta, waa in aay qaadaan sharciga iyo talaabooyinka kale ee lagama maarmaanka u ah in la abaabulo, loo maamulo lana adeegsado joojinta daqdaqaaqa, la werigista, ama hanti la dayacey kuwaas oo laga macaashay fal danbi, iyadoo la raacayo qawaaniinteeda gudaha. Tallaabooyinka noocan oo kale ah waxaa ka mid noqon kara shuruudaha soo celinta hantida ee wali gacanta ugu jirta qofka xaq u leh. Dalalka Heshiiskan hubin ka ah waa in aay tixgeliyaan talaabooyinka maamulka ama isticmaalka hantida la dayacay iyo mudada iyo jaangooyooyinka waqtiyada hantida loo arko in la dayacey.

8. Qodobbada Qodobkan ku jira looma tarjumi doono si loga takhaluso laguna liido xuquuqdaha dhabta ah ee dhinacyada saddexaad.

### **Qodobka 8<sup>aad</sup>**

#### **Magdhow ka bixinta waxyeelow**

Xubin Qaran Kasta waxey bixin doonaan si waafaqsan qaanuunk gudaha, in dhammaan dadkii waxyeelladu ka soo gaartay ficil musuqmaasuq, sida ku xusan Heshiiskan, in ay xaq u leeyihiin in ay keenaan dacwad is aay u ku donayaan magdhow waxyeeladaas soo gaarey owgood.

### **Qodobka 9<sup>aad</sup>**

#### **Ikhtisaaska Maxkamadda**

1. Dembiyada ku xusan Heshiiskan, waxaa ikhtisaaska maxkamadeentooda iskale dalka axdiqan hubna ka ah xaalad kastoo oo ka mid ah xaaladaha soo socda halka:
  - b) Dembiga, ama wax kasta oo ka mid ah ficillada caawinaayo falka, oo agu fuliyay dhulka dowlada Heshiiskan hubin ka ah;
  - t) Dembiga waxaa lagu geestay markab saaran calanka dalka Heshiiskan hubin ka ah ama diyaarad ka diiwaan gashan dalka sharciyadiisa waqtiga koomishinka falk dembiga dacey;
  - j) Dembiga waxaa laga galay dalka ama mid ka mid ah muwaaddinkeeda ama deganeheeda;
  - x) Dembiga waxaa geestay mid ka mid ah Muwaadiniinta dalka Heshiiskan hubin ka ah, mise qof sida caadiga ah degan dhulk dalka, ama qof bilaa sharci ah oo si rasmi ah u deggan dhulk dowladaha Heshiiskan qeeb ka ah;
  - k) Dembigu waa mid ka mid ah ficillada lagu ciqaabay sida uu qabo qodobka 4.6 ee Heshiiskan, waxaana lagu geystaa meel ka baxsan dhulka dalka Heshiiskan hubna ka ah, iyadoo ujeedku yahay in lagu fuliyo fal dambiyeedka gudaha dalkaas;
  - d- Eedayanuhu waa muwaadin joogna dhulka dal Heshiiskan hubin ka ah taa oo aan laga soo celin karin.
2. Xubin Qaran Kasta waxey ay qaadeysaa talaabooyinka lagama maarmaanka u ah in ficilada lagu ciqaabo Heshiiskan, iyadoo la racaayo awooda shariciga dalka markii dambiilaha geestay falka noocan ahi ku sugan yahay dhulk dal Heshiiskan hubin ka ah aan ka jirin heshis isku soo celin.
3. Halka dalka Heshiiskan hubin ka ah, iyado oo adeegsanaysaa awoodeeda hoos timaado qodobkan, la ogeysiiyay, ama uu ku ogaaay qaab kale, in dal kale ee Heshiiskan hubin ka ah ama (dalal kale) wadaan baaris ama dacwad ku qaadid ama ay qaadayaan talaabooyin sharci oo la xiriira isla falkii la geestay, ka dib

Mas'uuliyiinta awooda u leh dalk Heshiiskan xubin ka ah ama dalalk waa inay wada tashi yeeshaan iskuna dubaridaan dhammaan tilaabooyinka la qaadi karo.

### **Qodobka 10<sup>aad</sup>**

#### **Tallaabooyinka ka hortagga iyo la dagaallanka musuqmaasuqa**

1. Xubin Qrana kasta, si waafaqsan qawaaniinteeda, waa in aay dejiyaan, hirgaliyaan oona adkeeyaan siyaasado wax ku ool ah si looga hortago loona dagaallamo musuqmaasuqa. Tan waxaa ka mid noqon doona xoojinta kaqeybgalka bulshada iyo adeegsiga mabaadi'da ku dhaqanka sharciya, maamul wanaaga arimaha bulshada iyo hantida, sharafta, hufnaanta iyo isla xisaabtanka.
2. Xubin Qaran Kasta waa in aay ku dadaalaan in ay dejiyiyan qaab wax ku ool ah oo looga hortago musuqmaasuqa.
3. Xubin Qaran Kasta, waa in uu ku dadaalaa inuu sameeyo qiimeyn xilliyeed ah shuruucda quseeya iyo tillaabooyinka maamul iyada oo looga gol leeyahay in lagu soo bandhigo wax qabadkooda ku aadan ka hortagga iyo la dagaallanka musuqmaasuqa.
4. Xubin Qaran kasta waxey ku dadaalaysaa, iyada oo la raacayo qawaaniinteeda gudaha, in ay hirgaliso, xoojiso iyo taagyeerto nidaamyo muujinaya daah-furnaana iyo ka hortagga khilaafaadka danaha u dhexeeya shaqaalaha iyo loo shaqeeyaha, ha ahaadaan qaybaha bulshada ama kuwa gaarka loo leeyahay.
5. Xubin Qaran Kasta, wuxuu ku dadaalayaa inuu hirgeliyo, iyada oo la raacayo qawaaniinteeda gudaha iyo nidaamkeeda, haynta diiwaan iyo shuruucda anshaxa ee saxda ah si, loo guto shaqada loo hayo dad weynaha si sharaf iyo amaan ku dehantahay.
6. Xubin Qaran Kasta, waxaay tixgalin doonaan, iyadoo la kaashanaaya sharciyadooda gudaha, dejinta tillaabooyin iyo nidaamyo si loo fududeeyo soo kud binta warbin, aay soo gudbinaayaan u shaqeeyaasha dadweynanah loona gudbinaayo hey'ad dowladeed, fal walba ee musuqmaasuq ah eey ogaadaan inta ay gudanayaan waajibaadkooda.
7. Xubin Qaran Kasta, wuxuu qaadaa talaabooyinka lagama maarmaanka u ah abuurida nidaamyo ku saleysan daah furnaan iyo tartan wanaag, iyadoo hadafka yahay dejin nidaam sah ah ah oo laxiriira soo wax soo iibsiga dowladeed iyo hanaanka istiraatiijiyadda iyadoo ujeedku tahay ka hortagga musuqmaasuqa.
8. Iyadoo laga duulayo in laga hortago musuqmaasuqa ee waaxda gaarka loo leeyahay, Xubin Qaran Kasta, waaxey qaadaan talaabooyinka lagama maarmaanka ah, iyada oo la raacayo qaanuunkeeda gudaha iyo qawaaniinta

xukuma diiwaan haynta, shaacinta xogta maaliyadeed, heerarka xisaabinta iyo dib-u-eegista xisaabaadka, si looga hortago falalkaas oo kale iyada oo ujeedadu tahay in la fuliyo mid kasta oo ka mid ah ficillada lagu ciqaabay sida ku xusan Heshiiskan:

- b) Abuuritaanka xisaabaadka buugaagta aan ku jirin.
  - t) Meesha ka saaridda is dhaafsi ganacsi buugaagta ama iyada oo aan sharraxaad ku filan laga bixin.
  - j) Diiwaangelinta kharashaadka been-abuurka ah
  - x) Gelitaanka waajibaadka maaliyadeed adigoon si dhab ah ugu faahfaahin ujeedadooda.
  - k) Adeegsiga dukumiintiyo been abuur ah.
  - d- Si ula kac ah u baabi'inta dukumiintiyada xisaaba inta aan la gaarin waqtiga sharciga uu oggol yahay.
9. Xubin Qaran Kasta waa in ay iskaashi yeeshaan dexdooda iyo hay'adaha khuseyso ee caalamiga ah iyo kuwa gobolka sida aay lagama maarmaanka u tahay, iyo iyada oo la raacayo shuruucda gudaha, si loo xoojiyo loona horumariyo tillaabooyinka lagu sheegay Qodobkan. Wadashaqeynta noocan oo kale ah waxaa ka mid noqon kara ka qeybgalka barnaamijyada caalamiga ah iyo mashaariicda loga hortagayo musuqmaasuqa.
10. Xubin Qaran Kasta, iyada oo la raacayo qawaaniinteeda gudaha, ayaa hubin doonta jiritaanka hay'ad ama wakaalado, hadba sida loogu baahdo, si looga hortago loolana dagaallamo musuqmaasuqa, sida:
- b) hirgelinta siyaasadaha lagu xusay Qodobkan iyo la socodka fulinta sida loo baahan yahay;
  - t) Kordhinta iyo faafinta aqoonta laxiriirta kahortaga musuqmaasuqa.
11. Xubin Qaran Kasta, sida ku xusan qawaaniinteeda gudaha, waxaay siin doontaa wakaalada ama wakaaladaha ku xusan cutubka kore madaxbanaanida lagama maarmaanka u ah inay awood u siiso in aay kudato/gutaan waajibaadkooda si hufan kana xoroobaan saameyn kasta oo lama huraan ah. Kheyraadka iyo agab ee lagama maarmaanka ah iyo shaqaalaha takhasuska u leh waa in ay helaan sidoo kale tababarka loogu baahan yahay shaqaalaha si ay u gutaan waajibaadkooda.

### **Qodobka 11<sup>aad</sup>**

#### **Kaqeybgalka bulshada rayidka**

Xubin Qaran kastaa waxay qaadeysaa talaabooyin ku haboon oo lagu dhiiri galinaayo ururada bulshada rayidka inay si hufan uga qeybqaataan kahortaga iyo la dagaalanka musuqmaasuqa waxeeyna ku taageeri doonaan kaqeybgalkaas tillaabooyin sida:

1. kor u qaadista wacyigalinta bulshada ee la dagaallanka musuqmaasuqa, sababaha iyo halista musuqmaasuqa iyo halista u musuqu u leeyahay danaha bulshada guud ahaanba.
2. qabashada olole warbaahineed oo lagu diidayo musuqmaasuqa iyo sidoo kale barnaamijyo wacyigelin ah, oo ay ku jiraan manhajka dugsiga iyo jaamacadda.
3. in lagu wargaliyo dadka wax ku saabsan wakaaladaha la-dagaallanka musuqmaasuqa ee lagu xusay Heshiiskan iyo in la siiyo dariiq ay kula xiriiraan hay'adahaas si logu wargaliyo dhacdooyin kasta oo loo arki karo inay ka dhigantahay ficil lagu ciqaabey Heshiiskan hadda jira.

### **Qodobka 12<sup>aad</sup>**

#### **Madaxbannaanida garsoorka iyo Xeer Ilaalinta**

Iyada oo la tixgalinayo muhiimadda aay leedahay madaxbannaanida garsoorka iyo doorkeeda muhiimka ah ee la dagaalanka musuqmaasuqa, Xubin Qaran kasta waa in aay, si waafaqsan qaanuunka u dagsan, qaadataa dhamaan dammaanad qaadyada iyo xoojinta madaxbannaanida garsoorka iyo xeer ilaaliyaasha, taageerida daacadnimadooda iyo in la siiyo ilaalin lama huraan ah.

### **Qodobka 13<sup>aad</sup>**

#### **Xayiraada falalka musuqmaasuqa**

Iyadoo oo tixgihin la siinayo xuquuqda ay leyihiin dhinac saddexaad si niyad sami ah, Xubin Qaran kastaa si waafaqsan qaanuunka u dagsan, ayaa sameeynaayo tallaabooyin lagu ciqaabay musuqmaasuqa. Iyadoo taa la duulaayo, Xubin Qaran kasta waa in aay tixgihin siyaan musuqmaasuqa in uu yahay qodob muhiim ah marka la qaadayo tillaabooyin sharci ah oo lagu burinaayo, ama lagala noqdo heshiis, lagala laabto heshiisyo kale oo la mid ah, ama la qaado wax kasta oo kale oo lagu saxayo.

### **Qodobka 14<sup>aad</sup>**

#### **Ilaalinta Warbixiyasha, markhaatiyada, khubarada iyo dhibanayaasha**

Xubnaha Qaramadda waa inay u fidiyaan badbaadada sharciga ee lagama maarmaanka u ah, warbixiyaasha markhaatiyada, khabiirada iyo dhibbanayaashu kuwaas oo bixinayaan caddeyn laxiriirta ficillada dembi ee la geestay ee ku xusan Heshiiskan. Badbaadada waxaa ka mid ah in laga ilaaliyo ehelkooda iyo kuwa ku dhow ehelkooda ficil kasta oo aargudasho ah ama cabsi gelin ah. Talaabooyinkaas oo ay ka mid yihiin:

1. Iyaga oo lagu siinaya difaac meelaha ay deggan yihiin.
2. In aan la bixin macluumaadka la xiriira aqoonsigooda ama meesha ay ku sugan yihiin.
3. warbixiyaasha, marqaatiyaasha, khubarada iyo dhibanayaashu oo bixiyaan caddeyn waa in aay u bixiyaan hab sugaayo amnigooda, sida adeegsiga teknolojiyadda is-gaarsiinta.

4. Qaadista tilaabooyin ciqaab ah qofkasta oo kashifa macluumaadka la xiriira aqoonsiga ama goobta ay ku sugan yihiin warbixiyaasha, markhaatiyada, khabiirada ama dhibbanayaasha

### **Qodobka 15<sup>aad</sup>**

#### **Taageerada Dhibbanaha**

1. Xubin Qaran kastaa waxaay dajinaysaa qawaaniin hanaan ku habboon si aay u siiso dhibbanayaasha dambiyada lagu soo xusay Heshiiskan oo lasiiyo qaabkii ay u heli lahaayeen magdhow iyo xal.
2. Xubin Qaran kastaa, waxaay siineysaa, si waafaqsan sharcigeeda gudaha, fursad ay dhibbanayaashu ku soo bandhigi karaan aragtidooda iyo in aragtidaas oo la tixgaliyo marxaladaha ku habboon ee dacwadda dambiyada lagu soo oogayo dambiilayaasha, iyada oo aan laga hor joogsanayn xuquuqda difaaca.

### **Qodobka 16<sup>aad</sup>**

#### **Iskaashiga ee Hergelinta sharciga**

Xubnaha Qaramada, waxey iskaashi ka sameynaayaan si dhaw, iyada oo la raacayo nidaamkooda sharciga iyo maamul ee gudaha, si loo hubiyo dhaqan gelinta sharciga wax ku oolka ah si loga hortago loona la dagaallamo dambiyada ku jira Heshiiskan. Wadashaqaynta noocan ahi waa inay kujirto

1. Isweydaarsiga macluumaadka ee ku saabsan qaababka loo adeegsado in lagu galo ama lagu qariyo dembiyada sida ku xusan Heshiiskan hadda jira, oo ay ku jiraan dembiyada la galay iyadoo la adeegsanayo teknolojiyad cusub, iyo in la suurtageliyo ogaanshaha fal dambi inta uusan la galin mark hore.
2. Wadashaqeynta hanaanka baarista ee kusaabsan aqoonsiyada dadka loga shakisan yahay ku lug lahaanshaha dambiyada sida ku xusan Heshiiskan, iyo goobahooda iyo howlahooda, iyo dhaq dhaqaaqa kasoobaxa iyo hantida ka soo baxda gelitaanka dambiyada noocaas ah.
3. Isweydaarsiga khubarada.
4. Wadashaqeynta bixinta kaalmada farsamada si loo diyaariyo barnaamijyada ama loo qabto aqoon isweydaarsiyo wada jir ah, ama kuwa qaas ah hal Xubin Qaran ama Xubnaha Qaramada sida loogu baahan yahay kuwa ka shaqeeya ka hortaga iyo la dagaallanka dembiyada sida ku xusan Heshiiskan, aragti si loo horumariyo aqoontooda iyo awooda wax ku oolka ah loona xoojiyo waxqabadkooda.
5. Kalfadhiyo tababar iyo aqoon isweydaarsiyo ku saabsan ka hortagga iyo xakamaynta dambiyada sida ku xusan Heshiiskan hadda jira.
6. Sameynta iyo isweydaarsiga cilmi baarista, daraasadaha iyo khibradaha laxiriira kahortaga iyo xakamaynta dambiyada sida ku xusan Heshiiskan hada jira.

7. Horumarin xogta ee shurucda qaranka, farsamooyinka baarista iyo tababbarka ugu wanaagsan ee la xiriira ka hortagga iyo xakamaynta dambiyada sida ku xusan Heshiiskan hadda jira.

### **Qodobka 17<sup>aad</sup>**

#### **Iskaashi lala yeesho masuuliyiinta fulinta sharciga**

1. Xubin qaran kastaa waxay qaadeysaa talaabooyin munaasib ah si ay ugu dhiiri geliso kuwa qeyb ka ah mise ka mid ahaa gelitaanka dambiga sida ku xusan Heshiiskan in aay bixiyaan macluumaad waxtar leh lasiiyo masuuliyiinta awooda u leh ujeeda oo aay tahay baaritaanka iyo aruurinta cadaynta, iyo in la bixiyo Caawinta wax ku ool ah hay'adaha awooda leh ee gacana ka geysan karaa in laga joojiyo dambiilayaasha ka fa'iida fal-dambiyeedka oo dib loo soo celiyo fa'iidadas.
2. Xubin Qaran kastaa waxaay tixgalin doontaa, duruufaha ku habboon, si laga yareeyo xukunka qof la soo eedayey oo kaalmo wax ku ool ah ka gaystay baaritaanka ama nidaamka dacwada wax ku saabsan dambi sida ku xusan Heshiiska hadda.
3. Xubin Qaran kastaa waxay tixgalin doonaa suurtagalnimada cafis bedelkii dembi ku oogidda, iyadoo la raacayo qawaaniinteeda gudaha, qof kasta oo ku deeqay kaalmo wax ku ool ah oo ku saabsan baaritaanka ama nidaamka dacwad qaadista marka la eego dembiyada ku xusan Heshiiskan hadda jira.
4. Dadka noocaas ah waa la ilaalin doonaa sida ku xusan qodobka 14aad ee heshiiskan hadda, iyadoo la tixgalinayo shuruudaha ee duruufaha kaladuwan.
5. Marka qofka sida lagu tilmaamey sadarka (1) ee qodobkan oo uu joogo Xubin Qaran kale isla markaana uu awood u leeyahay inuu siiyo kaalmo wax ku ool ah masuuliyiinta awooda u leh Xubin Qaran kale, labada Dowladood ay quseyso ayaa ka fiirsan doona inay ansixiyaan heshiisyo ama wax isla qabanqabiyaan. , iyada oo la raacayo shuruucdooda gudaha dalalk, si ay awood ugu siiso Xubin Qaran kale in ay u bixiyaan xalka sida ku qeexan cutubyada 2 iyo 3 ee Qodobka hadda jira.

### **Qodobka 18<sup>aad</sup>**

#### **Iskaashiga u dhaxeeya Mamulada Qaran**

Xubin Qaran kastaa, waxey si waafaqsan shuruucda gudaha, qadeysaa talabooyinka laga maarmaanka ah si loo hubiyo wadashaqeynta u dhaxeysa mas'uuliyiinteeda dadweyne, iyo sidoo kale inta u dhaxaysa mas'uuliyiinta dowladeed iyo baarista dambiyada iyo mas'uuliyiinta xeer ilaalinta. Wadashaqeynta noocan ah waxaa ka mid noqon doona:

1. ogeysiinta masuuliyiinta baaritaanka markii ay jiraan sababo lagu rumeysan karo komishinka ficil kasta oo dambi laga digay sida ku xusan qodobka 4aad ee Heshiiskan hadda la jira.
2. Bixinta dhammaan macluumaadka lagama maarmaanka u ah maamulada baritaanada marka ay soo codsadaan.

### **Qodobka 19<sup>aad</sup>**

#### **Iskaashiga u dhaxaysa masuuliyiinta Qaranka iyo waaxda gaarka loo leeyahay**

1. Xubin Qaran kastaa, si waafaqsan qaanuunkeeda gudaha, waxey qaadeysaa talaabooyinka lagama maarmaanka ah si loo hubiyo wadashaqeynta u dhaxaysa mas'uuliyiinta qaranka ee ku lug leh baaritaanka iyo dacwad ku soo oogidda iyo waaxaha gaarka loo leeyahay, gaar ahaan mas'uuliyiinta maaliyadeed, arrimaha la xiriira komishinka ficillada dambiyada lagu digay sida lagu sheegay Heshiskan hada jira.
2. Xubin Qaran kastaa waxey tixgelinaysa in aay dhiiri geliso muwaadiniinteeda iyo dadka kale ee sida joogtada ah ugu nool dhulkeeda si ay u ogeysiyaan mas'uuliyiinta qaran ee ay quseyso baaritaanka iyo dacwad ku soo oogidda komishinka fal-dambiyeedka sida ku xusan Heshiiska hadda jira.

### **Qodobka 20<sup>aad</sup>**

#### **caawinaada Garsoorka ee wadaaga ah**

1. Xubnaha Qaraamadda waxey midba midka kale u fidiyaan inta ugu badan ee suurtagalka ah ee caawinta garsoorka wadaagga ah ee baaritaanka, dacwad-ku qaadista iyo habraacyada garsoorka ee la xiriira dembiyada sida ku xusan Heshiiskan.
2. Caawimaadda garsoorka ee wadaaga ah waa in lagu bixiyaa qaabka ugu dhameystiran ee suurtagalka ah iyadoo la raacayo shuruucda dowladaa Xubinta ah ee laga codsadey iyo heshiisyadeeda, heshiisyada iyo qabanqaabada la xiriirta baaritaanka, dembi ku qaadidda iyo habraacyada garsoorka ee la xiriira dembiga loo haysto qof sharci ah iyadoo la raacayo Qodobka 5aad ee Heshiiskan hadda jira ee lagu codsanayo Doladda Xubinta ah ee laga codsanaayo.
3. Codsiga ku saabsan kaalmada garsoorka waxaa lagu sameyn karaa Heshiiska Xilligaan la joogo mid kastoo ka mid ah ujeedooyinka soo socda:
  - b) Si loo helo cadeyn ama bayaan marqaati.
  - t) Bixinta dukumiintiyada garsoorka.
  - j) In la fuliyo kormeer, qabasho iyo xayiraadda [hantida].
  - x) Si loo hubiyo walxaha loona baaro goobaha.
  - k) Si loo bixiyo macluumaad, shey, caddeyn iyo qiimeyn khibradeed.



- d- Si loo bixiyo dukumiintiyada asalka ah iyo diiwaannada, oo ay ku jiraan diiwaangelinta dowladda ama bangiyada ama kuwa shirkadaha ganacsiga ama tas-hiilaadka, ama nuqul ka mid ah oo la caddeeyay.
  - r) Si loo go'aamiyo fa'iidida dembiga ama hantida, agabyada ama waxyaabo kale, ama loo raad raaco ujeedo si loo ogaado qimahooda.
  - s) Si loo fududeeyo soo saariska mutadawiciinta ah ee dadka ee Dowladda Xubinta ah laga codsaneysa.
  - sh) Caawimaad kale oo kasta oo aan ku xadgudbinayn sharciga gudaha ee Dowladda Xubinta ah ee codsansaa.
  - dh) Siidaynta, hayaridda iyo daba-galidda macaashka soo gala fal dambiga.
  - c) Dib u soo celinta hantida si waafaqsan qodobka 27aad ee Heshiiska hadda jira.
4. Xubin Qaran walba waxeey qaadan kartaa sharciga ama talaabooyinka kale ee lagama maarmaanka ah, iyadoo la tixraacayo shuruudaha iyo ujeeddooyinka ay u aragto inay ku habboon yihiin, xukun kasta oo horay loogu xukumay eedaysanaha dowladda kale waana tixgalin kartaa iyada oo uu ujeedku yahay in la adeegsado macluumaadkaas fal-gal dacwadeed la xiriira danbi sida ku xusan Heshiiska hadda jira.
5. Xubin Qaran wablba waxey magacaabeysaa hay'ad dhexe oo leh mas'uuliyadda iyo awoodaha ay ku heli karaan codsiyada kaalmada garsoorka ee labada dhinac ah iyo inay u waafaqaan codsiyadan ama in aay ku wareejin karaan hay'ad awood u leh. Halka Xubin Qaran ay leedahay gobol ama dhul gaar ah oo leh nidaam madax-bannaan oo kaalmaynta garsoorka ah, waxay u magacaabi kartaa hay'ad dhexe oo gooni ah inay ka fuliso isla hawshaas gobolkaas ama dhulalkaas. Maamulka dhexe ayaa hubin doona hirgelinta ama wareejinta codsiyada la helay qaab ugu habboon. Marka ay awooda dhexe u gudbiso dalabka hey'ad karti u leh si talaabo looga qaado, waxay ku dhiiri gelinaysaa awooda ku shuqul leh inay ku shaqeyso codsiga waqti ku habboon si hab sax ah. Xoghayaha Guud ee Ururka Jaamacadda Carabta ayaa la ogeysiin doonaa magaca hay'adda dhexe ee loogu talagalay ujeeddadan waqtiga uu Xubinta Qaran ay gelinayso aaladda ansixinta ama ka qeyb galka Heshiskan hadda jira. Codsiyada ee caawinta garsoorka ee labada dhinac ah iyo wixii xiriir ah ee la xiriira waxaa loo gudbin doonaa mas'uuliyiinta awooda dhexe ee ay magacawday Xubinta Qaran. Tani waxay noqon doontaa iyada oo aan laga hor tagin xuquuqda ay u leedahay Xubin Qaran kasta in ay caddeeso in codsiyada iyo wada-xiriirka noocan oo kale ah lagu hagaajin doono dariiqa diblomaasiyadeed. Markey jirtu xaaladaha deg-degga ah, marka labada dowladded ee ay khusayso ay ogolaadaan, waxaa loo gudbin karaa Xafiiska Bilayska Dembiyada Carbeed iyada oo la raacayo xoghaynta guud ee lataliyaha wasiirrada arrimaha gudaha ee Carabtu, markay suurogal tahay.
6. Codsiga caawimaadda garsoorka ee labada dhinac ah waxaa kujira:
- b) Aqoonsiga hey'adda codsanaysaa

- t) Arrinta iyo nooca baaritaanka, dembi ku oogida ama habrac sharci oo laxiriirta codsiga, iyo magaca iyo howlaha hey'adda baaritaanka wado oo ay fuliso, demb ku oogida ama habraaca garsoorka.
  - j) Soo koobid xaqiiqooyinka laxiriira arinta, marka laga reebo codsiyada ujeedada loogu adeegayo dukumiintiyada garsoorka.
  - x) Sharraxaadda kaalmada la raadinayo iyo faahfaahinta tallaabo kasta oo qaas ah oo Dowladda Xubinta ah ee codsanaysaa ay doonayso in la raaco.
  - k) Aqoonsiga, goobta iyo dhalashada qof kasta oo ay quseyso, intii ay suuragal tahay.
  - d- Ujeedada caddeynta, macluumaadka ama tallaabooyinka loo raadinayo.
7. Dowladd Xubinta ah ee laga codsaday waxey codsan kartaa macluumaad dheeri ah markii loo baahdo si loo hirgaliyo codsiga si waafaqsan sharciga gudaha, ama marka ay taasi fududeyn karto fulinta.
  8. Codsiga waa in lagu dhaqmaa si waafaqsan sharciga gudaha ee Dowladda Xubinta ah ee laga codsaday iyo sidoo kale iyadoo la raacayo habraacyada lagu qeexay dalabka, meel kasta oo ay suurtagal tahay, illaa iyo intaani aysan khilaafsanayn sharciga gudaha ee Dowladda Xubinta ah ee laga codsaday.
  9. Dawladda Xubinta ah ee codsanaysa ma shaacin doonto wax macluumaad ah ama caddeyn ah oo ay siisay Dawladda Xubinta ah ee laga codsaday, ama uma adeegsan karto baaritaannada, dembi ku oogid ama xanaan garsoor aan ahayn kuwa lagu sheegay codsiga, iyadoo aan heshiis hore laga helin Dawladda Xubinta ah ee laga codsaday. barakrafkan kama hortagaayo Dowladda Xubinta ah ee codsanaysaa inta dacwada socoto macluumaad ama caddaynta qofka ee deysanaha wax dembiga loo haysto ka baabinaayo. Xaaladdan oo kale, Dowladda Xubinta ah ee Codsanaysa waxey ogeysiin doontaa Dowladda Xubinta ah ee laga codsaday, kahor int aaysan shaaca ka qaadin, wuxuuna kala tashan doontaa Dowladda Xubinta ah ee laga codsaday, haddii sidaas la weydiyo. Haddii, gaar ahaan, aysan suurogal ahayn in la sameeyo ogaysiis hore, Xubinta Qaran ee Codsaneysaa waxey ku wargalin doontaa Xubinta Qaran ee laga codsaday sideenta xogta daahid la'aan.
  10. Dawladda Xubinta ah ee codsanaysa waxeey u bahanaankartaa Dawladda Xubinta ah ee laga codsaday haynta sirta codsiga iyo waxa ku jira, marka laga reebo xaddiga loo baahan yahay si loo dhaqan geliyo. Hadi Dawladda Xubinta ah ee laga codsaday aaysan awoodin in aay buuxiso shuruudaha qarsoodida, waxey ogeysiin doontaa Dawladda Xubinta ah ee codsanaysa si ku habboon oo aan dib u dhac la'aan.
  11. Caawinaad dhanka garsoorka ah ee wada jirka ah lama siin karo halk:

- b) Codsiga looma sameynin iyada oo la raacayo sida uu digaayo Qodobkan hadda jira;
  - t) Dowladda Xubinta ah ee laga codsaday waxey mark u arkto in fulinta dalabkaasi uu ku xadgudbayo madaxbanaanideeda, amnikeeda, kala dambeynta dadweynaha ama danaha kale ee muhiimka ah.
  - j) Dowladda Xubinta ah ee laga codsaday markuu sharcigeeda gudaha ah ka mamnuucaayo mas'uuliyeeda inay fuliyaan talaabooyinka la codsaday marka la eego fal kasta oo isku dhow, iyaado dambigaasi nocaas ah lamarsiin karo baaritaan, dembi ku oogid, ama degaysi garsoor lagu qado sida ku xusan ikhtisaaskeeda u gaarka ah.
  - x) In la kulmiyo codsiga waxey isku dhacaayaaan shuruucda Dawladda Xubinta ah ee laga codsaday.
12. Xubin Qaran uma diidi karto codsi ku saabsan caawimaadda garsoorka ee wadajir ah sababtoo ah dambiga waxaa loo tixgelinayaa inuu la xiriirto arrimaha dhaqaalaha.
13. Asbaabta diidmada wixii kaalmo garsoor ee wada jir ah waa in la bixiyaa.
14. Dowladda Xubinta ah ee laga codsaday waxey hirgalinaysaa codsiga caawinta garsoorka sida ugu dhaqsaha badan iyaado oo la tixgalinaayo sida ugu badan ee suurta galka ah waqtiga mudada ah ay soo jeedisay Dowladda Xubinta ah ee codsanaysa, gaar ahaan sababaha lagu sheegay codsiga laftiisa. Dowladda Xubinta ah ee codsanaysa waxay soo bandhigi karaa weydiimaha macquulka ah si aay u hesho macluumaad ku saabsan heerka talaabooyinka ay qaadeen Dowladda Xubinta ah ee laga codsaday, in la buuxiyey codsiga iyo horumarka hadda socda. Dowladda Xubinta ah ee laga codsaday waxey ka jawaabi doontaa weydiimaha macquulka ah ee ka imanaya Dowladda Xubintah ah ee codsanaysa ku saabsan heerka codsiga iyo horumarka laga gaadhay in wax laga qabto Dowladda Xubinta ah ee codsanaysa waa in aay si dhakhso leh ugu wargaliyaa Dowladda Xubinta ah ee laga codsaday markii aan loo baahnayn caawimaada la raadinayo.
15. Dowladda Xubinta ah ee laga codsaday waxey dib u dhigi kartaa caawimaadda garsoorka ee wada jirka ah sabab la xiriirto inuu khilaafsan yahay baaritaannada socda, dacwad-qaadista ama hab raaca garsoorka
- b) Dowladda Xubinta ah ee laga codsaday, iyada oo laga jawaabay codsi caawimaad ah, iyadoo la raacayo qodobka hadda jira haddi aan jirin wax masuuliyad labo fal-dambi laga kala galey labo dal,( dual-Criminality) waxay tixgelin doontaa ujeedooyinka Heshiskan hadda jira sida lagu xusay qodobka 2aad
  - t) Xubin Qaran waa aay diidi kartaa inay bixiso kaalmo iyada oo la raacayo Qodobka hada jira oo ah fal danbi la aan labda dal laga galin.(dual criminality) Waxay bixin kartaa caawimaad aan ku lug lahayn tallaabo qasab ah waxayna

diidi kartaa inay bixiso kaalmadan oo kale markay la xiriirto codsiyo aan qiimo lahayn ama arrimaha la xiriira iskaashiga ama gargaarka ee la raadinayo lagu bixiyey qodobbada kale ee Heshiiskan hadda jira.

- j) Xubin Qaran kastaa waxey tixgelin kartaa in aay qaadato tillaabooyin ay u aragto inay lagama maarmaan u tahay inay bixiso caawimaad ballaadhan, sida ku xusan qodobka hadda jira, iyada oo ay jirto xaalad la'aanta laba dambi laga kala galey dalka.(Dual Criminality).

16. Kahor inta aan codsi kasta la diidin, sida ku xusan sadarka (1) 1 ee Qodobka hadda jira, ama dib-u-dhigista fulintiisa, iyada oo la raacayo paragraafka (1,5) ee Qodobka hadda jira, Dowladda Xubinta ah ee laga codsaday ayaa kala tashan doonta Dowladda Xubinta ah ee codsanaysa in aay tixgeliso suurtagalnimada bixinta gargaarka iyada oo ku xidhan shuruudo kasta ama qodobo kasta oo loo arko inay lagama maarmaan tahay. Haddii Dowladda Xubinta ah ee Codsanays ay aqbasho caawimaadan shuruudaysan, waa in aay buuxisaa shuruudahan.

17. Qof kasta oo xiran ama qof kasta oo xukunkiisa ku bixinaayo dal Xubin Qaran kale oo qofkaasi joogitaankiisa ay soo codsato Xubin Qaran kale ujeeddada aay tahay aqoonsashada dadka, bixinta caddeyn ama bixinta kaalmo kale si loo helo caddeyn baaritaan, dembi ku oogid, ama habraac garsoorka ee la xiriira. dembiyada sida ku xusan Heshiiskan hadda jira waa la celin karaa, haddii la buuxiyo labada shuruud ee soosocda:

b) qofka in uu aqbalo si xor ah oona oqoon u leyahay; iyo

t) Mas'uuliyiinta awooda u leh labada Xubnaha Qarramadda waay isku raaceen, iyadoo oo kuxiran yihiin shuruudaha labada Xubnaha Qarramadda u arkaan inay ku habboon yihiin.

18. Ujeedooyinka Paragraafka (1) 8 ee Qodobka hadda jira

b) Xubinta Qaran ee qofka loo wareejinayo waxaa awood loosiiyey oo waajib ku ah in ay ku sii hayso qofka xabsiga, illaa iyo inta Xubinta Qaran ee qofka laga soo celiyey aan si kale codsan si kale ama aay bixiso ogalaansho si kale;

t) Xubinta Qaran ee qofka loo dhiibayo waa in aay, iyada oo aan la daahin, fulisaa waajibaadka saaran oo ah in aay ku soo celiso gacan ku haynta Xubinta Qaran ee laga soo celiyey iyadoo la raacayo wixii markii hore lagu heshiiyay, ama qaab kale, oo u dhaxaysa Mas'uuliyiinta awooda u leh labada Xubnaha Qaramada.

j) Xubinta Qaran ee qof lag soo celiyey dib u wareejintisa qofkaas shardi uga ma digi karto bilaawid dhegeysi dacwad ku aadan si loo gacan gelin Xubin Qaran ee laga soo wareejiyay.

x) Waqtiga lagu hayey Xubin Qaran oo so wareejiyay waxaa laga goynayaa xukunka lagu so rogay Xubin Qaran taas oo asaga lag soo wareejiyay.

19. Qofka, dhalasho kasta ha watee, hadi dib loogu soo celiyey si waafaqsan faqrada 18 iyo 19 ee Qodobka hadda jira lama maxkamadeen karo, lama xiri

karo, lama ciqaabi karo ama xorriyadiisa shakhsiga lama xaddidi karo siyaabo kale markuu joogo dhulalka Xubinta Qaran ee laga soo wareejiyay asabab ficil ama ficilo ama xukun kahor intuusan ka tagin dhulki Dowladda ee laga soo wareejiyey, ilaa iyo inta Dowladda ay san ogolaan.

20. Xubin Qaran ma diidi karto in aay bixiso caawimaad garsoor oo wada jir ah iyada oo la raacayo Qodobka hada jira asbaata diidmada ay ku saleysanta qarsoodida bangiyada.

21. Marka uu qofk joogo dhulka Xubin Qaran loona baahado marag furkiisa, marqaati ama khabiir ahaan, horta garsoorka ee Xubin Qaran kale, taasi oo ay suurta gal tahay oona waafaqsantahay sharciga gudaha, Xubinta Qaran ee koowaad, iyada oo la racaayow codsi kaga timid Xubin Qaran labaad, waxeey u oggolaanaysaa dhageysi in la qabato iyada oo loo sii marinaayo tebinta tooska ah, haddii aysan suurta gal ahayn ama lagu talin karin qofka ay quseyso inuu ka soo dhex muuqdo shaqsi ahaan dalabka xubinta Qaran ee codsanaysa.

22. Iyadoo aan laga eexsaneyn sharciga gudaha, mas'uuliyiinta awooda u leh Xubinta Qaran waxay awood u yeelan karaan, iyagoo aan la helin codsi hore, inay u diraan macluumaadka la xiriira arrimaha dambiyada maamulka awooda u leh ee Xubin Qaran kale, markii la rumeysan yahay inay macluumaadkani gacan ka geysan kaaraan maamulka inay fuliyaan ama in si guul leh lagu soo gabagabeeyo baaritaanka dambiyada iyo dacwadaha ama waxay u horseedi kartaa Xubin Qaran kale in aay codsi sameeyso sida ku xusan Heshiiskan hadda jira.

23. Macluumaadka ku xusan parakraafka 5aad ee qodobka hadda jira waxaa loo diri doonaa iyada oo aan laga hor joogsan xaqa baarista dambiyada socdo iyo howlaha Qaranka ee mas'uuliyiintiisa awwod u leh ee bixiya macluumaadka. Mas'uuliyiinta awooda u leh helitaanka macluumaadka waxay u hoggaansamaayaan codsi kasta oo lagu xafidayo macluumaadka sir laga digo xitaa haddii si ku meelgaar ah, ama loo soo rogo xannibaado isticmaalkeeda. Tani, si kastaba ha noqotee, kama hor istaagayso Xubin Qaran oo gudomeyso, iyadoo laga egaayo dacwadeeda, shaacinta macluumaad kaas oo eedaysanaha lagu siidayeenay. Xaaladdan oo kale, Qaranka qudoomeeya waxey ogeysiin doontaa Qarak soo diray ka hor shaacinta macluumaadka, waana in aay kala tashataa Qarank u diraya haddii la weydiyo in aay sidaas sameeyso. Haddii, gaar ahaan, aysan suuragal ahayn in lagu jiheeyo ogeysiis hordhac ah, Qarank qudoomaayo waxey ku wargalin doontaa Qaranka dirayo si daahfurnaan daahitaan la'aan ku dehantahay.

24. Iyadoo aan loo kala eexanayn parakraafka 20-aad ee qodobka hadda jira, marqaati, khabiir ama qof kale oo lamid ah dembi laguma

soo oogi karo, mala xabsadeen karo mise mala ciqaabi karo iyadoo lagu saleynayo codsi ka imanaya Xubin Qaran in ay caddeyn ka bixiyo dhageysiga faldambiyeedka ama inuu gacan ka geysto baaritaanka dembiyada, dacwad-kuqaadidda. ama dacwadaha ka socda dhulk ay Xubinta Qaran ee codsatay, laguma qaadi karo talaabo kale oo xadidaya xoriyadooda shaqsiyadeed ee dhulkaas sababtoo ah ficil kasta, ka saarid ama xukun ka hor intaysan ka bixin dhulkii ay ka codsadeen Xisbiga Gobolka. Dammaanad-qaadidda xasaanad waxay dhammaan doontaa markii marqaatiga, khabiirka ama qof kale, iskiis u qabsado, uu ku sii ekaado dhulka uu ka codsanayo Xisbiga Gobolka ka dib markii la siiyay fursad uu kaga baxo shan iyo toban maalmood, ama xilli kasta oo ay labadayadu ku heshiiyeen. Xisbiyada Gobollada, laga bilaabo taariikhda ayaa si rasmi ah loogu wargaliyay in jiritaankiisa uma baahna hayadaha garsoorka, ama marka uu ku soo noqdo dhulkan ikhtiyaarkiisa ka dib markii uu ka tagay.

25. Xubin Qaran ee laga codsaday waa in aay kaafisaa kharashaadka caadiga ah ee fulinta codsiga, ilaa labada Qaran ee quseeya ay ku heshiiyaan siyaba kale. Fulinta codsiga hadi ay u baahantahay kharashyo badan ama aan caadi ahayn, labada Qaran ee ay quseyso ayaa ka tashan doona qeexitaanka shuruudaha iyo qodobbada xukuma fulinta codsiga iyo sidoo kale qeybinta culeyska kharashaadka.

a) Dowladda Xubin ah ee laga codsaday waa in aay siisaa Dowladda Xubin ah ee codsanaysa nuqullada diiwaannada, dukumiintiyada ama macluumaadka dowladda ee ay haysato taas oo sharcigeeda gudaha uu oggol yahay in la siiyo dadweynaha.

b) Iyada oo lagu saleynaayo qiimaynteeda, Dowladda Xubinta ah ee laga codsaday waxaa laga yaabaa in aay u keento Dowladda Xubinta ah ee codsanaysa, gebi ahaanba ama qayb ahaan, ama shuruudaha, waxay u muuqataa inay habboon tahay, nuqulo kasta oo diiwaangelin ah, dukumiintiyada ama macluumaad dawladeed oo ay hayso oo sharciyadeeda gudaha aysan u oggolaanaynin in dadweynaha loo lala wadaago.

28. Qodobbada Qodobkan ayaa lagu dabaqi doonaa codsiyada gargaarka sharci ah hadi Qaramadda Xubnaha aysan ku jirin heshiis kaalmad ee garsoor ee wadajir ah. Meesha Xubnaha Qaramada noocaas ah ay ku xukumaan heshiis noocaas ah, qodobbadaasi ayey isku dabbaqmi doonaan halk Xubnaha Qaramadda waxay ku dabaqi doonaan qodobka hadda jira haddii ay fududeeyaan iskaashi.

### **Qodobka 21<sup>aad</sup>**

#### **Iskaashi ujeedadisu tahay La-wareegidda hanti**

1. Dowladda Xubin Qaran ee laga codsaday waxey leedahay awood garsoor oo buuxda oo ku saabsan dambiga uu quseeyo Heshiiskan xaadirka ah waxeyna xaq u leeyahay in aay la wareegdo dhammaan hantidii ku jirtay dhulkeeda iyadoo loo

eegayo wixii kasoo baxo oo fa'iido ah ee dambiga ama hantida ama aaladda ama aaladaha kale ee lagu xusay farqada (1) ee Qodobka 7aad ee Heshiikan hadda jira waxeyna xaq u leeyahay in aay ku kaco talaabo xad-dhaaf ah, oo waafaqsan shuruucda gudaha, mid ka mid ah waxyaabaha soo socda:

- b. U gudbinta codsiga mas'uuliyiinta awooda u leh; si ay u soo saaraan amar la wareegis oo ay fuliyaan amarkaas mar la soo saaray.
  - t. U gudbinta mas'uuliyiinta awooda u leh amarka la wareegista ee ay maxakamadu soo saartay dhulkii ay ka Dowladda Xubinta ah ee codsanaysaa ah ujeeddu ay tahay dhaqan galinta.
2. Isla marka ay hesho codsi ka socda Xubin Qaran kale oo leh awood garsoor oo ku saabsan dambiyada uu quseeyo Heshiiskan xaadirka ah, Dowladda Xubinta Qaran ee laga codsaday waxay qaadi doontaa tillaabooyinka lagama maarmaanka u ah in ay kashifto fa'iidada dambiga ama hantida ama aaladda lagu sheegay farqada (1) ee Qodobka 7aad, daba-galkiisa, ama sii-daynta ama haynta iyada oo ujeeddadu tahay la-wareegis iyada oo loo marayo amar ay soosaartay Xubinta Qaran ee codsanaysa ama Xubinta Dowladda ah ee laga codsaday iyada oo la raacayo farqada (1) ee Qodobka hadda.
3. Shuruucda Qodobka 20-aad ee Hishiiskan hadda jira ayaa lagu dabaqi doonaa qodobka hadda jira iyadoo la tixgelinayo kala-duwanaanshaha. Macluumaadka ku xusan cutubka (5) ee qodobka 20, ka sokow macluumaadka la soo gudbiyey sida ku xusan qodobka hadda jira waxaa ka mid noqon doona kuwa soo socda:
- b. marka la eego codsi la xariira barakraafka (1, a) ee Qodobka hada jira ee cadeynaya hantida la la wareegi doono oo ay kujirto goobta hantidaasi iyo qiimahooda la qiyaasay, iyadoon loo eegayn xiriirka iyo ku xirnaanshaha xaqiiqooyinka codsiyada Xubin Qaran ay so xigatay. waxaa ku filan awood u siinta ee Dowladda Xubinta Qaran ee codsaday in ay soo saaraan iyadoo ku xijra xendaabka shuruucda dalk guduhiisa.
  - t. Marka la eego codsi la xiriira farqada (1, b) ee Qodobka hada jirra, waxa loobaahanyahay waa nuqul sharci ah oo la aqbali karo ee ku aadan amarka la wareegida kaas oo ay codsiggu ku tiirsanyahay taas oo ay soosaartay Dowladda Xubinta ah ee codsanaysa iyo bayaan xaqiiqooyinka iyo macluumaadka lagama maarmaanka u ah fulinta amarada iyo bayaan qeexaya tillaabooyinka ay qaadday Dowladda Xubinta ah ee codsanaysa in la siiyey ogeysiis ku habboon koox seddexaad oo xoqooq leh iyo in la hubiyo ku-hoggaansanaanta hantida sharciga ah iyo bayaan in amar wareejinta waa kama dambeys.
  - j. Marka laga hadlayo codsi la xidhiidha baaragaraafka (2) ee qodobka hada, qoraal bayaan ah oo ku saabsan xaqiiqooyinka oo Dowladda Xubinta ah ee codsanaysa ay ku tiirsaneed diyaarinta codsigiisa, halka laga heli karo

4. Dowladda Xubinta ah ee laga codsaday waxey qaadan doonaa go'aamada iyo habraacyada lagu sheegay farqada (1) iyo (2) ee qodobka hada jirra, si waafaqsan qaanuunkeeda gudaha iyo qawaaniinta habraaca ama heshiis kasta ama nidaam laba geesood ah ama heshiis laba geesood ah oo ay ka go'an tahay in ay door bidido is aay u ixtiraamto Xubinta Qarran ee codsanaysa iyo sida ku xusan qodobada iyo qawaaniinta la xiriira ama heshiiska ama qabanqaabada.
5. Xubin Qaran kasta waxey siin doonaa Xoghayaha Guud ee Jaamacadda Carabta nuqulo ka mid ah sharciyadeda iyo qawaaniinteeda ku xusan qodobka hada jira iyo nuqulada wixii isbeddel ah ee lagu soo rogo sharciyada iyo xeerarka noocaas ah ama sharraxaadda.
6. Haddii Xubin Qaran doorato in ay shardi ka digto tallaabooyinka lagu xusay faqrada 1aad iyo 2aad ee Qodobka hadda jira jiritaanka heshiis laga gaadhayo arrintaas, Xubin Qaran ayaa u qaddarin doona Heshiikan hada jira in uuyahay heshiis ku-haboon.
7. Waxaa sidoo kale loo oggol yahay in aay diido iskaashi ku saleysan qodobka hadda jira ama ay baajiso tallaabooyinka ku meelgaarka ah haddii Dowladda ah ee laga codsaday aysan helin caddeyn ku filan waqtiga loo caymay, ama halka hantidu qiimahooda yar ku fadhido.
8. Kahor inta aan la joojin tallaabo kasta oo ku meelgaar ah oo la qaadayo sida ku xusan qodobka hadda jira, Dowladda Xubinta Qaran ee laga codsaday ayaa siin doonta Xubinta Qaran ee codsanaysa, halka ay suurtagal tahay, fursadda lagu bixiyo sababaha ay u baahan tahay sii wadidda talabooyinkan.
9. Qodobbada Qodobkan hadda jirra looma turjumi doono si kasta oo wax ugu dhimaya xuquuqda dhinacyada saddexaad.

#### **Qodobka 22<sup>aad</sup>**

##### **wareejinta habraacyada dacwad-ku qaadista**

Xubnaha Qarramadda ee Heshiiskan hadda jira waxay tixgelin karaan suurtagalnimada wareejinta habraacyada dacwad-ku qaadista ee ku saabsan ficil dembi looga digay Heshiiskan dhex yaal iyaga oo ujeeddadoodu tahay in lagu soo uruuriyo dabagalka haddii ay tani ku haboon tahay danaha caddaaladda, gaar ahaan markay tani khuseyso dalal badan oo garsoor ah.

#### **Qodobka 23<sup>aad</sup>**

##### **Dib-u-celinta Dembiilayaasha**

1. Dhammaan dambiyada uu quseeyo Heshiiskan hada jirra, waxaa loo tixgeliyaa inay yihiin dambi dambilaha dib-u-celin lagu qaadi karo, sida ku xusan heshiis kasta oo ku saabsan wareejinta dembiilayaasha ee ka dhexeeya Xubnaha Qarramadda. Xubnaha Qarramadda waxey ku qiranayaan inay ku daraan



dambiyadaas oo ka mid ah dambiyada ku jira heshiis kasta oo ku saabsan wareejinta dambiilayaasha dhexdooda. Xubin Qaran kasto oo sharcigeedu oggol yahay tani uma tixgelin doonaan mid kasta oo ka mid ah dambiyada uu ku daboolay Heshiiskan xaadirka ah inuu yahay dambi siyaasadeed haddii Heshiiskan xaadirka ah loo qaado asal ahaan wareejinta.

2. Qodobkaan waxaa lagu dabaqi doonaa dembiyada uu quseeyo Heshiiskan xaadirka ah markii qofka dhib-u-celinta quseeyso uu joogo dhulka Dowladda Xubinta ah ee codsanaysa iyada oo shuruudda in ficilk logu talagalay dhi-u-celinta la soo codsadey uu yahay fal dembiyeed sida uu qabo sharciyada gudaha ee labada Xubnaha Qarramad ah ee codsanaysa iyo codsaday.
3. Waxaa ka reeban sadarka (2) ee qodobka hada jira, Xubin Qaran kasta oo sharcigeeda gudaha u oggol yahay in la wareejiyo qof lagu soo oogay mid kasta oo ka mid ah dambiyada ay ku xusan yihiin Heshiiskan hada jirra, xitaa haddii falk uu yahay fal dembi loga dhigay sharci-hoosaadkeeda gudaha.
4. Codsiga dhib-u-celinta waxaa ku jira dhowr dembiyood oo kaladuwan, kuwaas oo, ugu yaraan, lagu qaado dhib-u-celinta sida ku xusan qodobka hada jira, iyo halka qaar ka mid ah aan lagu soo oogi karin sabab la xiriirta muddada xabsi lagu soo rogay, laakiin waxay la xiriirtaa dambi uu quseeyo Heshiiskan xaadirka ah, Xubinta Qaran ee laga codsaday waxey ku dhaqangelin kartaa qodobka hada jira marka loo eego dambiyadaas.
5. Haddii Xubin Qaran ee laga codsaday, ka dhigto shuruud dhib-u-celinta dambiilayaasha jiritaanka heshiis - codsanaya dhi-u-celinta qof waddan kale ka yimid oo aan lahayn heshiis dhib-u-celin, waxey u tixgelin kartaa Heshiiskan xaadirka ah inuu yahay aasaas sharci ah oo logu talagalay soo celinta dambiilaha kaas oo Xeerka hada jira lagu dhaqmayo.
6. Xubin Qarran Kasta ee shuruuda ka dhigta dhib-u-celin jiritaanka heshiis waxey:
  - b. U sheegaan Xog-hayaha Guud ee Jaamacadda Carabta markii ay dhigayaan aaladdii ansixinta ama ka-mid-ahaanshaha Heshiiskan xaadirka ah ee caddeeya haddii loo tixgelin doono Heshiiskan xaadirka ah inuu yahay aasaaska sharciga ah ee iskaashiga arrimaha ku saabsan dhib-u-celinta dhammaan qeybaha Xubnaha Qarramadda ee Heshiiskan hada jirra.
  - t. In la Raadiyo, meeshii ay lagama maarmaan tahay, si Xubnaha ula saxiixdid heshiisyada is dhib-u-celinta ee lala galayo dhammaan Xubnaha Qarramadda hada jira iyada oo ujeedadu tahay in lagu dhaqaaqo qodobka jira marka Heshiiskan hada jiraa uusan ahayn aasaas sharciyeed ee iskaashi ku saabsan arrimaha dhib isku celinta.

7. Xubinta Qaran ee aan shardi ka dhigaynin jiritaanka heshiis dhib-u-celin ah waxay u tixgelin karta dembiyada ku xusan qodobka hadda jira inay u yihiin dembiyo u oggolaanaya xubnaha Qaramadda in ay dhib isku celin karaan.
8. Dhib-u-celint waxey ku xirantahay sharciga gudaha ah ee Xubinta Qaran ee laga codsaday ama heshiiska dhib-u-celinta oo ay kujiraan shuruudaha la xiriira ciqaabta ugu yar ee shardi u ah dhib-u-celinta iyo sababaha Xubinta Qaran ee codsanaysa in ay u isticmaali karto inay diido dhib u soo-celinta.
9. Xubinta Qaran waxey raadin doontaa, sida uu qabo sharciga gudaha, in aay dardar geliso habraaca dib-u-celinta isla markaana dardar-geliso dhammaan caddaymaha loga baahan yahay Qodobka hadda jira.
10. Xubinta Qaran ee laga codsaday waxey iyado oo ku salaynaysa sharcigeeda gudaha iyo heshiisyada dhib-u-celinta iyo sida ku xusan codsi ka yimid Xubin Qaran ee codsanaysa, waxey hayneysaa qofka dib-u-celintiisa la raadinayo kaas oo ku sugan xubinta Qaran dhulkeeda, sido kale waxey qaadi karta tallaabooyin kale oo ku habboon si loo hubiyo jiritaankiisa iyo hanaanka dhib-u-celinta mar hadii lagu qanco inay jiraan duruufu iyo inay duruufaho ay yihiin kuwa adag.
11. Haddii ay dhacdo in Xubin Qaran ay ku guul darreysato in dhib-u-celiso dambiilaha oo joogo dalkeeda, dembiyada lagu galay Qodobka hadda jira, sabab la xiriirta oo keliya inuu ka mid yahay muwaadiniinteeda, Xubinta Qaran wax ku saleysanaysa yahay dhib-u-celinta Xubinta Qaran ee codsanaysa, Xubinta Qaran waxey u gudbi doonta arrinta si habsan ah masuuliyiinta u xilsaaran si tallaabo dheeri ah u qadaan. Hay'adaha kartida u leh ayaa go'aan ka qaadan doona oo ay qaadayaan tillaabooyinka ay sida caadiga ah uga qaadaan dembiyada ay qodabkoodu u arkan mid halis u ah sharcigeeda gudaha. Xubnaha Qaramadda ah ee ay quseyso waa ay iska kaashan doonaan.
12. Meesha sharciga gudaha ee Xubin Qaran ka mamnuucayo dhib-u-celinta mid ka mid ah muwaadiniinteeda ama u oggolaato ciqaabtaas oo kale iyadoo shuruud lagu xidhayo in laguso celiyo dhulka Xubinta Qaran si uu ugu dhameesto xukunkiisa ka dib maxkamadaynta ama habraacyada laga codsaday in lagu dhiibo qofkaas iyo Dalkani wuxuu la jaan qaadayaa Dowladda Xubinta Qaran ee codsaday ka gudbinta doqeeda iyo shuruudo kasta oo kale oo ay u arkaan inay ku habboon yihiin, dhib-u-soo celinta ku xiran shuruuddan waxaa loo tixgelinayaa inay ku filan tahay fulinta waajibaadka ku qeexan cutubka (11) ee Qodobka hadda.
13. Marka codsiga dib-u-celinta ee ujeeddada lagu hirgalinayo xukun garsoor lagu diido sababaha ku saleysan in dambiilaha uu yahay muwaadin u dhashay Dowladda Xubinta Qaran ee laga codsaday, waa in, haddii sharcigiisa gudaha uu

oggol yahay oo waafaqsan shuruudaha sharcigaas, tixgalin siisa si waafaqsan codsi ka yimid Dowladda Xubinta Qaran ee codsanays inay fuliso xukunka loosoo gudbiyey iyadoo la raacayo sharciga gudaha ee Dowladda Xubinta Qaran ee codsanaysa ama waxa ka soo haro.

14. Qof kasta, oo lagula kaco dacwadaha noocaas ah iyadoo laga tixraaco mid ka mid ah dambiyadii lagu soo qaaday qodobkan hadda jira, wuxuu ku raaxeysanayaa hab maamuus iyo sharaf leh dhammaan heerarka hab raciyadda, wuxuuna ku raaxaysan doonaa dhammaan xuquuqaha iyo dammaanadda laga siiyay shuruucda gudaha ee Xubinta Qaran halka qofk joogo.
15. Qodobkan hada jira laguma qeexi karo in aay yihiin mid lagu soo rogayo balanqaad dib-u-celin hadii Dowladda Xubinta Qaran ee codsaday uu haysto sababa ku filan in lagu aamino in dalabka dhib-u-celinta ulajeeddadiisa tahay in lagu cadaadiyo ama lagu ciqaabayo sabab qofka asalkiisa, jinsi ahaan, diintiisa, dhalashadiisa, asalka qowmiyada, aragtida ama mowqifka siyaasadeed, ama haddii u hogaansanaanta dalabkaas ay waxyeelo u geysan karto heerka qofkaas sababahan midkood.
16. Xubinta Qaran ma diidi doono codsi dhib-u-celin sabab laxiriirta in dambiga loo arko inuu yahay dambi maaliyadeed
17. Kahor diidmada dhib-u-celinta, Dowladda Xubinta Qaran ee laga codsaday waa inay la tashataa, markii loo baahdo, iyadoo Dowladda Xubinta Qaran ee codsanaysa aay siiso fursad buuxda oo uu ku soo gudbisato aragtideeda oo aay ku bixinayso macluumaad aay ku taageeraso codsigeeda.

#### **Qodobka 24<sup>aad</sup>**

##### **Dhib-u-celinta dadyoowga la xukumay**

Xubnaha Qarramadda waxay xaq u leeyihiin inay iska fiiriyaan saxeexa heshiisyada laba geesoodka ah ama labada dhinac ama qabanqaabada ku saabsan dhib-u-celinta shakhsiyaadka lagu xukumay xukun xabsi ama qaabab kale oo loga takhaluso xorriyadooda sababta oo ah gelitaanka falalka lagu ciqaabayo Heshiiskan xaadirka ah ee xuduudahooda in shaqsiyaadkaas ay ku dhameysan karaan mudadooda xabsi halka.

#### **Qodobka 25<sup>aad</sup>**

##### **Baadhitaannada wadajirka ah**

Xubnaha Qaramadda waa inay tixgeliyaan ansixinta heshiisyada laba geesood ama heshiisyo dhinacyo badan leh ama diyaarin u oggolaanaya mas'uuliyiinta karti u leh inay sameystaan guddiyo baaritaan wada jir ah ka sameeya arrimaha baaritaanka ama nidaamka garsoorka ee hal ama dhowr dowladood, halka aan heshiisyadaas ama qaban qaabadaas oo kale jirin, waxaa loo oggolaanayaa inay

Waxay ku fuliyaan baaritaanno wada jir ah iyagoo u maraya heshiisyo waafi ah iyo kiis kiis ku saleysan iyo Xubinta Qaran ay quseyso waxey qaadaysaa inay si buuxda u ixtiraamo madaxbanaanida Xubinta Qaran oo dhulkeeda baaritaanka lagu fulin doono.

### **Qodobka 26<sup>aad</sup>**

#### **Qaababka Baadhitaanka khaask ah**

1. Ujeedka la dagaalanka musuqmaasuqa hab wax ku ool ah, Xubin Qaran Kasta, iyada oo la raacayo qawaaniinteeda gudaha iyo kartideeda, ayaa qaadi doonta tillaabooyinka lagama maarmaanka ah si ay awood ugu siiso masuuliyiinta karti u leh in ay u adeegsadaan habka kormeerka dhib-u-celinta hab ku habboon iyo sidoo kale, goorta ku habboon, in la raaco tillaabooyinka baaritaanka sida dabagalka elektarooniga ah iyo noocyo kale oo ilaalin ah oo kiisaska sirta ah loga helo adeegsiga habboon gobolka. Sidoo kale, maxkamadaha sharciga ayaa aqbali doona waxa ka soo baxa hababka baaritaanka noocaas ah marka la eego caddaynta.
2. Baaritaanka dembiyada uu Heshiikan hadda jira tabanaayo, Xubnaha Qarramadda waxey dhiirrigelinayaan ansaxinta, markii loo baahdo, heshiisyada laba geesoodka ah ama heshiisyo dhowr ah ama heshiisyo ku habboon isticmaalka habab baarista khaaska ah, tan marka la eego iskaashiga heerka caalamiga ah; Heshiiska ama heshiisyada noocan oo kale ah waa in la ansaxiyaa laguna dhaqangeliyaa si waafaqsan u hoggaansanaanta mabda'a madaxbannaanida loo simanyahay iyadoo la fulinayo loona hoggaansamayo qawaaniinta heshiisyada ama heshiisyadaas si adag.
3. Meel aan heshiis ama nidaam noocan oo kale ahi ka jirin sida lagu xusay faqradda (2) ee Qodobka hadda jira, go'aanno ayaa laga gaari doonaa iyada oo la adeegsanayo qaababka baaritaanka gaarka ah ee caalamiga ah iyadoo loo maraayo kiis kiis; meeshii loo baahdo, qabanqabada maaliyadeed iyo heshiiska ku saabsan ikhtisaaska garsoorka waxaa sameyn doona Xubnaha Qaramadda ah ee ay quseyso.
4. Markii aay oggolaadaan Xubanaha Qaramadda ay quseyso, go'aamada la xiriira isticmaalida habka kormeerka dhib-u-celinta waxaa laga yaabaa in lagu gaaro heerka caalamiga ah, sida dhexda u galida badeecada ama lacagaha iyo go'aanka in loo ogolaado qaar in aay si nabadeed u gudbaan ama la iska indha tiro ama la beddelo gabi ahaanba ama qayb ahaan.

### **Qodobka 27<sup>aad</sup>**

#### **Soo celinta Hantida**

Soo celinta hantida ayaa waxaa loo arkaa inay tahay mabda'a aasaasiga ah ee Heshiiskan hadda jira iyo Xubnaha Qaramadda waxay isku siin doonaan midba midka kale caawinaad iyo taageero arrinkaas aawgeed.

## **Qodobka 28<sup>aad</sup>**

### **Ka Hortagga iyo kashifida Guddinta ee fa'iidooyinka Dembiyada**

1. Xubin Qaran kastaa waxey qaadaysa dhamaan talaabooyinka lagama maarmaanka u ah iyadoo la raacayo qawaaniinteeda gudaha si logu qasbo masuuliyiinta maaliyadeed ee ka shaqeysa awoodeeda si ay u baaraan aqoonsiga macaamiisha iyo inay qaadaan tillaabooyin macquul ah oo ay ku muujinayaan aqoonsiga milkiilayaasha ka faa iideysanaya lacagta lagu shubay akoonada ee qiimo sare leh iyo in la sameeyo baaritaano faahfaahsan oo ku saabsan akoonada loo baahan yahay in aay furtaan ama lagu hayo ama lagu matalayo shakhsiyaad loo xilsaaray ama horay loogu xilsaaray in ay qabtaan xafiisyada dadweynaha ee muhiimka ah ama xubnaha qoysaskooda ama shakhsiyaadka xiriir dhow la leh . Baadhitaanka faahfaahsan ee noocan oo kale ah waa in loo qorsheeyaa qaab macquul ah oo u oggolaanaya tilmaanta heshiisyada shakiga kujira si loo ogeysiiyo mas'uuliyiinta karti u leh iyaga, looma baahna in loo fasirto sidii loga hortegi lahaa masuuliyiinta maaliyadeed inay la macaamilaan macmiil sharci ah.
2. Xubin Qaran kastaa, si waafaqsan shuruucdeeda gudaha iyo sido oo kale ay hagayaan dadaallada la xiriira ee ay qaadeen ururrada gobolka iyo kuwa caalamiga ah si loola dagaallamo lacagta laabista:
  - b. Bixinta tilmaamaha ku saabsan noocyada dadka dabiiciga ah iyo kuwa sharciga ah ee ku hoos jira ikhtisaaskeeda iyo arrimaha la xiriira maamulka maaliyadeed ee akoonadooda laga filayo inay si sax ah u xisaab hubiyaan iyo noocyada akoonada iyo wax isdaafsiga ee la filayo inay ka bixiyaan taxadir oo ku aadan tallaabooyinka la qaadi doono marka la eego furitaanka akoonnada iyo keydinta buugaagta akoontiga, iyada oo maskaxda lagu hayo tillaabooyinka la filayo in la qaado ee la xiriira akoonadaas.
  - t. in aay wargaliyaan masuuliyiinta maaliyadeed ee hoos yimaada ikhtisaaskeeda, markii loo baahdo iyo codsi ka yimid Xubin Qaran, ee aqoonsiga qof caadi ah ah ama shaqsi qanuneed, waxaana laga filayaa hay'adahan inay si fiican u baaraan akoonadooda marka lagu daro kuwa ay mas'uuliyiinta maaliyadu awood u yeelan karaan in aay cadeeyaan qaab kale.
3. Xubin Qaran kastaa waxey hubin doontaa in mas'uuliyiinta maaliyadeed ay hayaan, muddo ku habboon, diiwaangelinta akoonnada iyo isdaafsiga ganacsi la xiriira shakhsiyaadka aan kor lagu soo xusnay ee barakraafka (1) ee Qodobka hadda jira, waa haddii ay diiwaannadaas ku jiraan ugu yaraan aqoonsiga qofka macmiilka iyo macluumaadka ugu badan ee suuragalka ah milkiilaha dhabta ah.
4. Iyada oo ujeedadu tahay ka hor taggida iyo daahfurka habdhaqanka wareejinta dakhliyada sharci darrada ah, sida lagu qeexay Heshiiskan hada jira, Xubin Qaran kastaa waxey qaadi karaan talaabooyin wax ku ool ah oo ku habboon oo loga hortagayo, iyadoo lala kaashanayo hay'adaha kormeerka, sameynta bangiyo aan la heen Jiritaan dhaqaale ama aan ka mid ahayn koox maaliyadeed oo hoos

timaad kormeer. Intaa waxaa dheer, Xubnaha Qaramadda waxay tixgelin doonaan in aay amraan mas'uuliyintooda maaliyadeed inay diidaan sameynta ama daba-gashada xiriir ganacsi oo kasta oo ay la yeeshaan bangiyada xiriir la leh ayna ka fogaadaan inay galaan ganacsi kasta oo ay la galaan hay'adaha maaliyadeed ee shisheeye ee u oggolaanaya bangiyada iyagoon haysan dhaqaale oo aan qayb ka ahayn kooxda dhaqaalaha si loo isticmaalo akoonadooda.

5. Xubin Qaran kastaa waxey tixgelin sinaysa soosaarista qaabab wax ku ool ah oo loogu dhawaaqo bayaannada maaliyadeed, iyadoo la raacayo qawaaniinteeda gudaha, markii laga hadlaayo shaqaalaha dawladda oo loo dejiyo ganaaxyo munaasib ah oo ku saabsan u hoggaansan la'aanta. Xubin Qaran kastaa waxey tixgelinaysa inay qaadato tillaabooyinka u oggolaanaya mas'uuliyiinteeda karti u leh inay macluumaadka la wadaagaan mas'uuliyiinta awoodda u leh qaybaha kale ee Xubnaha Qaramadda markii loo baahdo in la baaro dakhliyada sharci darrada ah, sida ku xusan Heshiikan hadda jira, lagana soo kabsado dakhliyadaas.
6. Xubin Qaran kastaa waxey tixgelin doontaa qaadashada tillaabooyinka lagama maarmaanka ah, iyada oo la raacayo qawaaniinteeda gudaha, in lagu qasbo shaqaalaha dawladda ee ay khusayso kuwaa ku leh akoono bangi ee dalal shisheeye ama awood saxeex ama diiwaangelin sax ah oo la xidhiidha xisaabaadka noocan ah si loogu wargaliyo mas'uuliyiinta kartida u leh arrintan iyo hayso diiwaanada saxda ah ee ku habboon. Tillaabooyinkan waxaa ka mid noqon doona ciqaabta u hoggaansan la'aanta.

### **Qodobka 29<sup>aad</sup>**

#### **Iskaashiga Gaarka ah**

Xubin Qaran kastaa waxey raadin doontaa, iyada oo aan wax u dhimin sharciyadeeda gudaha, inay qaadato tillaabooyin awood u siinaya inaay u gudbisno, iyada oo aan wax u dhimeynin baaritaanadeeda ama hab raaciyadeeda sharciga ah, warbixin kusaabsan fa'iidooyinka dembiga, sida ku xusan Heshiikan aay u gudbisno Xubin Qaran kale iyadoo aan codsi hore jirin. Waa hadii ay u aragtaa in shaacinta macluumaadka noocaas ah ay ka caawin karto Xubin Qaran ee Codsanaysa in aay gaarto gunaanad ama ay sameeyso baaritaanno ama dacwad sharciyeed ama uu ka caawiyo in Xubinta Qaran in aay gudbisno codsi sida ku xusan qodobka Qodobkan hadda jira.

### **Qodobka 30<sup>aad</sup>**

#### **Soo kabashada iyo qubida hantida**

1. Hantida ay kala wareegeen Xubinta Qaran qodobbada 7aad iyo Qodobkan hadda jira ee Heshiikan hadda waaxey ku soo celin karan Xubinta Qaran si milkiilaha sharciga ah loogu wareejiyo, sida ku xusan cutubka (3) ee Qodobka hadda jira, sida ku xusan Heshiikan hadda jira iyo sharcigeeda gudaha.

2. Xubin Qaran kastaa waxey ansaxinaysaa, iyada oo la raacayo qawaaniinteeda, sharciga iyo talaabooyinka kale ee awood u siinaya mas'uuliyiinteeda awooda u leh, markii ay qaadayaan talaabo gaar ah markay soo codsato Xubin Qaran ee codsanaysa, in ay soo celiyaan hantida lagala wareegey sida ku xusan qodobka hadda jira, iyada oo la ilaalinayo. xuquuqaha saxda ah ee dhinacyada saddexaad.
3. Sida ku xusan qodobka 20aad iyo 21aad ee Heshiskan hadda jira iyo baaragaraafyada (1) iyo (2) ee qodobka hadda jira, Dowladda Xubinta ah ee codsanaysa waxey:
  - b. Haddii ay dhacdo lacaq labista ama lunsashada lacagaha dadweynaha, sida ku xusan cutub-hoosaadka (h), (k) iyo (l) ee Qodobka 4-aad ee Heshiskan hadda jira, markii wareejinta la samaeynaayo si waafaqsan qodobka 21-aad laguna saleynaayo go'aanka kama dambaysta ah ee ay soo saarto Dowladda Xubinta ah ee codsanaysa, Dowladda Xubinta ah ee laga codsaday waxaa waajib ku ah inay iska saarto oo ku soo celiyaan hantidii la la wareegey Dowladda Xubinta Qaran ah ee codsanaysa.
  - t. Haddii ay dhacdo dakhliyada laga helo qaabab kale oo sharci darro ah, sida ku xusan Heshiskan hada jira, marka la wareejin la daqan galinaayo sida ku xusan qodobka 21aad ee Heshiskan hadda jira oo ku saleysan go'aankii ugu dambeeyay ee ka soo baxey Dowladda Xubinta Qaran ah ee Codsanaysa Dowladda Xubinta Qaran ah ee laga codsaday waxaa waajib ku ah in aay iska saarto iyo ku celiso hantida la la wareegay Dowladdan Xubinta Qaran ah ee codsanaysa, waa haddii mida dambe si macquul ah u caddeynayso lahaansha hore ee hantida la la wareegey Dowladda Xubinta Qaran ah ee Codsanaysa. Ama markay xubinta Qaran ee codsanaysa ay qirayaal ka bixiso waxyeelada ka soo gaadhay xubinta Qaran ah ee codsanaysa asal ahaan inay u soo celiyo hantida la wareejiyay.
  - j. Xaaladaha kale oo dhan, in laga fiirsado iyada oo ahmiyad la siinayo soo celinta hantida la wareejiyay ee ku saabsan Xubinta Qaran ah ee codsanaysa ama ku soo celinta hantidaas milkiileyaasheedii hore ee sharciga ah, ama magdhaw dhibanayaashii ay ka heleen oo dhanba.
4. Dowladda Xubinta Qaran ah ee codsanaysa ayaa laga yaabaa, markii loo baahdo iyo haddii kale oo aay oggolyihiin Xubnaha Qaramadda kale, in ay ka jaraan kharashyada macquulka ah ee la galay inta baaritaannada lagu gud jiray ama dacwaddii sharciga ee horseeday soo celinta hantida la wareegey ama lagu maareynayo iyada oo la raacayo Heshii hadda jira.
5. Xubnaha Qaramadda, markii loo baahdo, waxay si gaar ah u tixgelin doonaan gabagabada heshiisyada kiis- kis ku salaysan, si loogu fiirsado hantida kama dambaysta ah ee la wareejiyey.

**Qodobka 31aad**  
**Tababar iyo Caawinaad Farsamo**

1. Xubin Qaran kastaa waxey soo kordinaysaa, horumarisaa ama kor uqaadaa barnaamijyada tababarka ee loogu talagalay saraakiishooda la tacaasho musuqmaasuqa. Barnaamijyada tababarka ee noocan ah waxaa ka mid noqon kara:
  - b. Qaadashada tillaabooyin wax ku ool ah oo looga hortagayo, daahfurka, baaritaanka, ciqaabta iyo la dagaallanka musuqmaasuqa iyadoo la adeegsanayo dhammaan qaababka caddaymaha-ururinta iyo baaritaanka.
  - t. Dhisidda kartida hormarinta iyo qorshaynta istiraatiijiyadda la-dagaallanka musuqmaasuqa.
  - j. In lagu tababaro masuuliyiinta awooda u leh in ay diyaariyaan codsiyada caawimaada garsoorka ee wadajirka ah iyadoo laraacaayo shuruudaha Heshiiskan.
- x. Qiimaynta iyo taageerida xarumaha, waaxaha adeegyada bulshada iyo waaxaha lacagta dawlada oo ay ku jiraan soo iibsi dowladeed iyo ganacsiga gaarka loo leeyahay.
  - k. Ka hortagga iyo la-dagaallanka qarinta dakhliga sharci-darrada ah sida ku xusan Heshiiskan hadda jira iyo dhib usoo celinta dakhliyadaas.
  - d- Baadi goobka iyo Hayirada dhakhliga sharci darada ah
  - r) Soo saarista dakhliga sharci darada ah iyo xeeladaha loo adeegsado in lagu qariyo.
  - s) Adeegsiga farsamooyinka maamul iyo sharci ee ku habboon iyo taatikada si loo fududeeyo soo celinta dakhliga sharci darrada ah, iyo
  - sh) Adeegsiga dariiqooyinka lagu ilaaliyo dhibbanayaasha iyo marqaatiyaasha la shaqeya mas'uuliyiinta garsoorka.
2. In Lagu tawabaro hirgelinta shuruucda iyo qawaaniinta qaranka iyo kuwa caalamiga ah.
3. Xubnaha Qaramadda waa inay tixgeliyaan, markii loo baahdo, inay iscaawiyaan midba midka kale sameynta qiimeyn, daraasado iyo cilmi-baaris ku saabsan noocyada, sababaha, saameynta iyo kharashyada musuqmaasuqa ee ka jira dalalkooda iyada oo ujeeddadu tahay in la diyaariyo qorshayaasha la-dagaallanka musuqmaasuqa ee ka-qeybgalayaan masuuliyiinta kartida u leh iyo bulshada rayidka ah.
4. Xubnaha Qaramadda, ayaa midba midka kale siin kara qoraalada khubarada si aay gacan uga geystan fududeynta soo celinta dakhliyada sharci-darrada ah.

**Qodobka 32<sup>aad</sup>**  
**Ururinta, Beddelka iyo Falanqaynta Macluumaadka la xiriira**  
**Musuqmaasuqa iyo Xogta**

1. Xubin Qaran kastaa waxey raadin doontaa in aay falanqeeyso musuqmaasuqa



baahsan ee ka jira dhulkeeda iyo duruufaha ku xeeran dambiyada musuqmaasuqa.

2. Xubnaha Qaramaddu waa inay tixgeliyaan horumarinta macluumaadka, khibradda falanqaynta iyo macluumaadka la xiriira la-dagaallanka musuqmaasuqa oo ay la wadaagaan xogta noocaas ah, khibradda falanqaynta iyo macluumaadka iyada oo loo marayo ururada caalamiga ah iyo kuwa gobolka iyada oo ujeeddadu tahay in la caddeeyo tallaabooyinka wadaagga ah iyo hababka in la is waafajiya iyo hababka ugu wanaagsan ee looga hortago lana dagaallamo musuqmaasuqa.
3. Xubin Qaran kastaa waxey tixgalinaysa hirgalinta talaabooyinkiisa iyo istiraatiijiyaddiisa la-dagaallanka musuqmaasuqa iyo qiimeynta hufnaanta iyo wax ku ool nimada tallaabooyinka iyo istiraatiijiyadaha noocaas ah.

### **Qodobka 33 aad Shirka Xubinta**

1. Shirka Xubnaha Qaramadda ee heshiiskan hada jira ayaa looga golleeyahay hagaajinta awoodda Xubinta Qaramadda iyo kobcinta iskaashigooda si loo gaaro himilooyinka halkan ku xusan.
2. Xoghayaha Guud ee Jaamacadda Carabta ayaa isugu yeeraayo shirweynayaa Xubinta hal sano ka dib markii la dhaqan galiyo Heshiiska hadda jira. Kadibna shirarka caadiga ah ee xubnaha waxaa loo qaban doonaa iyada oo la raacayo qawaaniinta habraaca Shirka.
3. Shirka Xubnaha wuxuu ansaxin doonaa Xeerarkiisa nidaamka iyo qawaaniinta kale ee xukuma howlaha ku xusan qodobka hadda jira oo ay ku jiraan xeerarka oggolaanshaha goobjoogayaasha, xubin ka ahaanta, iyo maalgelinta howlahooda.
4. Shirka Xubnah ayaa go'aaminaya barnaamijkiisa waxqabad, cabiraayo iyo qaabab lagu gaaro himilooyinka oo ay ku jiraan:
  - b. Fududeynta isweydaarsiga macluumaadka ka dhex jira qeybaha Xubnaha Qaramada ee ku saabsan noocyada iyo isbeddelada musuqmaasuqa iyo ku guuleysiga dhaqannada looga hortago iyo la dagaallama, iyo soo celinta dakhliga sharci darrada ah iyagoo faafiya macluumaadka la xiriira.
  - t. Wadashaqayn lala yeesho ururada caalamiga ah iyo kuwa gobolka ee ku habboon iyo ururada aan dawliga ahayn.
  - j. Adeegsiga macluumaadka laxiriira ee ay diyaariyeen hayadaha caalamiga iyo kuwa gobolka si loola dagaallamo lagana hortago musuqmaasuqa;
  - x. Dib-u-eegid lagu sameeyo hirgalinta heshiiskan haatan jira ee ay gaareen Xubnaha Qaramadda.
  - k. Qaadashada talooyinka si kor loogu qaado hirgelinta Heshiiska hadda jira.

- d- Aqoonsiga kaalmada farsamo ee ay u baahan yihiin Xubnaha Qaramadda si loo dhaqan galiyo heshiiska hada jira iyo soo jeedinta talaabooyinka looga baahan yahay arintaan.
5. Shirka Xubnaha wuxuu heli doonaa warbixinno ku saabsan tillaabooyinka ay qaadaan Xubnaha Qaramadda si ay u meel mariyaan heshiiska hadda jira iyo dhibaatooyinka ay la kulmaan, iyada oo loo marayo warbixinnada qarankooda iyo tallaabooyinka dib-u-eegista ee dhammaystirka ah ee ay soo bandhigeen Shirka Xubnaha.
  6. Xubin Qaran kastaa waxey siinysaa Xubnaha Qaramadda kale barnaamijyadeeda, qorshayaasheeda iyo wax qabadkeeda sidoo kale talaabooyinkeeda maamul iyo sharci dejinta ee loo qaaday hirgalinta Heshiiskan hada jira, sida looga baahan yahay Shirka Xubnaha. Sidoo kale, Shirka Xubnaha wuxuu tixgelin doonaa sida ugu wanaagsan ee lagu heli karo macluumaad loona qaado tillaabooyinka ku saleysan, oo ay ku jiraan macluumaadka laga helay Xubnaha Qaramadda iyo ururada caalamiga ah iyo Shirka Xubnaha wuxuu sida oo kale tixgelin karaa tabarucaadka NGO-yada ay khusayso iyaado la ansixinaayo sida ku cad talaabooyinka Shirweynaha Xubnaha ku ansaxi karaan.
  7. Shirka Xubnaha wuxuu - haddii ay u arkaan in ay ku habboon tahay – ay aasaasayaan farsamo kasta oo lagu kaalmaynayo fulinta wax ku ool le Heshiiskan.

### **Qodobka 34 Xoghaynta**

1. Xoghaynta Guud ee Ururka Jaamacadda Carabtu wuxuu noqon doonaa xoghaynta Shirka Xubnaha.
2. Xoghayntu waxey:
  - b. Ku caawinta Shirka Xubnaha sidii loo horumarin lahaa waxqabadyada loogu talagalay xaqiijinta himilooyinka Heshiiskan hada jira, iyo in la qabto qabanqaabada lagama maarmaanka u ah si la iskugu yeero Shirka Xubnaha iyo bixinta taageerada loo baahan yahay.
  - t. U soo gudbinta macluumaadka Shirka Xubnaha iyada oo la raacayo baaragaraafyada (4), (5) iyo (6) ee qodobka 33 ee Heshiiskan hadda jira; iyo
  - j. Wadashaqayn lala yeesho xoghaynta hayadaha caalamiga ah iyo kuwa gobolka ee ay khusayso.

### **Qodobka 35-aad Qodobada ugu dambeeya**

1. Mas'uuliyiinta karti u leh Xubnaha Qaramadda waxay qaadi doonaan dhammaan tallaabooyinka lagama maarmaanka u ah hirgelinta iyo in la siiyo daqan gelin Heshiiskan hadda jira.

2. Ka mid noqoshada Heshiiskan hadda jira wuxuu u furan yahay dhammaan waddamada carabta si loo ansixiyo ama oggalasho dokumintiyadasna waxaa lagu keydin doonaa Xoghaynta Guud ee Jaamacadda Carabta ugu badnaan muddo 30 maalmood ah oo ka bilaabata maalinta la ansixinayo ama la oggalaaday. Xoghaynta guud waxey ogeysiinaysaa dhamaan Xubnaha Qaramadda iyo xoghaynta wasiirada carabta ee arimaha gudaha iyo cadaalada dokumeentiyo kasto iyo taariikhda la keydiyey.
3. Heshiiskan hadda jira wuxuu dhaqan gelayaa 30 maalmood kadib markii ay ansaxiyaan toddobo (7) dowladood oo Carab ah.
4. Xubin kasta oo ka mid ah Jaamacadda Carabta oo aan saxeexnayn Heshiiskan hadda ah waxey ansaxin kartaa ka dibna xubin ayuu ka noqon karaa 30 maalmood ka dib markii la galiyo dokumentiyada ka mid noqoshada ama ansixinta Xoghaynta Guud ee Jaamacadda Carabta.
5. Xubnaha Qaramada waxay tixgelin karaan, meeshii ay lagama maarmaan tahay, meelmarinta heshiis kasta oo laba geesood ah ama mid dhinacyo badan ah ama qabanqaabooyin hab maamuus leh si loogu adeego ujeeddada Heshiiskan hadda jira lana hirgelin karo laguna taageerayo ujeeddooyinkeeda.
6. Dhinac Xubin Qaran kasta oo ka mid ah Heshiiskan hadda jira waxey soo jeedin kartaa wax ka beddeliddiisa. Soo jeedinta wax ka beddelka waxaa loo gudbin doonaa Xoghaynta Guud ee Jaamacadda Carabta oo markaa usi gudbin doona Shirka Xubna oo tixgelin doona kuna dadaali doona sidii si wada jir ah loogu meel marin laha.
7. Wax ka beddelka lagu ansixiyay sida ku xusan faqradda (6) ee qodobka hadda waxaa la marinayaa ansixinta, aqbalida, iyo oggalanshaha xubnaha Qaramadda. Markii lagu ansixiyo Shirka Xubnaha, wax-ka-beddelka noocan ah wuxuu ku qasbanaanayaa dhammaan Xubnaha Qaramadda.
8. Xubin Qaran kastaa waa aay ka bixi kartaa Heshiiskan hada jira, iyadoo soo gudbinaysa codsi qoraal ah oo kus socoto Xoghaynta Guud ee Jaamacada Carabta, ka noqoshadaasina waxay dhaqangelaysaa 6 bilood laga bilaabo xiliga codsiga ka bixitaanka la soo gubiyey. Qodobadda Heshiiskan hadda jira wuxuu ahaanayaa mid jiri doonaa Xubinta Qaran dhammaan muddada ku xusan qodobkan hada jira.

**Heshiiskan hada jira waxaa lagu diyaariyay Carabi Qaahira (Masar) 21ka Diseembar 2010, hal (1) Nuqul oo asal ah oo lagu kaydiyey Xoghaynta Guud ee Jaamacadda Carabta (Xoghaynta Farsamada ee Wasiiradda Caddaaladda Carbeed) iyo nuqul la hubo ayaa la marin**

**doonaa. Waxaa lagu keydin doonaa Xoghaynta Guud ee Jaamacadda Carabta (Xoghaynta Farsamada ee Wasiiradda Arrimaha Gudaha), iyo nuqul kale oo la hubo ayaa loo gudbin doonaa Xubin Qaran kasta.**

**iyadoo la sugayo qodobbadan kor ku xusan iyagoo oo mudan Qadarin iyo sharaf Wasiirrada Carbeed ee Arrimaha Gudaha iyo Caddaaladda waxay saxeexeen Heshiiskan hadda jira iyagoo ka wakiil ah Dowladooda**

**LEAGUE OF ARAB STATES**  
**General Secretariat**

**ARAB ANTI-CORRUPTION CONVENTION**

**Preamble:**  
**The signatory Arab states,**

*Convinced* that corruption is a crime that takes many forms with negative impacts on moral values, political life, the economy and society;

Considering that fighting corruption is not limited to Government authorities but also includes individuals and civil society organizations which shall play an effective role in this regard;

*Desirous* to put into effect Arab and international efforts to fight corruption with the aim of facilitating international cooperation in this field, particularly with regard to the extradition of offenders, the provision of mutual judicial assistance and the restitution of assets;

*Convinced* of the need for an Arab cooperation to prevent and fight corruption in view of its transnational nature;

*Committed* to the religious and moral principles of the monotheistic religions, including the those enshrined in Islamic *sharia*, as they appear in the aims of the Charter of the League of Arab States and the United Nations Charter as well as in Arab, regional and international treaties and conventions in the fields of judiciary, judicial and security cooperation to prevent and fight corruption-related crime and to which the Arab States are party, including the UN Convention Against Corruption (UNCAC).

It has been agreed as follows:

**Article 1**  
**Definitions**

For the purposes of the present Convention, the following words and phrases are defined as follows:

**1. State party:** any State Party of the League of Arab States which has ratified or acceded to the present Convention and deposited the ratification or accession instruments at the General Secretariat of the League.

**2. Public official:** any person who works in public employment or who is considered a public official according to the laws of the State Party in the executive, legislative, judicial or administrative fields, whether such person is appointed or elected, temporarily or permanently, or charged with public service in the State Party, with or without remuneration.

**3. Foreign public official:** any person who holds a legislative, executive, administrative or judicial position in a foreign country, whether such person is appointed or elected, temporarily or permanently, and any person who holds a public office serving a foreign country or a foreign public body or institution.

**4. Official of an international public organization:** any international civil servant or official or any person appointed by an international public organization to act on its behalf.

**5. Property:** any kind of asset, whether material or intangible, movable or immovable, and all such securities or legal instruments that prove ownership of such assets or a right thereon.

**6. Proceeds of crime:** any assets derived or obtained, directly or indirectly, from the commission of any act of corruption criminalized under the present Convention.

**7. Freezing or restraint:** the imposition of a temporary ban on the transfer, exchange, disposal or movement of property, or the temporary assumption of custody or control of property, on the basis of order made by a court of law or such other competent authority.

**8. Confiscation:** the permanent removal of property by order of a court of law or such other competent authority.

**9. Controlled extradition:** allowing illegal or suspicious operations to leave the territory of one or several states, or to pass through or enter, with the knowledge of the competent authorities and under their supervision, with the

aim of investigating acts of corruption punished by the relevant provisions of the present Convention and discovering the identity of the persons involved in their commission.

## **Article 2** **Aims of the Convention**

This Convention aims to:

- Foster measures to prevent, fight and uncover all forms of corruption and other offences related to its commission, and the prosecution of its perpetrators.
- Foster integrity, transparency, accountability and the rule of law.
- Encourage individuals and civil society organizations to take an active part in preventing and fighting corruption.

## **Article 3** **Protection of sovereignty**

1 — State Parties shall honour their commitments under the present Convention in a manner that agrees with the principles of equality of state sovereignty, regional peace and non-intervention in the internal affairs of other states.

2 — Under the present Convention, no State Party is allowed to assume jurisdiction on the territory of another state and perform functions that are limited to the authorities of that state according to its domestic legislation.

## **Article 4** **Criminalization**

Considering that the description of acts of corruption, criminalized by the present Convention, is subject to the laws of the State Party, each state, according to its domestic legislation, shall adopt the necessary legal and other measures to criminalize the following acts when committed intentionally:

- 1 — Bribery of a public official.
- 2 — Bribery in public sector companies, joint-stock companies, associations and institutions of a public interest nature.
- 3 — Bribery in the private sector.
- 4 — Bribery of foreign public officials and officials of public international organizations in connection with international trade within a State Party.
- 5 — Influence-peddling.
- 6 — Abuse of public office.
- 7 — Illicit enrichment.
- 8 — Laundering of proceeds of crime.
- 9 — Concealing of proceeds of crime obtained from the acts stipulated in the present Article.
- 10 — Obstructing the course of justice.
- 11 — Misappropriation of public property and its unlawful acquisition.
- 12 — Misappropriation of the property of joint-stock companies, public-interest private associations and in the private sector.
- 13 — Participation or attempt in the offences stipulated in the present Article.

## **Article 5** **Liability of legal persons**

Each State Party shall adopt the necessary measures, in accordance with its domestic legislation, to determine the criminal, civil or administrative liability of any legal person for the offences stipulated in the present Convention, without prejudice to the criminal liability of physical persons.

## **Article 6** **Criminal prosecution and trial**

1 — Each State Party shall take the necessary measures, in accordance with its domestic legislation, to ensure the competent investigative authority or court has the right to access or obtain any data or information related to bank accounts when investigating the facts regarding any offence under the present Convention.

2 — With respect to those offences provided for under the present Convention, each State Party shall take the appropriate measures, in accordance with its domestic legislation, to ensure the presence of the accused at investigative and trial proceedings when he is at liberty, while taking into account the rights of the defence.

3 — Each State Party shall take, in accordance with its domestic legislation and constitutional principles, the necessary measures to establish or maintain an appropriate balance between any immunity or privilege granted to public officials for the sake of performing their duties and the possibility of undertaking, where necessary, effective investigation, prosecution and trial of acts punished under the present Convention.

4 — Each State Party shall prosecute any offence included in the present Convention subject to penalties that take into account the seriousness of the offence. Determined penalties for the mentioned offences shall be increased, according to the provision of the Criminal Code, in case of relapse.

5 — Each State Party, in accordance with its domestic legislation and where required, shall consider imposing any secondary or additional punishment on those convicted of offences under the present Convention.

6 — Each State Party shall define, in accordance with its domestic legislation, a statute of limitation for any offence under the present Convention.

## **Article 7**

### **Freezing, seizure and confiscation**

1 — As far as possible, each State Party shall adopt, in accordance with its domestic legislation, all necessary measures to enable the confiscation of:

a) The proceeds of crime deriving from offences under the present Convention, or assets whose value is equivalent to the value of those proceeds.

b) Property, equipment or other instruments used or intended to be used in the commission of an offence under the present Convention.

2 — Each State Party shall take the necessary measures for the identification, tracking, seizure, freezing of any of the things indicated in paragraph (1) of the present Article with the aim of their confiscation.

3 — Where the proceeds of crime, in part or in whole, are transferred or exchanged for other property, this property, rather than the proceeds, shall be subject to the measures provided under the present Article, even if the offender has transferred ownership to others.

4 — Where the proceeds of crime are mixed with property acquired lawfully, such property shall be subject to confiscation within the limits of the estimated value of these proceeds, without prejudice to any power connected to their freezing or restraint.

5 — The measures indicated in the present Article shall also apply in the same fashion and to the same extent as for the proceeds of crime to revenues or other financial benefits derived from the proceeds of crime, or from the property into which these proceeds were been converted or exchanged, or from the property with which these proceeds have been mixed.

6 — State Parties may consider the possibility of obliging an offender to prove the legitimacy of alleged proceeds of crime or other property subject to confiscation, to the extent that this obligation conforms with domestic laws and the nature of judicial and other measures.

7 — Each State Party shall adopt the legal and other measures necessary to organize, administer and use frozen, seized, confiscated or abandoned property which is the proceeds of crime, in accordance with its domestic legislation. Such measures shall include criteria for the return of property which is still under the disposal of the person who has a right to it. Each State Party shall also consider measures for the administration or use of abandoned property and the length and standardization of time periods for property to be deemed abandoned.

8 — The provisions of the present Article shall not be interpreted so as to prejudice the rights of *bona fide* third parties.

## **Article 8**

### **Compensation for damage**

Each State Party shall provide in its domestic legislation that all those that suffered damage as a result of an act of corruption, under the present Convention, shall have the right to bring an action for compensation for such damage.

## **Article 9**

### **Jurisdiction**



1 — Offences under the present Convention are subject to the jurisdiction of the State Party in any of the following circumstances where:

- a) the offence, or any of its material supporting acts, is committed on the territory of the State Party;
- b) the offence is committed on board a ship under the flag of the State Party or an aircraft registered under its laws at the time of the commission of the offence;
- c) the offence is committed against the State Party or one of its nationals or residents;
- d) the offence is committed by one of the nationals of the State Party, a person ordinarily resident in its territory or a stateless person ordinarily resident in its territory;
- e) the offence is one of the acts punished under Article 4.6 of the present Convention and is committed outside the territory of the State Party with the intent of committing the criminal act within its territory;
- f) the accused is a national present on the territory of a State Party which shall not extradite him.

2 — Each State Party shall adopt the measures necessary to make the acts criminalized by the present Convention subject to its legal jurisdiction when the perpetrator of such acts is present on its territory and it will not extradite him.

3 — Where the State Party, exercising jurisdiction under this provision, has been notified, or has come to know in any another way, that another State Party or Parties is (are) conducting investigations or prosecution or taking legal measures regarding the same conduct, then the competent authorities in that State Party or Parties shall consult together and coordinate all such steps that may have to be taken.

## **Article 10**

### **Measures for prevention and fight against corruption**

1 — Each State Party shall, in accordance with its laws, lay down, implement and consolidate effective and coordinated policies to prevent and fight corruption. This shall include the strengthening of community participation and the application of the principles of the rule of law, good administration of public affairs and property, integrity, transparency and accountability.

2 — Each State Party shall endeavour to establish effective means to prevent corruption.

3 — Each State Party shall endeavour to carry out periodic assessments of relevant laws and administrative measures with a view to reporting on their performance in preventing and fighting corruption.

4 — Each State Party shall endeavour, in accordance with its domestic legislation, to adopt, consolidate and support systems that institute transparency and prevent conflicts of interest between employees and their employers, be they in the public or private sectors.

5 — Each State Party shall endeavour to implement, in accordance with its domestic legislation and system, record-keeping and codes of conduct for the correct, honourable and safe discharge of public office.

6 — Each State Party shall also consider, in accordance with its domestic legislation, establishing measures and systems to facilitate the reporting, by public officials, to the relevant authorities, of any act of corruption that came to their knowledge in the course of their duties.

7 — Each State Party shall take the necessary steps to create systems based on transparency, competition and objective standards in connection with public procurement and tendering procedures with the aim of preventing corruption.

8 — With a view to prevent corruption in the private sector, each State Party shall take the necessary measures, in accordance with its domestic legislation and regulations governing record-keeping, disclosure of financial data, audit standards and review of accounts, to prevent any such deeds with the intention of committing any of the acts punished under the present Convention:

- a) Creating accounts off the books.
- b) Executing transactions off the books or without adequate explanation.
- c) Recording fabricated expenditure.
- d) Entering into financial obligations without explaining their purpose truthfully.
- e) Using forged documents.
- f) Deliberate destruction of accounting documents before the lapse of the time permitted at law.

9 — State Parties shall cooperate with each other and with relevant international and regional organizations as may be necessary, and in accordance with their domestic legislations, to strengthen and develop the measures referred to under the present Article. Such cooperation may include participation in international programmes and projects for the prevention of corruption.

10 — Each State Party, in accordance with its domestic legislation, shall ensure the existence of an agency or agencies, as needed, to prevent and fight corruption, by means such as:

- a) implementation of the policies referred to in the present Article and monitoring of implementation as required;

b) increasing and circulating knowledge related to the prevention of corruption.

11 — Each State Party, in accordance with its domestic legislation, shall grant the agency or agencies referred to under paragraph above the necessary independence to enable it/them to discharge its/their duties effectively and free from any undue influence. The necessary material resources and specialist staff shall be provided as well as the training needed for the staff to carry out their duties.

#### **Article 11** **Civil society participation**

Each State Party shall take appropriate measures to encourage civil society organizations to participate effectively in the prevention and combating corruption and shall support such participation by measures like:

1 — raising awareness among society on the fight against corruption, the causes and seriousness of corruption and the threat it represents to the interests of society at large.

2 — conducting media campaigns to reject corruption as well as awareness programmes, including school and university curricula.

3 — informing people about the competent anti-corruption agencies referred to in the present Convention and providing them with means to contact those agencies so as to inform them of any incidents which may be seen as constituting an act criminalized by the present Convention.

#### **Article 12** **Independence of the judiciary and public prosecution**

Considering the importance of independence of the judiciary and its decisive role in fighting corruption, each State Party shall, in accordance with its domestic legislation, adopt all that guarantees and strengthens the independence of the judiciary and prosecutors, support their integrity and provide them with the necessary protection.

#### **Article 13** **Sanctions for acts of corruption**

While giving due consideration to the rights acquired by *bona fide* third parties, each State Party shall, in accordance with its domestic legislation, adopt measures to punish corruption. In this context, State Parties may take corruption into consideration as an important factor when taking legal steps to cancel or revoke a contract, withdraw a concession or other similar arrangements, or taking any other remedial measure.

#### **Article 14** **Protection of informers, witnesses, experts and victims**

State Parties shall provide the necessary legal protection to informers, witnesses, experts and victims who give evidence relating to the acts criminalized by the present Convention. This shall include protecting their relatives and those closely connected to them from any possible act of revenge or intimidation. Such means shall include:

1— Providing protection in their places of residence.

2 — Not disclosing information relating to their identity or location.

3 — Informers, witnesses, experts and victims giving evidence in a fashion that ensures their safety, such as by the use of communications technology.

4 — Taking punitive measures against anyone who discloses information relating to the identity or location of informers, witnesses, experts or victims.

#### **Article 15** **Victim support**

1 — Each State Party shall lay down appropriate procedural rules to provide victims of the offences included in the present Convention with the means to obtain compensation and remedy.

2 — Each State Party shall give, subject to its domestic legislation, the chance for victims to air their views and for those views to be taken into account at the appropriate stages of the criminal proceedings instituted against offenders, without prejudice to the rights of the defence.

**Article 16**  
**Cooperation in law enforcement**

State Parties shall cooperate closely, in accordance with their domestic legal and administrative systems, in order to ensure the effective enforcement of law to prevent and combat the offences included in the present Convention. Such cooperation shall include:

- 1 — Exchange of information on the means and forms used to commit or conceal offences under the present Convention, including offences committed by using new technology, and to enable early detection.
- 2 — Cooperation in investigative procedures concerning the identities of persons suspected of involvement in offences under the present Convention and their locations and activities, and the movement of proceeds and property derived from the commission of such offences.
- 3 — Exchange of experts.
- 4 — Cooperation in the provision of technical assistance to prepare programmes or hold joint training workshops, or those particular to one State Party or a group of State Parties as required for those working in the field of prevention and fighting of the offences under the present Convention, with a view to develop their knowledge and practical capacities and enhance their performance.
- 5 — Training sessions and seminars on the prevention and suppression of the offences under the present Convention.
- 6 — The undertaking and exchanging research, studies and expertise related to the prevention and suppression of the offences under the present Convention.
- 7 — Development of a database of national laws, investigation techniques and best practice relating to the prevention and suppression of the offences under the present Convention.

**Article 17**  
**Cooperation with law enforcement authorities**

- 1 — Each State Party shall take appropriate measures to encourage those who are, or have been, party to the commission of an offence under this Convention to provide useful information to the competent authorities for the purposes of investigation and collection of evidence, and to provide specific effective assistance to the competent authorities which may help to deprive offenders of the proceeds of crime and restore these proceeds.
- 2 — Each State Party shall consider, in the appropriate circumstances, alleviating the sentence of an accused person who offered substantial assistance in the investigative or prosecution process with respect to an offence under the present Convention.
- 3 — Each State Party shall consider the possibility of an amnesty from prosecution, in accordance with its domestic legislation, for any person who offered substantial assistance in the investigative or prosecution process with respect to an offence under the present Convention.
- 4 — Such persons shall be protected as stipulated under Article 14 of the present Convention, taking account of the requirements of different circumstances.
- 5 — When the person referred to in paragraph (1) of the present Article is present on the territory of a State Party and is able to offer substantial assistance to the competent authorities of another State Party, the two State Parties concerned may consider ratifying agreements or arrangements, in accordance with their domestic legislations, to enable the other State Party to provide the treatment as specified in paragraphs 2 and 3 of the present Article.

**Article 18**  
**Cooperation between national authorities**

Each State Party shall, in accordance with its domestic legislation, take the necessary measures to ensure cooperation between its public authorities, and also between its public officials and its criminal investigation and prosecution authorities. Such cooperation shall include:

- 1 — notification of investigative authorities when there are reasons to believe that any of the acts criminalized under Article 4 of the present Convention was committed.
- 2 — provision of the investigative authorities with all the necessary information at their request.

**Article 19**  
**Cooperation between national authorities and the private sector**

1 — Each State Party shall, in accordance with its domestic legislation, take the necessary measures to ensure cooperation between the national authorities concerned with investigation and prosecution and private sector entities, in particular financial authorities, in matters related to the commission of acts criminalized under the present Convention.

2 — Each State Party shall consider encouraging its citizens and other people regularly residing on its territory to inform the national authorities concerned with investigation and prosecution of the commission of an offence under the present Convention.

## **Article 20**

### **Mutual judicial assistance**

1 — State Parties shall extend each other the maximum possible mutual judicial assistance in investigations, prosecutions and judicial procedures connected with offences under the present Convention.

2 — Mutual judicial assistance shall be provided in the most complete form possible under the laws of the requested State Party and under its relevant treaties, agreements and arrangements in connection with investigations, prosecutions and judicial procedures pertaining to offences for which a legal person may be held to account in pursuance of Article 5 of the present Convention in the requesting State Party.

3 — A request for judicial assistance may be made under the present Convention for any of the following purposes:

- a) To obtain evidence or witness statements.
- b) To serve judicial documents.
- c) To execute inspection, seizure and freezing [of assets].
- d) To check objects and examine locations.
- e) To provide information, material, evidence and expert assessment.
- f) To provide relevant original documents and records, including government or banking records or those of commercial companies or facilities, or certified copies thereof.
- g) To determine the proceeds of crime or property, instruments or other things, or to trace them for probative purposes.
- h) To facilitate the voluntary production of people in the requesting State Party.
- i) Any other kind of assistance which does not infringe the domestic legislation of the requested State Party.
- j) Disclosure, freezing and tracking of the proceeds of crime.
- k) Restitution of property in accordance with Article 27 of the present Convention.

4 — Each State Party may adopt the necessary legal or other measures, according to the conditions and purposes it deems appropriate, for any previous conviction against the accused in another state to be taken into account, with a view to using that information in criminal proceedings related to an offence under the present Convention.

5 — Each State Party shall designate a central authority with the responsibility and powers to receive requests for mutual judicial assistance and accommodate these requests or transfer them to a competent authority for action. Where the State Party has a particular region or territory with an independent system of mutual judicial assistance, it may designate a separate central authority to undertake the same task in that region or territory. The central authorities shall ensure the implementation or transfer of received requests in a timely and appropriate fashion. When the central authority transfers the request to a competent authority for action, it shall encourage that competent authority to act on the request in a timely and correct fashion. The Secretary-General of the League of Arab States shall be notified of the name of the central authority designated for this purpose at the time when the State Party deposits the instrument of its ratification or accession to the present Convention. Requests for mutual judicial assistance and any related correspondence shall be directed to the central authorities designated by the State Parties. This shall be without prejudice to the right of any State Party to stipulate that such requests and correspondence be directed via diplomatic channels. In urgent cases, when the two concerned State Parties agree, they may be directed via the Arab Criminal Police Bureau under the auspices of the General Secretariat of the Council of Arab ministers of interior, where possible.

6 — A request for mutual judicial assistance shall include:

- a) The identity of the requesting authority.
- b) The matter and nature of the investigation, prosecution or legal proceeding relating to the request, and the name and functions of the authority undertaking the investigation, prosecution or judicial process.
- c) A summary of the facts related to the matter, with the exception of requests for the purpose of serving judicial documents.

d) A description of the assistance sought and details of any specific measures that the requesting State Party wishes to be followed.

e) The identity, location and nationality of any concerned person, where possible.

f) The purpose for which evidence, information or measures are sought.

7 — The requested State Party may request further information when necessary to implement the request in accordance with its domestic legislation, or when that might facilitate such implementation.

8 — The request shall be acted upon in accordance with the domestic legislation of the requested State Party as well as in accordance with the procedures specified in the request, wherever possible, as long as this does not conflict with the domestic legislation of the requested State Party.

9 — The requesting State Party may not disclose any information or evidence provided by the requested State Party, or use it in investigations, prosecutions or judicial proceedings other than those stated in the request, without prior agreement from the requested State Party. This paragraph does not prevent the requesting State Party from disclosing in its proceedings information or evidence that acquits an accused person. In this case, the requesting State Party shall notify the requested State Party, prior to disclosure, and shall consult with the requested State Party if so asked. If, exceptionally, it is not possible to make prior notification, the requesting State Party shall inform the requested State Party of the disclosure without delay.

10 — The requesting State Party may require that the requested State Party maintain the confidentiality of the request and its contents, with the exception of the amount needed to implement it. If the requested State Party is unable to fulfil the condition of confidentiality, it shall notify the requesting State Party accordingly without delay.

11 — Mutual judicial assistance may not be granted where:

a) the request is not made according to the provisions of the present Article;

b) the requested State Party deems that implementing the request infringes its sovereignty, security, public order or other vital interests;

c) the requested State Party's domestic legislation forbids its authorities from implementing the requested measure with respect to any kindred offence, were that offence to be subject to investigation, prosecution or judicial proceedings in the context of its own jurisdiction;

d) meeting the request conflicts with the domestic legislation of the requested State Party.

12 — The State Party may not refuse a request for mutual judicial assistance simply because the offence is considered to be related to financial matters.

13 — Grounds for any refusal of mutual judicial assistance shall be given.

14 — The requested State Party shall implement the request for mutual judicial assistance as quickly as possible and take into consideration to the greatest extent possible the time periods proposed by the requesting State Party, preferably with the reasons being stated in the request itself. The requesting State Party may present reasonable inquiries to obtain information about the status of the measures taken by the requested State Party to meet the request and current progress. The requested State Party shall respond to reasonable inquiries from the requesting State Party as to the status of the request and progress achieved in dealing with it. The requesting State Party shall promptly inform the requested State Party when there shall be no more need for the assistance sought.

15 — The requested State Party may postpone mutual judicial assistance on the grounds that it conflicts with ongoing investigations, prosecutions or judicial procedures.

16 — (a) The requested State Party, in response to a request for assistance, pursuant to the present Article in the absence of dual criminality, shall take into consideration the aims of the present Convention as stated under Article 2.

(b) The State Party may refuse to provide assistance pursuant to the present Article for lack of dual criminality. It may offer assistance that does not involve a compulsory measure and it may refuse to offer such assistance when it is related to frivolous requests or matters in which the cooperation or assistance sought is provided under other provisions of the present Convention.

(c) Each State Party may consider adopting measures it may deem necessary to be able to provide broader assistance, pursuant to the present Article, in the case of a lack of dual criminality.

17 — Before any request is refused, pursuant to paragraph (1)1 of the present Article, or the deferment of its implementation, pursuant to paragraph (1,5) of the present Article, the requested State Party shall consult with the requesting State Party to consider the possibility of offering assistance dependant on any conditions or provisions it may deem necessary. If the requesting State Party accepts this conditional assistance, it shall fulfil these conditions.

18 — Any detained person or any person serving his sentence on the territory of a State Party whose presence in another State Party is requested for the purposes of identifying persons, giving evidence or offering other such assistance to obtain evidence for investigations, prosecutions or judicial proceedings related to offences under the present Convention may be extradited, provided the following two conditions are satisfied:

- a) the person freely and knowingly agrees; and
- b) the competent authorities in the two State Parties agree, dependant on the conditions the two State Parties deem appropriate.

19 — For the purposes of paragraph (1)8 of the present Article:

(a) The State Party to which the person is to be transferred is authorized and obliged to keep him in detention, as long as the State Party from which the person has been extradited has not requested otherwise or given permission otherwise.

(b) The State Party to which the person is to be extradited shall, without delay, carry out its obligation to return him to the custody of the State Party from which he was extradited in accordance with what was initially agreed, or in any other fashion, between the competent authorities of the two State Parties.

(c) The State Party to which the person has been extradited may not make the return of this person conditional on the initiation of extradition proceedings by the State Party from which he had been transferred.

(d) The time spent in detention in the State Party to which he has been transferred shall be deducted from the sentence imposed in the State Party from which he has been transferred.

20 — A person, of any nationality, by the extradited person in accordance with paragraphs 18 and 19 of the present Article may not be prosecuted, detained, punished or have his personal liberty restricted in any other way on the territory of the State Party to which he has been transferred because of an act or acts or a conviction prior to his leaving the territory of the State from which he was transferred, as long as such State does not agree.

21 — A State Party may not refuse to provide mutual judicial assistance pursuant to the present Article on grounds of banking confidentiality.

22 — When a person is present on the territory of a State Party and his oral testimony is required, as a witness or expert, before the judicial authorities of another State Party, and that that is possible and in conformity with the domestic legislation, the first State Party may, on the basis of a request made by the second State Party, allow a hearing to be held him by means of direct broadcast, if it is not possible or advisable for the concerned person to appear in person on the territory of the requesting State Party.

23 — Without prejudice to domestic legislation, the competent authorities of a State Party can, without having received a prior request, send information related to criminal matters to the competent authority in another State Party, when it is believed this information might assist that authority to undertake or successfully conclude criminal investigations and proceedings or might lead to the other State Party making a request pursuant to the present Convention.

24 — Information pursuant to paragraph 5 of the present Article shall be sent without prejudice to ongoing criminal investigations and proceedings in the State of the competent authorities which provide the information. The competent authorities receiving the information abide by any request to keep the information secret, even if temporarily, or to impose restrictions on its use. This, however, shall not prevent the receiving State Party, in the context of its proceedings, from disclosing information to acquit an accused person. In this case, the receiving State Party shall inform the sending State Party before the disclosure of the information, and shall consult with the sending State Party if it is asked to do so. If, exceptionally, it is not possible to direct advanced notice, the receiving State Party shall inform the sending State Party of this disclosure without delay.

25 — Without prejudice to paragraph 20 of the present Article, no witness, expert or other similar person may be prosecuted, detained or punished on the basis of a request from a requesting State Party to give evidence in criminal proceedings or to assist in criminal investigations, prosecutions or proceedings in the territory of the requesting State Party, nor may they be subjected to any other measure that restricts their personal freedoms in that territory because of any act, omission or conviction prior to their leaving the territory of the requested State Party. This guarantee of immunity shall end when the witness, expert or other person, at his own volition, remains on the territory of the requesting State Party after he has been given the opportunity to leave for fifteen days, or any period agreed to by the two State Parties, starting from the date he was officially notified that his presence was no longer required by the judicial authorities, or when he returns to this territory of his own volition after having left it.

26 — The requested State Party shall meet the ordinary expenses of implementing the request, unless the two State Parties concerned agreed otherwise. If meeting the request requires large or unusual expenses, the two State Parties concerned shall consult to define the conditions and provisions governing the implementation of the request as well as the distribution of the burden of costs.

27 — (a) The requested State Party shall provide the requesting State Party with copies of the records, documents or governmental information in its possession that its domestic legislation allows to be made available to the public.

(b) Based on its assessment, the requested State Party may furnish to the requesting State Party, wholly or partially, or on the conditions it deems appropriate, copies of any records, documents or government information in its possession that its domestic legislation does not allow to be made available to the public.

28 — The provisions of the present Article shall apply to requests for legal assistance in cases where such State Parties are not bound by a treaty of mutual judicial assistance. Where such State Parties are bound by such a treaty, the provisions thereof shall apply and the State Parties shall apply the present Article if it facilitates cooperation.

## **Article 21**

### **Cooperation for the Purposes of Confiscation**

1. The requested State Party has full judicial mandate on a crime covered by the present Convention and has the right to confiscate all assets on its territory in terms of criminal proceeds or assets or instruments or other tools mentioned in paragraph (1) of Article 7 of the present Convention and has the right to carry out to an extreme measure, within its domestic laws, any of the following:
  - a. To forward the request to its competent authorities; have them issue an order of confiscation and carry out that order once issued.
  - b. To forward to its competent authorities the confiscation order issued by the court on the territory of the requesting State Party with the purpose of enforcing it.
2. As soon as it receives a request from another State Party that has judicial mandate over the crimes covered by the present Convention, the requested State Party shall take the necessary measures to expose the criminal proceeds or assets or instruments referred to in paragraph (1) of Article 7, pursuing it, or freezing it or detaining it with the purpose of confiscation via an order issued by the requesting State Party or the requested State Party according to paragraph (1) of the present Article.
3. The provisions of Article 20 of the present Convention shall apply to the present Article taking into consideration differences. In addition to the information referred to in paragraph (5) of Article 20, the requests submitted according to the present Article shall include the following:
  - a. In the case of a request related to paragraph (1, a) of the present Article identifying the assets to be confiscated including the location of those assets and their estimated value, regardless of the relationship and depending on the facts that the requesting State Party relied on, it is enough for the empowerment of the requested State Party to issue the order within the framework of its domestic laws.
  - b. In the case of a request related to paragraph (1, b) of the present Article, what is needed is a legally acceptable copy of the order of confiscation upon which the request relies and that is issued by the requesting State Party and a statement of the facts and information necessary for the carrying out the order and a statement that sets out the measures taken by the requesting State Party to issue a suitable notification to a *bona fide* third party and to ensure abiding by legal assets and a statement that the confiscation order is final.
  - c. In the case of a request related to paragraph (2) of the present Article, a statement of the facts that the requesting State Party relied on in preparing its request, where available.
4. The requested State Party shall take the decisions and procedures referred to in paragraphs (1) and (2) of the present Article, in accordance with its domestic legislation and rules of procedure or any agreement or dual arrangement or multilateral agreement it is committed to in favour of the requesting State Party and according to the relevant provisions and regulations or the agreement or arrangement.
5. Every State Party shall provide the Secretary-General of the League of Arab States with copies of its laws and regulations that domesticate the present Article and copies of any changes introduced subsequently to such laws and regulations or a description of them.
6. If the State Party chooses to condition the measures referred to in paragraphs 1 and 2 of the present Article to the availability of a treaty on that matter, that State Party shall consider the present Convention as a sufficient treaty basis.

7. It is also allowed to refuse cooperation on the basis of the present Article or cancel temporary measures if the requested State Party does not receive enough evidence on time, or where the assets are of little value.
8. Before stopping any temporary measure taken according to the present Article, the requested State Party shall grant the requesting State Party, where possible, the chance to offer the reasons it has that require continuing this measure.
9. The provisions of the present Article shall not be interpreted in any manner that affects the rights of *bona fide* third parties.

**Article 22**  
**Transfer of Prosecution Procedures**

State Parties to the present Convention may consider the possibility of transferring prosecution procedures concerning an act criminalized by the present Convention among them with purpose of concentrating this pursuit if this shall be in the interest of justice, especially when this concerns several judicial countries.

**Article 23**  
**Extradition of offenders**

1. All the crimes covered by the present Convention are considered crimes in which the criminals can be delivered, according to any treaty for the extradition of criminals between State Parties. These shall avow to include these crimes among the crimes that are covered in each treaty of extradition of offenders concluded among them. A State Party whose law allows this shall not consider any of the crimes covered by the present Convention as a political crime if the present Convention is taken as a basis for the extradition.
2. This Article shall apply to the crimes covered by the present Convention when the person object of extradition is located in the territory of the requested State Party with the condition that the act for which extradition is requested is a criminal act according to the domestic legislations of both the requesting and the requested State Parties.
3. As an exception to paragraph (2) of the present Article, the State Party whose laws allow the extradition of a person charged with any of the crimes covered by the present Convention, even if the act is criminalized by its domestic legislation.
4. Where the request for extradition includes a number of separate crimes, one of which, at least, is subject to extradition according to the present Article, and where some of them may not be subject to extradition because of the period of imprisonment imposed on it, but is related to a crime covered by the present Convention, the requested State Party may enforce the present Article in respect of those crimes.
5. Where a requested State Party, which conditions extradition of offenders on the existence of a treaty – requests extradition of a person from another state with which it has no extradition treaty, it may consider the present Convention as a legal basis for extradition of any offender to which the present Convention applies.
6. The State Party that conditions extradition to the existence of a treaty shall:
  - a. Inform the Secretary-General of the League of Arab States when it deposits its instrument of ratification or accession to the present Convention clarifying whether it shall consider the present Convention as its legal basis for cooperation on matters of extradition to all State Parties to the present Convention.
  - b. Seek, where necessary, to sign extradition treaties with all the States Party to the present Convention with the purpose of activating the present Article when the present Convention is not the legal basis for cooperation on matters of extradition.



7. State Parties which does not condition extradition on the existence of a treaty to that effect may consider the crimes covered by the present Article as offences that allow extradition between State Parties.
8. Extradition is subject to domestic laws of the requested State Party or the extradition treaty abided by including the conditions associated with minimum punishment conditional to extradition and the reasons that the requesting State Party can use to deny extradition.
9. The State Party shall seek, according to its domestic legislation, to speed up the procedures of extradition and expedite all evidential requirements thereto concerning any crime covered by the present Article.
10. The requested State Party may, based on its domestic legislation and its extradition treaties and according to a request received from the requesting State Party, detain the person whose extradition is sought and who is present on its territory, as it may also take other suitable measures to ensure his presence and the extradition procedures once it is convinced that circumstances require it and that they are pressing circumstances.
11. In the event that the State Party where the offender is located fails to extradite him, for offences committed under the present Article, for the mere reason that he is one of its citizens, that State Party shall, based on the extradition request of the requesting State Party, refer the matter without delay to its competent authorities for further action. The competent authorities shall make a decision and take the measures they usually take on offenses considered serious by its domestic legislation. The State Parties concerned shall cooperate.
12. Where the domestic legislation of the State Party prohibits the extradition of one of its citizens or allows such extradition on condition that he shall be returned to that State Party to serve his sentence after trial or the procedures that it was requested to deliver that person for and this country agrees with the State Party that requested his extradition on this choice and on any other conditions they see fit, this conditional extradition is considered enough to fulfil the obligation specified under paragraph (11) of the present Article.
13. Where the extradition request for the purpose of enforcing a judicial sentence is refused on the grounds that the offender is a citizen of the requested State Party, it shall, if its domestic legislation so allows and according to the requirements of that legislation, consider according to a request from the requesting State Party to carry out the sentences delivered according to the domestic legislation of the requesting State Party or what remains of it.
14. Any person, against whom such proceedings are taken in respect of any of the crimes to which the present Article applies, shall enjoy decent and dignified treatment at all stages of the procedure, and shall enjoy all the rights and guarantees that are provided in the domestic legislation of the State Party where the person is located.
15. No provision of the present Convention may be construed as imposing a commitment to extradite if the requested State Party has enough reasons to believe that the request was submitted for the purpose of persecuting or punishing a person because of his race, sex, religion, nationality, ethnic origin, opinion or political stance, or if the compliance to the request may cause harm to the status of that person for any of these reasons.
16. The State Party shall not refuse a request for extradition on the pretext that the offence is considered a crime of a financial nature.
17. Before refusing extradition, the requested State Party shall consult, when necessary, with the requesting State Party and give it the full chance to submit its opinions and to offer information in support of its request.

**Article 24**  
**Extradition of Sentenced Persons**

State Parties are entitled to look into the signing of dual or multilateral treaties or arrangements concerning the extradition of individuals who are handed over a prison sentence or other forms of deprivation of liberty

because of their commission of acts criminalized under the present Convention in their territories so that those individuals may complete their term of imprisonment there.

**Article 25**  
**Joint Investigations**

State Parties shall consider the ratification of dual or multilateral agreements or arrangements that allow competent authorities to establish committees for joint investigation on matters under investigation or judicial procedures in one or several States and, where no such treaties or arrangements exist, they shall be allowed to carry out joint investigations through ad hoc agreements and on a case by case basis and the State Party concerned shall undertake to fully respect the sovereignty of the State Party on whose territory the investigation shall be carried out.

**Article 26**  
**Methods of Private Investigation**

1. For the purpose of combating corruption in an effective manner, every State Party shall, in accordance with its domestic legislation and its capacities, take the necessary measures to enable its competent authorities to use the method of monitored extradition in a suitable manner and also, when suitable, to follow measures of investigation such as electronic surveillance and other kinds of surveillance and in secret cases find a suitable use in its region. Also, the courts of law shall accept what results from such methods of investigation in terms of evidence.
2. In the investigation of the offences covered by the present Convention, State Parties shall encourage the ratification, where necessary, of bilateral or multilateral conventions or agreements suitable to the use of methods of private investigation, this in the context of cooperation on the international level; such treaties or agreements shall be ratified and enforced in full compliance with the principle of equal sovereignty while implementing it in strict adherence to the rules of such treaties or agreements.
3. Where no such treaty or arrangement exist in the manner referred to in paragraph (2) of the present Article, decisions shall be made concerning using the methods of international private investigation on a case by case basis; where necessary, financial arrangements and agreement on judicial jurisdiction shall be made by the State Parties concerned.
4. Upon approval of the State Parties concerned, decisions relating to the use of the method of monitored extradition may be made on the international level, such as the interception of the goods or funds and the decision to allow same to move on safely or ignore them or exchange them totally or partly.

**Article 27**  
**Return of assets**

The return of assets is considered a basic principle in the present Convention and State Parties shall offer to one another help and assistance in that respect.

**Article 28**  
**Prevention and Divulgence of Referral of Criminal Proceeds**

1. Every State Party shall take all the necessary measures in accordance with its domestic legislation to force financial authorities that operate under its jurisdiction to investigate the identity of the clients and to take sensible steps to uncover the identity of owners who benefit from the money deposited in accounts of high value and to carry out detailed investigations on the accounts that are required to be opened by or kept by or on behalf of individuals assigned or were previously assigned to carry out important public offices or the members of their families or individuals closely associated with them. Such detailed investigation shall be designed in a reasonable manner that allows pinpointing the suspicious dealings so as to inform the competent authorities about them, it is not required that they be construed as preventing financial authorities from dealing with any legal client.

2. Every State Party, in accordance with its domestic legislation and guided by the related initiatives taken by regional and international organizations to combat money laundering by:
  - a. Issuing instructions regarding the types of natural and legal persons which fall under its jurisdiction and regarding the financial authorities whose accounts they are expected to accurately audit and the types of accounts and transactions they are expected to give due concern to the measures to be taken in terms of the opening of accounts and the keeping of the books of these accounts, bearing in mind the measures it is expected to take regarding such accounts.
  - b. Informing the financial authorities under its jurisdiction, when required and upon a request by another State Party, of the identity of specific natural or legal persons, and it is expected from these institutions to thoroughly examine their accounts in addition to those that the financial authorities can identify in another way.
3. Each State Party shall ensure that its financial authorities keep, for a suitable period, records of the accounts and transactions relevant to the afore-mentioned persons in paragraph (1) of the present Article, provided that these records include at least the identity of the client and as much information as possible on the beneficial owner.
4. With the aim of preventing and unveiling the practices of transfer of illicit revenues, as defined in the present Convention, each State Party shall adopt effective and appropriate measures to prevent, with the aid of its supervisory and monitoring agencies, the establishment of banks which have no financial presence and are not part of a financial group subject to supervision. Moreover, State Parties may consider instructing their financial authorities to refuse making or pursuing any business relationship with a correspondent bank with these institutions and to refrain from entering into any business dealing with foreign financial authorities that allow banks without financial presence and not part of financial group to use its accounts.
5. Each State Party may consider drawing-up effective methods for financial statement declaration, in accordance with its domestic legislation, in respect of public employees and set proper penalties for non-compliance. Each State Party may consider adopting measures allowing its competent authorities to share information with the competent authorities of other State Parties when necessary to investigate illicit revenues, according to the present Convention, and recover such revenues.
6. Each State Party shall consider adopting the necessary measures, in accordance with its domestic legislation, to oblige the public servants concerned who have bank accounts in foreign countries or power of signature or by proper records relevant to such accounts to inform the competent authorities of this relation and keep the relevant proper records. These measures shall include penalties for non-compliance.

#### **Article 29 Private Cooperation**

Each State Party shall seek, without prejudice to its domestic legislation, to adopt measures that enable it to transmit, without tampering with its investigation or legal proceedings, information about criminal proceeds, according to the Convention, to another State Party without prior request, if it sees that the disclosure of such information may help the requested State Party to reach conclusions or conduct inquiries or legal proceedings or help that State Party file a request under the provisions of the present Article.

#### **Article 30 Recovery and disposal of assets**

1. Assets confiscated by a State Party under Articles 7 and current of the present Convention may be returned by that State Party to its legitimate owner, as provided under paragraph (3) of the present Article, according to the present Convention and its domestic legislation.
2. Each State Party shall approve, in accordance with its domestic legislation, legislation and other measures to enable its competent authorities, when taking a specific action upon request by another State Party, to return the confiscated property under the terms of the present Convention, while safeguarding the rights of *bona fide* third parties.

3. According to Articles 20 and 21 of the present Convention and paragraphs (1) and (2) of the present Article, the requested State Party shall:
  - a. In case of embezzlement or laundering of public funds, as referred to in sub-paragraphs (h), (k) and (l) of Article 4 of the present Convention, when the confiscation is carried out according to Article 21 and based on a final decision issued by the requesting State Party, the requested State Party shall be in duty bound to exclude and return the confiscated property to the requesting State Party.
  - b. In case of revenues acquired by other illegal means, as indicated in the present Convention, when the confiscation is enforced according to Article 21 of the present Convention and based on a final decision issued in the requesting State Party, the requested State Party shall be in duty bound to exclude and return the confiscated property to the requesting State Party, provided the latter reasonably proves its previous ownership of the confiscated property to the requesting State Party. Or when the requesting State Party acknowledges the damage inflicted upon the requesting State Party as a basis to return the confiscated property.
  - c. In all other cases, to consider as a matter of priority the return of the confiscated property to the requesting State Party or return back these assets to their previous legal owners, or compensates the victims thereof.
4. The requesting State Party may, when so required and unless otherwise approved by State Parties, deduct reasonable expenses incurred in investigations or legal proceedings leading to the return of the confiscated property or managing them by virtue of the present Convention.
5. The State Parties, when required, may specifically consider the conclusion of agreements on a case-by-case basis, for a final disposal of the confiscated property.

**Article 31**  
**Training and Technical Assistance**

1. Each State Party shall introduce, develop or improve training programmes for their officers dealing with corruption. Such training programmes may include:
  - a. Adopting effective measures to prevent, uncover, investigate, punish and fight corruption using all methods of evidence-gathering and investigation.
  - b. Building capacities in developing and planning anti-corruption strategies.
  - c. Training the competent authorities to prepare requests for mutual judicial assistance in line with the Convention's requirements.
  - d. Evaluating and supporting institutions, public services departments and public funds departments including public procurement and the private sector.
  - e. Preventing and fighting the concealment of illegal revenues according to the present Convention and returning such revenues.
  - f. Discovering and freezing illegal revenues.
  - g. Discovering illegal revenues and the tactics used to conceal them.
  - h. Using proper and effective administrative and legal techniques and tactics to facilitate the return of illegal revenues.
  - i. Applying methods to protect victims and witnesses co-operating with the judicial authorities.
  - j. Training on the enforcement of national and international laws and regulations.
2. State Parties shall consider, when so required, helping each other in the conduct of assessments, studies and research on the types, causes, effects and costs of corruption in their countries with the aim of drawing up anti-corruption plans of action with the participation of the competent authorities and civil society.
3. The State Parties may provide each other with memos of experts who may help in facilitating the return of illegal revenues.

**Article 32**  
**Collection, Exchange and Analysis of Corruption-related Information and Data**

1. Each State Party shall seek to analyse rampant corruption in its territory and the circumstances surrounding the corruption crimes.

2. State Parties shall consider developing data, analytical experience and information relevant to the fight against corruption and share such data, analytical experience and information via international and regional organizations with the aim of identifying joint measures and harmonised methodologies and best practices to prevent and fight corruption.
3. Each State Party shall consider enforcing its anti-corruption measures and strategies and evaluating the efficiency and effectiveness of such measures and strategies.

**Article 33**  
**Conference of the Parties**

1. The Conference of State Parties to the present Convention aims at improving the capacity of State Parties and foster their cooperation to achieve the goals herein indicated.
2. The Secretary-General of the League of Arab States convenes the Conference of the Parties one year after the entry into force of the present Convention. Then regular meetings of the Conference of the Parties are held according to the Rules of procedure of the Conference.
3. The Conference of the Parties shall approve its Rules of procedure and such other regulations governing the activities indicated in the present Article including rules for the approval of observers, membership, and financing of its activities.
4. The Conference of the Parties shall determine its programme of activities, measures and methods to achieve the goals of the Convention including:
  - a. Facilitating the exchange of information among State Parties on types and trends of corruption and the successful practices to prevent and fight it, and returning the illegal `revenues by disseminating the relevant information.
  - b. Co-operating with the relevant international and regional organizations and non-governmental organizations.
  - c. Using the relevant information prepared by the international and regional agencies to fight and prevent corruption.
  - d. Reviewing the implementation of the present Convention by the State Parties.
  - e. Adopting recommendations to improve the implementation of the present Convention.
  - f. Identifying the technical assistance needed by the State Parties for the implementation of the present Convention and recommending measures required in this regard.
5. The Conference of the Parties shall receive reports on the measures taken by the State Parties to implement the present Convention and the difficulties they face, through their national reports and the complementary review measures presented by the Conference of the Parties.
6. Each State Party shall provide the other State Parties with its programmes, plans and practices as well as its administrative and legislative measures taken for the implementation of the present Convention as required by the Conference of the Parties. Also, the Conference of the Parties shall consider the best ways to receive information and take the measures based on it, including the information received from the State Parties and the international organizations and the Conference of the Parties may also consider the contributions of the relevant NGOs approved according to the actions that the Conference of the Parties may approve.
7. The Conference of the Parties may – if it deems it appropriate – establish any mechanism to assist it in the effective implementation of the Convention.

**Article 34**  
**Secretariat**

- 1- The General Secretariat of the League of Arab States shall be the secretariat of the Conference of the Parties.
- 2- The Secretariat shall:
  - a- Assist the Conference of the Parties to develop activities for the realization of the aims of the present Convention and take the necessary arrangements to convene the Conference of the Parties and provide the necessary support.
  - b- Provide information to the Conference of the Parties in accordance with paragraphs (4), (5) and (6) of Article 33 of the present Convention.
  - c- Co-ordinate with the secretariat of the relevant international and regional organizations.

**Article 35**  
**Final provisions**

1. The competent authorities of the State Parties shall take all the necessary measures to implement and give effect to the present Convention.
2. Membership of the present Convention is open to all Arab States for ratification or accession and instruments thereof shall be deposited at the General Secretariat of the League of Arab States within a maximum of 30 days as from the date of ratification or accession. The General Secretariat shall inform all State Parties and the secretariats of Arab ministers of interior and justice of every deposition of instruments and the date of deposition.
3. The present Convention shall enter into force 30 days after its ratification by seven Arab States.
4. Any member of the League of Arab States which is not a signatory of the present Convention may ratify it and then become a Party to it 30 days after its depositing of the instrument of accession or ratification at the Secretariat General of the League of Arab States.
5. The State Parties may consider, where necessary, enacting any bilateral or multilateral convention or protocol arrangements to serve the purpose of the present Convention and put it into effect and support its objectives.
6. Any State Party to the present Convention may suggest any amendment to it. Proposals for amendment shall be transmitted to the Secretariat General of the League of Arab States who shall then forward them to the Conference of the Parties which shall consider them and strive to adopt them unanimously.
7. Amendments approved according to paragraph (6) of the present Article shall be subject to ratification, approval or acceptance by the State Parties. Once approved by the Conference of the Parties, such amendments shall become binding on all State Parties.
8. Any State Party may withdraw from the present Convention by a written request addressed to the Secretariat General of the League of Arab States and such withdrawal shall become effective 6 months from of the withdrawal application. The provisions of the present Convention shall remain applicable to the State Party throughout the duration indicated in the present Article.

**The present Convention is drawn up in Arabic in Cairo (Egypt) on 21<sup>st</sup> December 2010, in one (1) original copy deposited at the Secretariat General of the League of Arab States (Technical Secretariat of Arab Justice Ministers) and an authenticated copy thereof shall be deposited at the Secretariat General of the League of Arab States (Technical Secretariat of Arab Ministers of Interior), and another authenticated copy shall be remitted to each State Party.**

**In witness whereof, their Highness and Excellency Arab Ministers of Interior and Justice signed the present Convention on behalf of their Governments.**

The Signatures of their Royal Highness and Excellency Arab Ministers of Interior and Justice on the Arab Convention against Corruption

<i>State Party</i>	<i>Royal Highness or Excellency Arab Ministers of Interior</i>	<i>Royal Highness or Excellency Arab Ministers of Justice</i>
Hashemite Kingdom of Jordan	For His Highness/Hisham El Tal	His Highness/Hisham El Tal
United Arab Emirates	For His Highness/ Hadeef Bin Go'an Alzahiry	His Highness Dr. Hadeef Bin Go'an Alzahiry
Kingdom of Bahrain	His Highness Lieutenant General Sheikh Rashed Bin Abdullah Al Khalifa	His Highness Sheikh Rashed Bin Abdullah Al Khalifa
Tunisian Republic		His Highness Mr./Alazhar Bo 'Awny
The People's Democratic Republic of Algeria	H.E. Mr Dahou Ould Kablia	H.E. Mr Dahou Ould Kablia
Republic of Djibouti	<i>Signed</i>	-
Kingdom of Saudi Arabia	Royal Highness Prince/ Naif Bin Abdel Aziz	H.E. Dr./Mohammed Bin Abd El Karim Bin Abdel Aziz Al'ssa
The Republic of Sudan	H.E. Engineer/ Mahmoud Hamed	H.E. Mr./Mohammed Bishara Dossa
Arab Republic of Syria	H.E. Major General/Sa'id Samour	H.E. Mr./Mohammed Bishara Dossa
Somali Republic	-	-
Iraqi Republic	H.E. Mr./Gowad Tayeb Al Molany	H.E. Mr./Dara Nour El Din Bahaa Al Din
Sultanate of Oman	H.E. Mr./Se'oud Bin Ibrahim Bin Man'oud Al Borsa'idy	His Highness Sheikh/ Mohamed Bin Abdullah Bin Zaher Alhanany
State of Palestine	H.E. Dr./Sa'id Abdel Rahman Ahmed Abu Ali	H.E. Dr./Ali Khshan
State of Qatar	His Highness Sheikh/Abdullah Bin Nasser Bin Khalifa Al Thany	H.E. Mr./Hassan Bin Abdullah Al Ghanem
United Republic of the Comoros	-	-
State of Kuwait	His Highness Sheikh Lieutenant General/Gaber Khaled El Sabah	H.E. Counsellor/Rashed Abdel Mohsen Al Hamad
Lebanese Republic	-	-
Libyan Arab Jamahiriya	H.E. Major General/Mawtaher Rashad Al Masry	H.E. Judge/Moustafa Mohammed Abdel Galil
Arab Republic of Egypt	H.E. Mr./Habib Ibrahim El Adly	H.E. Counselor/Mamdouh Mohy Al Din Marei
Kingdom of Morocco	H.E. Mr./Al Tayeb Alsharqawy	H.E. Mr./Mohammed Al Nassery
Islamic Republic of Mauritania		H.E. Mr./Abdeen Wild al Kheir
Republic of Yemen	H.E. Major General/Motaher Rashad Al Masry	H.E. Dr./Ghazy Shaeef Al Aghbary