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**Published on the website on May 2024**

**Legislative Decree No. (10) of 1989 approving the Legal and Judicial Cooperation Convention between the State of Bahrain and the Arab Republic of Egypt**

We, Isa Bin Salman Al Khalifa, Emir of the State of Bahrain.

Having reviewed the Constitution,

Emiri Order No. (4) of 1975;

And the Legal and Judicial Cooperation Convention between the State of Bahrain and Arab Republic of Egypt signed in Cairo on 12 Shawwal 1409 A.H, corresponding to 17 May 1989;

And upon the submission of the Minister of Justice and Islamic Affairs;

And after the approval of the Council of Ministers;

**Hereby Decree the following Law:**

**Article One**

And according to the Legal and Judicial Cooperation Convention between the State of Bahrain and the Arab Republic of Egypt signed in Cairo on 12 Shawwal 1409 A.H corresponding to 17 May 1989 and attached to this law.

**Article Two**

The ministers– each within his jurisdiction- shall implement this Law, and it shall come into force upon its publication in the Official Gazette.

**Emir of the State of Bahrain**

**Isa Bin Salman Al Khalifa**

Issued at Riffa Palace

On: 17 Dhu al-Qi'dah 1409 A.H.

Corresponding to: 21 June 1989

**In the Name of God, the Merciful, the Compassionate**

**Legal and Judicial Cooperation Convention between the Arab Republic of Egypt and the State of Bahrain**

The Government of the Arab Republic of Egypt and the Government of the State of Bahrain willing to reach a cooperation in the legal and judicial fields and their desire to establish this cooperation on a solid foundation.

They have decided to conclude a mutual Convention as indicated in the following articles:

**Part One**

**General Provisions**

**Article -1-**

**Exchange of Information**

The Ministries of Justice of each of the two States shall exchange on a regular basis publications, bulletins, judicial and legal research, and the legislations in force. They shall also exchange information relating to judiciary organization and shall work to take measures to co-ordinate the legislative texts and legal systems of each of the two States, as required by the special circumstances of each of them.

**Article -2-**

**Encouragement of Visits and Symposia**

The contracting parties shall encourage holding conferences, symposia, and panels in areas related to judiciary and justice, visits of judicial delegations, and the exchange of judicial personnel, with the intent to follow up on the legislative and judicial development in each State, and exchanging views on the problems that they face in this field. They shall also encourage the organization of training visits for their respective personnel.

Communications on all these matters shall be direct between the two Ministries, provided that each party notifies its own Ministry of Foreign Affairs with a copy of such correspondence.

**Article -3-**

**Right of Litigation**

Citizens of each of the two contracting parties, within the borders of the other State, have the right of litigation established for their citizens before the judicial authorities to demand and defend their rights, and it is not permissible, in particular, to impose any personal or in -kind guarantee on them, by any description, either because they are foreigners or for the absence of a home or residence within the borders of that State.

The provisions of the preceding Paragraph shall apply to legal persons established or authorized in accordance with the Laws of each party.

**Article -4-**

**Judicial Assistance**

Citizens of each of the parties, within the borders of the other State, have the right to obtain judicial assistance, similar to the citizens of the State themselves, provided that the provisions of the Law of the party required to assist are followed.

Certificates of financial insufficiency shall be issued to the applicants by the competent authorities at their chosen place of residence if they reside in the territories of one of the parties; otherwise, such certificate shall be delivered by the competent consul in their respective State, or the person substituting the consul.

If the person concerned resides in the country where the application was made, additional information can be obtained from the authorities of the State which they hold nationality.

**Article -5-**

**Exchange of Criminal Records**

**The Minister of Justice of each of the two States shall exchange data on the rulings issued by the courts of each one of them against the citizens of the other State, persons born or residing in its State, and rulings registered in the criminal records, in accordance with the domestic legislation in force in each State.**

In the case of an indictment from the judiciary or other investigation and prosecution authorities in either of the two contracting States, it may obtain, directly from the competent authorities, the criminal records of the indicted person.

In cases other than indictment, the judicial or administrative authorities in the State of either of the two contracting parties, may obtain from the competent authorities, the criminal record at the other party's disposition, in the conditions and limitations stipulated in its domestic legislation.

**Part Two**

**Announcement and Notification of Judicial and Non-Judicial Documents and Papers**

**Article -6-**

**In Civil, Commercial, and Penal and Personal Statute Cases.**

Judicial and non-judicial documents and papers in civil, commercial, and personal status cases that are required to be notified or communicated to persons residing in one of the two States, shall be sent through the Ministries of Justice, or directly from the authority, or the competent judicial officer, to the court in whose district the addressee resides.

A copy of the notification of the opening of the lawsuits against legal persons shall be sent to the office of the Minister of Justice in the State where the lawsuit is filed.

Judicial and non-judicial documents and papers in penal cases shall be dispatched directly through the Ministry of Justice, without prejudice to the provisions of the Articles specific to the extraditing system.

The provisions of this Article shall not prevent the contracting parties from working on declaring the documents and papers referred to in this Article or notifying their citizens about them through their diplomatic or consular personnel.

In case of a conflict of laws, the nationality of the addressee shall be determined in accordance with the law of the State requested to deliver documents and papers.

**Article -7-**

**Case of Non-Jurisdiction of the Requested authority of the Declaration or Notification**

If the authority requested to publish or notify the documents and papers is not competent, it shall, on its own initiative, send them to the competent body in its State, and if it finds it impossible to do so, it shall transmit them to the Ministry of Justice, and the applicant shall be notified of what has been done in both cases.

**Article -8-**

**Data and Attachments for Declaration or Notification Request**

The request to declare or notify about documents and papers includes all the data related to the recipient, especially his full name, profession, place of residence and work, method of delivery, as well as indicating the documents and papers that are wished to be declared or notified about, without the need to ratify them, or doing any similar procedure.

**Article -9-**

**Case of Refusal to Execute a Publication or Notification Request**

In accordance with the provisions of this Convention, it is not permissible to refuse the Execution of the declaration or notification, unless the requested State deemed that its execution would prejudice its sovereignty or security.

It is not permissible to refuse the execution merely because the law of the requested State provides for its judicial jurisdiction exclusively over the pending lawsuit, or because the legal foundation that supports the subject of the request is not known.

In case of refusal to execute the request, the body to whom it was made shall promptly notify the requesting State of the reasons for the rejection.

**Article -10-**

**Method of Announcement or Notification**

The competent authority of the requested State shall announce or notify about the documents and papers in accordance with the provisions stipulated in the Laws of this State and may always deliver them to the addressee if he accepts them.

Announcement or notification may be carried out in a special manner prescribed by the requesting party, provided that it does not conflict with the Laws of the requested party.

**Article -11-**

**Methods of Delivering Documents and Papers**

The task of the competent authority in the requested State shall be limited to delivering documents and papers to the addressee.

Evidence of delivery will be either by the signature of the addressee on a copy of the document or paper with the date of receipt, or a certificate created by the competent authority explaining the method in which the request was executed, the date of executing the request, and the person to whom it was delivered and, where necessary, the reason for failure to execute the request.

A copy of the documents or paper signed by the recipient, or the certificate evidencing delivery shall be sent directly to the requesting party.

**Article -12-**

**Fees and Expenses**

Announcement or notification of judicial or non-judicial documents or papers shall not entitle the authority requested to charge any fees or expenses.

**Part Three**

**Letters Rogatory**

**Article -13-**

**Areas of Letters Rogatory**

Each contracting party has the right to request the other party, in its region on its behalf, to carry out any judicial procedure related to an existing lawsuit, particularly to hear the testimony of witnesses, receiving and discussing expert reports, conducting an inspection, and requesting an oath.

**Article -14-**

a. Requests for letters rogatory in civil, commercial, and personal status matters shall be sent directly from the competent judicial authority in the requesting State to the competent judicial authority in the State requested to execute the letter rogatory. If the latter is found to be incompetent, it shall refer the request on its own initiative to the requesting authority, and if this is not possible, it shall refer it to the Ministry of Justice, and the requesting authority shall be immediately notified of what has been done in both cases.

The foregoing shall not preclude each of the contracting parties, in the above-mentioned articles, from hearing the statements of their citizens with their consent, directly through their diplomatic or consular representatives, and in the event of a dispute over the nationality of the person to be heard, his nationality shall be determined in accordance with the Law of the State in which the execution of the letters rogatory is requested.

b. Requests for letters rogatory in penal articles required to be executed in the State of either contracting party shall be sent directly through their respective Ministries of Justice.

**Article -15-**

**Specifying a Request for a Letters Rogatory and its Details**

The letters rogatory shall be written in accordance with the Law of the requesting State, and it shall be dated, signed, and stamped with the seal of the requesting authority - along with all accompanying papers, but neither the request nor the accompanying papers need be officially ratified.

The request for a letters rogatory shall include the type of case, the authority issuing the request, the authority required to execute it, and all detailed information related to the facts of the case and the task to be executed, particularly the names of witnesses, their domiciles, and the questions to ask them.

**Article -16-**

**Cases of Refusal or Inability to Execute Letters Rogatory Requests**

The requested party shall execute the letters rogatory requests received in accordance with the provisions of this Convention and shall not refuse, except in the following cases:

a. If this execution does not fall within the jurisdiction of the judicial authority of the requested State.

b. If the execution would prejudice the sovereignty, security, or public order of the requested State.

c. If the request concerns a crime that the requested State considers to be a political crime

d. If the letters rogatory relates to a crime of fees, taxes, customs, or monetary, in the requested State.

If the letters rogatory request is refused or cannot be executed, the requested party shall notify the requesting party immediately, along with returning the papers, and setting forth the reasons behind the refusal or inability of execute the request.

**Article -17-**

**Method of Execution of a Letters Rogatory**

A letters rogatory shall be executed in accordance with the legal procedures in force, in the Laws of the requested State. If the requesting State, at its explicit request, wishes to execute the letters rogatory in a special form, the requested State shall respond to its desire, unless it contradicts with its legislation.

If the requesting body explicitly desires, it shall be notified at an appropriate time, of the place and time of execution of the letters rogatory, so that the designated parties, or their representatives, may attend the execution, in accordance with the limits permitted by the legislation of the requested State.

**Article -18-**

**Persons Required for Testimony Hearing**

The persons whose testimony is required to be heard shall be assigned to attend according to the methods followed in each State.

If a witness has failed to appear, the judicial authority requested to execute the letter rogatory shall apply the coersive measures stipulated in its Law.

**Article -19-**

**Legal Effect of a Letters Rogatory**

Procedures executed by a letters rogatory according to the provisions of this Convention shall have the same legal effect as if it was carried out before the competent authority in the requesting State.

**Article -20-**

**Fees or Expenses for Executing the letters rogatory**

The execution of the Letters Rogatory shall not entitle the requested State to any fees or expenses, except the fees of unemployed expertise and witnesses’ expenses, which the requesting party shall be required to pay and shall send a report with the letters rogatory file.

The requested State may charge for its account, and in accordance with its Laws, the fees prescribed for papers submitted during the execution of the letters rogatory.

**Part Four**

**Attendance of Witnesses and Experts in Penal Cases**

**Article -21-**

**Immunity of Witnesses and Experts**

Every witness or expert, whatever the nationality, shall be notified to be present in one of the contracting States and shall appear voluntarily for this purpose before the judicial authorities of the requesting State. No penal proceedings shall be taken against him, nor shall he be arrested or imprisoned for acts or in execution of prior judgments upon his entry into the territory of the requesting State.

The notification of attendance may not include any threat of coercion in case of non-compliance with the notification.

This immunity of the witness or expert shall lapse after thirty days from the date when the judicial authorities in the requesting State no longer need their presence still on its territory, provided that there are no external factors out of their control preventing them from leaving, or if they choose to return after having left.

Authorities who have notified the witness or expert must notify them in writing of this immunity before their first appearance

**Article -22-**

**Travel and Accommodation Expenses of the Witness or Expert**

The witness or expert has the right to claim reimbursement of travel expenses, letters rogatory fees, and any reasonable lost wages or earnings from the requesting State. The expert also has the right to claim fees for providing his opinion, all of which are determined by the regulations in force in each State.

The amounts due to the witness or expert shall be indicated in the notification papers, and the requesting State may, upon his request, pay these sums in advance.

**Article -23-**

**Imprisoned Witnesses and Experts**

Each contracting party is obligated to transfer the notified imprisoned person, in accordance with the provisions of this Convention, in order to hear his testimony or opinion before the judicial authorities in the requesting State, as a witness or an expert, provided that he agrees in advance on that, and the requesting State shall commit to keeping him imprisoned and return him as soon as possible or within the period that the requested State determines, taking into account the provisions of Article (21) of this Convention.

The requested State may refuse to transfer the imprisoned person referred to in this Article in the following cases:

a- If his presence is necessary in the requested State because of penal measures being taken.

b- If his transfer to the requesting State would prolong his imprisonment.

c- If there are special or insurmountable considerations which prevent his transfer to the requesting State.

**Part Five**

**Recognition and Execution of Judgements Issued in Civil, Commercial, and Personal Status Cases**

**Article -24-**

**Power or Res Judicata**

a- Both contracting parties shall recognize the judgments issued by the courts of the other party in civil matters, including judgements issued in civil matters by Penal courts, and in commercial and personal status matters that have the force of res judicata, or entered into force under the provisions of viewing and alimony. Such judgments shall be executed if the courts of the State that issued the judgements have jurisdiction in accordance with the rules of international judicial jurisdiction established in the State requested of recognition, or have jurisdiction pursuant to the provisions of this Part, and if the legal system of the State requested of recognition or execution does not reserve jurisdiction for its own courts or the courts of another State over others to issue the judgement.

b- The term "Judgement" means, in the context of this Convention, every decision, however named, issued pursuant to judicial or state procedures, by the courts of one of the contracting States.

c- This Article shall not apply to:

1- Provisional or custodial procedures, as well as rulings issued in Articles of Bankruptcy and Composition or similar procedures, as well as Articles of inheritance, taxes, and fees.

2- Rulings that are not recognized by the contracting party.

**Article -25-**

**Jurisdiction in Dispute over the Eligibility or the Personal Status of the Person Requesting the Execution**

The courts to which the person is a national at the time of submitting the request are considered competent in personal status matters and capacity, if the dispute revolves around the person's capacity or personal status.

**Article -26-**

**Jurisdiction in Case of Rights in Rem**

The courts of the State in which the property is located shall be competent to adjudicate the rights in rem related to it.

**Article -27-**

**Cases of Jurisdiction of the Courts of the Contracting Party in Which the judgement Was Issued**

In matters other than those stipulated in Articles (25) and (26) of this Convention, the courts of the State in which the ruling is issued shall be competent in the following cases:

a. If the domicile or residence of the Defendant at the time of the opening of the lawsuit is in the territory of that State.

b. If the Defendant has, at the time of opening the lawsuit, a store or branch of a commercial, industrial, or any other nature on the territory of the said State, and the lawsuit filed against him pertained to a dispute related to the activity of this store or branch.

c. If the contractual obligation subject of the dispute has been fully or partially executed in this State, or is due to be executed therein, and that according to an explicit or implicit agreement between the Claimant and the Defendant.

d. In non-contractual liability matters, if the act giving rise to the liability occurred in that State.

e. If the Defendant has agreed to submit to the jurisdiction of the courts of that State, whether by choosing an elected domicile or by agreement on their jurisdiction, when such agreement is not prohibited by the Law of that State.

f. If the Defendant expresses his defence on the merits of the lawsuit without pleading the lack of jurisdiction of the court before which the dispute is brought.

g. If the matter is related to interlocutory requests, when such courts were deemed competent to consider the original request according to the text of this Article.

**Article -28-**

**Extent of authority of Requested Party’s Courts to Recognize or Execute the Judgement**

When examining the reasons on which the jurisdiction of the courts of the other State is based, the courts of the requested State to recognize or execute the judgement shall be bound by the facts contained in the judgement, and on which the determination of jurisdiction was based, unless the ruling was issued in absentia.

**Article -29-**

**Cases of Refusal to Recognize the judgement**

Recognition of the judgement shall be refused in the following cases:

a. If the ruling contradicts the provisions of the Islamic Sharia’a, the Constitution, the public order norms, or morals of the State requested for recognition.

b. If the requested State's Laws, related to the legal representation of legally incompetent or semi-incompetent persons, were violated.

c. For rulings in absentia, if the adversary convicted in absentia does not make a valid declaration enabling him to defend himself.

d. If the dispute in respect of which the judgement to be recognized is the object of a judgement issued on the subject matter between the litigants themselves, and relates to the same right, in object, cause, and having the power of the res judicata in the requested State, or in a third State, and recognized in the requested State.

e. If the dispute in respect of which the judgement to be recognized is the object of a lawsuit, pending before one of the courts of the requested State, between the litigants themselves, and relates to the same right, in object, cause, and the lawsuit was filed to the courts of this latter State on a date prior to the submission of the dispute to the court of the State in which the aforementioned judgement was issued.

**Article -30-**

**Execution of the Judgement**

a. Judgements issued by the courts of one of the States, and recognized by the other one, in accordance with the provisions of this Convention, shall be executable in that other State, whenever they are executable in the State of which they are affiliated in the court which issued them.

b. The procedure for the recognition or execution of a ruling shall be governed by the Law of the requested State, and that to the extent that this Convention does not otherwise provide.

**Article -31-**

**The task of the Competent Judicial Authority in the Requested State to Recognize or Execute the Judgement**

The task of the competent judicial authority of the requested State shall be limited to ascertaining whether the Judgement fulfilled the conditions stipulated in this Convention, without examining the object. This authority shall do so on its own initiative and shall prove the result in its decision.

The competent judicial authority of the requested State shall, if necessary, when issuing its execution order, take the necessary measures to give publicity to the Judgement, which appears was issued by the State in which it is intended to be executed.

The request for the execution order may focus on the text of the Judgement in whole or in part, if it is subject to division.

**Article -32-**

**Consequences of the Execution Order**

The execution order shall have effect on all parties to the request for the execution order lawsuit residing in the territory of the State in which it was issued.

**Article -33-**

**Documents Related to the Request for Recognition or Execution of the Judgement**

The party requesting recognition or execution of a Judgement in the other State must submit the following:

a. A full official copy of the Judgement and ratified with the signatures in it from the competent authorities.

b. A certificate that proves the Judgement has the power of the res judicata, unless this is stipulated in the same Judgement or entered into force as referred to in clause (a) of article (24).

c. In case of a ruling in absentia, a copy of the notification ratified by its conformity with the original, or any other document that would prove the defendant's valid notification of the lawsuit in which the Judgement was issued.

d. If the execution of the Judgement is the requirement, its official copy must be appended to the executory formula. The documents specified in this Article shall be officially signed and sealed with the seal of the competent court.

**Article -34-**

**Conciliation Before the Competent Authorities**

The proven conciliation before the competent judicial authorities, in accordance with the provisions of this Convention in any of the two contracting States, shall be recognized and executable in the State of the other party, after verifying that it has the power of the writ of execution in the State in which it was held, and that it does not include texts that violate the provisions of Islamic Sharia’a, the Constitution, the public order norms, or morals of the State requested to recognize or execute.

The party requesting recognition or execution of the conciliation shall submit an official copy thereof, and a certificate issued by the judicial authority that has confirmed it stating it has the power of the execution orders.

In this case, the provisions of the last Paragraph of Article (33) of this Convention shall apply.

**Article -35-**

**Execution orders**

Execution orders, in the State it was concluded, shall be ordered to be executed in the other State in accordance with the judicial procedures followed if the court rulings are subject to these procedures, provided that their execution does not contradict the provisions of Islamic Sharia’a, the Constitution, the public order norms, or morals in the State requested to execute.

The party requesting the recognition and execution of a notarized document in the other State must submit an official copy of it with the seal of the notary or notarization office certified, as well as a certificate issued by him stating that the document has the power of the writ of execution. In this case, the last Paragraph of Article (33) of this Convention shall apply.

**Article -36-**

**Judgements of Arbitrators**

Without prejudice to the provisions of Articles (27) and (29) of this Convention, the Judgements of the arbitrators shall be recognized and executed if the following conditions are met:

a- The judgement is based on a written agreement by the parties to submit to the arbitrators’ jurisdiction, in order to decide on a particular dispute or on future disputes that may arise from a particular legal relationship.

b- The judgement shall focus on a subject that can be arbitrated in accordance with the Law of the State requested to recognize or execute, and it shall not contradict the provisions of the Islamic Sharia’a, the Constitution, the public order norms, or morals in the said State.

The party requesting the recognition and execution of the arbitrators’ judgement shall submit a certified copy thereof, such copy shall be accompanied with a certificate issued by the judicial authority stating its executive force.

A certified copy of the agreement concluded between the litigants, by virtue of which the parties have agreed to submit to the arbitrators to settle the dispute, shall also be submitted.

**Part Six**

**Extradition**

**Article -37-**

**Indicted or Convicted Persons**

The contracting parties undertake to exchange the extradition of persons within their respective State who are indicted or convicted by the judicial authorities of the other State, and that in accordance with the rules and conditions set forth in the following Articles.

**Article -38-**

**Persons to be Extradited**

Extradition shall be mandatory for the following persons:

a- Persons indicted for crimes or punishable misdemeanours, under the Laws of the contracting parties, with a punishment of imprisonment of one year or more, regardless of the maximum and minimum limits of the prescribed punishment.

b- Persons convicted in presence or in absentia, by the courts of the requesting State to one year's imprisonment or to a heavier sentence in a crime or misdemeanour punishable under the Law of the requested State.

c- If the act is not punishable under the Laws of the requested State, or if the decided punishment for the crime in the requesting State has no equivalent under the Laws of the requested State, extradition shall not be obligatory, unless the person whose extradition is requested is a citizen of the requesting State or of another State which decides the same sentence.

As an exception to the aforementioned. Extradition shall be subject to the discretion of the requested State in matters of taxes, duties, customs, and monetary.

**Article -39-**

**Extradition of Citizens**

Neither of the contracting parties shall extradite its citizens, and nationality shall be determined on the date of the crime for which extradition is requested.

Nevertheless, each State, within its jurisdictional boundaries, undertakes to indict its citizens who commit crimes in the territory of the other State, punishing them with criminal or misdemeanour punishment in both States. This is done if the requesting State submits a request through a diplomatic channel accompanied by the necessary files, documents, items, and information in its possession. The requested State should be informed of the actions taken regarding its request.

**Article -40-**

**Crimes for which Extradition is not Permissible**

Extradition is not permissible in the following cases:

a- If the crime for which extradition is requested is regarded by the requested State as a political crime.

In application of the provisions of this convention, the following crimes are not considered political crimes:

1- Aggression against the President of one of the contracting States, his wife, his ascendants or descendants.

2- Aggression against the Crown Prince or the Prime Minister of the State of Bahrain, or the Vice-President of the Arab Republic of Egypt and its Prime Minister.

3- Murder or theft accompanied by the use of force directed against individuals, the authorities or means of transportation and communications

b- If the crime for which extradition is requested is limited to a breach of military duties.

c- If the crime for which extradition is requested was committed in the requested State.

d- If a final judgement on the crime was issued in the requested State.

e- If the lawsuit has expired or the sentence has lapsed by the lapse of the time, according to the Law of one of the States when the extradition is done.

f- If the crime occurred outside the territory of the requesting State by a non-citizen of that State, and the Law of the requested State does not permit indictment for that crime if it was committed outside its territory by a foreigner.

g- If there has been an amnesty in either the requesting or the requested State, provided that, in the latter case, the crime is one which can be indicted in that State when committed outside its territory by a non-citizen of that State.

Extradition may also be refused in respect to all crimes already indicted in the requested State, or if a judgement has already been issued in a third State.

**Article -41-**

**Method of Submitting Extradition Request and its Attachments**

The extradition request shall be submitted in writing through the diplomatic channel, and shall be attached by the following:

a- The original copy of the enforceable conviction, the arrest warrant, or any other document having the same power and issued in accordance with the conditions prescribed by the Law of the requesting State or an official copy of the foregoing.

b- A detailed statement of the facts for which the extradition is requested, indicating, as much as possible, the time and place of their commission and their legal adaptation, with reference to the legal Articles applicable to them, and a statement by the investigating authority of the evidence against the person whose extradition is requested.

c- A copy of the texts of the applicable legal Articles, as well as the descriptions of the person to be extradited, a photograph of him if possible, and any distinctive marks that would identify him and his nationality, to the extent possible.

**Article -42-**

**Provisional Arrest of the Person whose Extradition is Requested**

In cases of urgency, and at the request of the competent judicial authorities of the requesting State, the wanted person may be arrested and temporarily detained until the extradition request and the documents set forth in the preceding Article are received. The request for arrest and temporary detention shall be notified to the competent judicial authorities of the requested State, either directly by mail, telegraph, or by any other means that can be proved in writing. This request shall be confirmed at the same time by the diplomatic channel. It shall include a reference to the existence of one of the documents stipulated in clause (a) of the preceding Article, with disclosing the intention behind sending the extradition request, stating the crime for which extradition is requested and the punishment or indictment issued, the time when the crime was committed, and a description of the person whose extradition is requested, as accurately as possible. The requesting authority shall be informed, without delay, of the procedures taken in regards to its request.

Arrest and temporary detention shall be carried out in accordance with the procedures followed in the requested State.

**Article -43-**

The person whose extradition is requested shall be released if the requested State does not receive one of the documents in clause (a) of Article (41) within thirty days from the date of his arrest.

In no case may the period of temporary detention exceed sixty days from the date of his arrest.

The person whose extradition is requested may be released at any time, provided that the requested State takes all measures it deems necessary to prevent this person from escaping.

The release of the person whose extradition is requested shall not preclude his re-arrest and extradition, if the extradition request is subsequently fulfilled.

**Article -44-**

**Additional Clarification**

If the requested State deems that it needs additional clarifications to verify that the conditions stipulated in this Convention are met, it shall notify the requesting State through the diplomatic channel before refusing the request, and the requested State may submit a new date for obtaining such clarifications.

**Article -45-**

**Multiplicity of Extradition Requests**

If the requested State was given several requests from different States, either for the same or multiple crimes, these States may decide on these requests at their absolute discretion, taking into account all circumstances, and in particular the possibility of subsequent extradition between the requesting State, the date of receipt of the requests, the seriousness of the crimes, and the place they were committed.

**Article -46-**

**Extradition of Items Obtained from, Used in, or Related to the Crime**

If there is a place for extradition, the items obtained from the crime, used in it, or related to it, and which may be taken as evidence of it, and in the possession of the person to be extradited at the time of his arrest, or which are later discovered, shall be seized and handed over to the requesting State upon its request.

The said items may be extradited even if the requested person is not extradited, by reason of his escape or death, all while retaining the acquired rights of the requested State or of third parties over such items, and without prejudice to the provisions of the Laws in force in the requested State. The items must be returned to the requested State at the expense of the requesting State, as soon as these rights are established, and after the procedures initiated by the State are completed.

The requested State may temporarily keep the items requested if it deems that they are needed in penal measures, as it may, when sent, reserve the right to recover them for the same reason and undertake to return them in its turn, whenever possible.

**Article -47-**

**Deciding on Extradition Requests**

The competent authorities of each State shall decide on the extradition requests submitted to it, in accordance with the Law in force at the time of the request, and the requested State shall inform the requesting State of its decision in this regard through the diplomatic channel.

The decision of total or partial refusal must be reasoned.

In case of acceptance, the requesting State shall be informed of the place and date of extradition.

The requesting State shall receive the said person through its officers on the specified date. If the person is not extradited on the specified date, he may be released after fifteen days have passed from this date. In any case, he shall be released after one month from the specified date for extradition without completing it. It is not permissible to request his extradition again for the act(s) for which the extradition was requested.

However, if exceptional circumstances prevent his extradition or receipt, the State concerned must inform the other of this within the time limit, and the two States agree on a final deadline for extradition, which the person shall be released upon its expiry, and he may not be extradited again for the same act(s) for which the extradition was requested.

**Article -48-**

**Request for Extradition of a Person under Investigation or Indicted for Another Crime with the Requested Party**

If there is an indictment against the person whose extradition is requested, or who is convicted in the requested State for the crime during the period for which the extradition request is made, this State shall nevertheless decide on the extradition request and inform the requesting State of its decision, in accordance with the conditions stipulated in the First and Second Paragraphs of the preceding Article. In the case of acceptance, the extradition of the requested person shall be postponed until the end of his trial in the requested State, and the conviction imposed shall be executed. In this case, the provisions of the Third, Fourth, and Fifth Paragraphs of the aforementioned Article shall be followed.

The provisions of this Article shall not preclude the possibility of sending this person temporarily to appear before the judicial authorities of the requesting State, provided that they shall explicitly return him as soon as such authorities have made their decision about him.

**Article -49-**

**Adjustment in the Characterization of the Act Subject of the Crime**

If the legal characterization of the act subject of the crime is adjusted during the course of the procedures taken against the extradited person, it is not permissible to indict or convict him, unless the elements comprising new characterization allow for extradition.

**Article -50-**

**Deduction in Temporary Detention Period**

The temporary detention period shall be deducted from any punishment decided in the requesting State on the person being extradited.

**Article -51-**

**The Prosecution of a Person for a Different Crime than the One He Was Extradited for**

It is not permissible to indict the person who was extradited, or to prosecute in presence, or to imprison him in execution of the punishment decided for the previous crime other than those for which extradition was requested, the crimes associated with it, or the crimes committed by him, except in the following cases:

a. If the extradited person has been given the freedom and means to leave the territory of the requesting State and has not left it within thirty days following his final release or has left and returned to its territory as per his choice.

b. If the State that extradited him agrees to this, provided that a new request is submitted accompanied by the documents stipulated in Article (41) and a judicial record containing the extradited person’s statements regarding the extension of the extradition, in which it is indicated that he has had the opportunity to submit a memorandum of his defense to the authorities of the requested State.

**Article -52-**

**Extraditing Persons to a Third State**

In cases other than him staying within the territory of the requesting State or his return to it, and at the conditions stipulated in clause (a) of the previous Article, it is not permissible for the State to which the person is extradited to hand him over to a third State, except only upon the approval of the state that extradited him. In this case, the requesting State shall submit a request, together with a copy attached of the documents submitted by the third State, to the requested State.

**Article -53-**

**Facilitating the Passage of Persons to be Extradited**

Each of the contracting States shall, upon a request addressed to them through the diplomatic channel, consent to the passage of the extradited person to either one of them through their territories. The request shall be supported by the necessary documents to prove that the matter relates to a crime that could lead to extradition in accordance with the provisions of this Convention.

In the case of using air routes, the following provisions shall apply:

a- If the landing of the aircraft is not scheduled, the requesting State shall notify the state whose airspace will be crossed, indicating the presence of the required documents specified in clause (a) of Article (41). In case of an emergency landing, this notification entails the consequences of arrest and temporary detention referred to in Article (42), and the requesting State shall make a request for passage according to the conditions stipulated in the first Paragraph of this Article.

b- If the aircraft is scheduled to land, the requesting State shall submit a request for passage, and in case the requested State approves the passage of a person whose extradition is also requested, such passage shall take place only after an agreement has been reached between the two States.

**Article -54-**

**Execution of Judgements Involving Deprivation of Liberty**

Judgements involving deprivation of liberty may be executed, in the State in which the convicted person is located, upon the request of the State that issued the judgement and with the consent of the convicted person, if the requested State agrees to the execution and its legislation includes the provision for the issued punishment. The requesting State shall bear all the expenses required for the execution of the sentence.

**Article -55-**

**Extradition Expenses**

The requested State shall bear all the expenses resulting from the extradition procedures carried out over its territory.

The requesting country shall bear all expenses of returning the extradited person to where he was at the time of his extradition if his irresponsibility or innocence were proven.

The expenses of a person's passage through the territory of the other State shall be borne by the requesting State.

**Part Seven**

**Final Provisions**

**Article -56-**

Difficulties arising from the execution and interpretation of this Convention shall be settled by direct communication between the Ministries of Justice of both States.

**Article -57-**

a- The State of Bahrain and the Arab Republic of Egypt shall both take the necessary constitutional measures to give effect to this convention.

The provisions of this convention shall enter into force thirty days after the ratification documents are exchanged in both States.

c- Either State shall have the right to terminate this convention by sending a written notification to the other State through diplomatic channels, in which case the termination shall take effect six months after the delivery date of such notification.

**Article -58-**

This convention was drawn up in Cairo, at the General Department of the Ministry of Justice in the Arab Republic of Egypt, in two original copies, and signed by the authorized representatives of both governments on Wednesday 12 Shawwal 1409 A.H, corresponding to 17 May 1989.

**The Arab Republic of Egypt and the State of Bahrain**

**Advisor Farouk Seif Al Nasr Sheikh Abdullah bin Khalid Al-Khalifa**

**Minister of Justice**

**Minister of Justice, Islamic Affairs and Waqf**