

**INTERNATIONAL COURT OF JUSTICE**

**CASE CONCERNING APPLICATION OF THE INTERNATIONAL  
CONVENTION ON THE ELIMINATION OF ALL FORMS  
OF RACIAL DISCRIMINATION**

**(QATAR *v.* UNITED ARAB EMIRATES)**

**PRELIMINARY OBJECTIONS  
OF THE UNITED ARAB EMIRATES**

**Volume IV of IV**

29 APRIL 2019







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## **Annex 88**

UAE Federal Law No 6 concerning Immigration and Residence,  
25 July 1973, Article 23



**Federal Law No (6) for 1973  
Concerning Immigration and Residence**

We, Zayed Bin Sultan Al Nahayan, the President of the United Arab Emirates,

Upon reviewing the provisions of the Provisional Constitution,

And based on the proposal of the Minister of Interior, the approval of the Council of Ministers the Federal National Council, the approval of the Supreme Council of the Union,

Issue the following law:

**Part One  
Entry of Aliens**

Article (1)

Pursuant to this law an alien shall be any one who is not a national of the United Arab Emirates.

Article (2)

With due regard to other provisions set forth in this law, no alien may enter the country in any way without a valid passport or a travel document or a visa or an entry permission or a valid residence permit.

The subject of countries who may be exempted from permission of entry are those who belong to countries for which a decree was issued based on the recommendations of the Minister of the Interior based on the principle of reciprocity.

Article (3)

No alien may enter or leave the country except through the points specified by a decision of the Minister of Interior and after stamping the passport or the travel document.



Aliens shall also adhere to the provisions of the laws and regulations applicable in the points of exit and entry.

#### Article (4)

Captains of vessels, airplanes and drivers of cars and other means of transport, shall when arriving into the country or leaving it present to the officer in charge a manifest containing names and particulars of the crews of vessels, airplanes or vehicles and their passengers. They have to inform the authorities concerned with the names of those who do not have passports and those whom they have doubts about the authenticity or non validity of their passports, and they shall have to prevent such passengers from leaving vessel, airplane or vehicle or any other means of transport or getting on board.

### **Part Two**

#### **Entry Visas & Permissions**

#### Article (5)

Entry permissions and visas shall be issued, renewed and cancelled in accordance with the provisions of this law, and the rules and instructions issued by the Minister of Interior.

#### Article (6)

The Directorate of Nationality and Immigration shall be responsible for the issuance of entry permissions and visas. Consulates representing the country abroad, shall grant entry visas in accordance with regulatory rules thereof. The Minister of Interior may lay down rules governing procedures and conditions required for obtaining entry permissions by the residents for aliens who are residing outside the country.

#### Article (7)

The Immigration authorities in the international airports of any member emirate in the UAE may in accordance with rules set by the Ministry of Interior grant aliens entry the country visas for ninety six (96) hours as per the following conditions:



- a. The alien should have a passport or a travel document, valid for entry into the Country and for the country of destination.
- b. He should have ticket to continue his trip.
- c. He should leave the country within ninety six (96) hours from the time of obtaining the visa.

#### Article (8)

Any entry permission or visa shall state the purpose of entry into the country i.e. for visit, work or residence.

#### Article (9)

Entry permission and visa shall be valid for use during two months and for a single entry.

#### Article (10)

Entry permission or visa shall entitle holder to stay in the country for a period not exceeding thirty days.

#### Article (11)

The alien who obtains a visit visa may not work anywhere in the country with or without pay or for his own.

If the visa is issued to work for an individuals or an establishment, holder may not work for another individual or establishment without the written consent of that individual or establishment and the approval of the Directorate of Nationality and Immigration.

#### Article (12)

Any alien entering the Country with visit visa or permission shall have to leave the Country on the expiry date of such visa or permission either through cancellation expiry period thereof - unless he has obtained a residence license.



### **Part Three**

#### **Notification of Competent Authorities**

##### Article (13)

Any alien enters the country shall present himself within a period not exceeding one week of his entry, to the Directorate of Nationality and Immigration or police center in his area and writes on the specified form a declaration of his entry and the necessary information. If he changes his residence place, he shall inform the authority during one week about his new address.

##### Article (14)

Managers of hotels and alike, shall inform the Directorate of Nationality and Immigration or the police center to whom they belong, about aliens whom they lodge or who leave their hotels during forty eight hours from the date of entering or leaving.

Any person who lodges or accommodates an alien shall inform about his name and address during forty eight hours from the entry or leaving of that alien.

Persons mentioned in the two articles above, shall inform about aliens who are with them on the date on which this law enters into force, within two weeks of that date.

##### Article (15)

Aliens, during their stay in the country, shall present passport or the document which acts as passport, if so requested, and shall answer all enquiries and give information. They shall, if so requested, to present themselves to the directorate of Nationality and Immigration or police centers on the date prescribed to them.

In case of lost or damage of passport, they have to inform the mentioned department within three days of the date of loss or damage.



#### Article (16)

Any one who employs an alien shall submit to the Directorate of Nationality and Immigration or the police center in his place of residence, a declaration on the prescribed form during forty eight hours of the date on which the alien joints his service. He shall also submit a declaration to the mentioned department or police center on the end of the alien's service.

### **Chapter Four**

#### **Aliens Residence**

#### Article (17)

Directorate of Nationality and Immigration has the authority to issue a residence license for an alien for a period not exceeding one year, which may be renewed on the end of that period. The Directorate marks such license on the alien's passport and issues a card for him.

The alien has to inform the mentioned department in case this card has been lost and about any changes in the data registered on the card.

#### Article (18)

An alien who enters the country for visit purposes may not be given residence license except for a serious reason.

In such case, validity period of residence license shall not exceed the necessary period of its purpose.

#### Article (19)

Aliens who have obtained residence license shall be subject to the provisions of article (11) herein.

### **Chapter Five**

#### **Control Power**



#### Article (20)

Without prejudice to any regulations or resolutions issued by the Council of Ministers, The Minister of Interior, for purposes connected with public interest, may cancel at any time, any visa or entry permission or residence license prior to its expiry date.

#### Article (21)

Local security authorities in member Emirates, and federal security authorities, each within its frame of concern, shall pursue those who breach the provisions of this law or its implementation regulations and orders.

Directorate of Nationality and Immigration has to inform the security authorities about cancellation or expiry of every visa, entry permission or residence license.

Security authorities have to abide to the instructions and orders issued by the mentioned department for the purpose of executing the provisions of this law.

#### Article (22)

Local security authorities in member Emirates and federal security authorities, each within its frame of concern, shall stop and search any vessel, if these authorities suspect that this vessel may carry persons who have committed crimes punishable under the provisions of this law, or attempting to commit such crimes. The authorities may arrest these persons and request the vessel to enter the nearest port in the country.

### **Chapter Six**

#### **Aliens Deportation**

#### Article (23)

Minister of Interior may issue an order for deportation of any alien, even if the alien has a residence license, in the following cases:

- a. If an alien has been convicted and the court has issued an order for his deportation.



- b. If he has no apparent means of living.
- c. If the security authorities see that public interest or public security or public discipline require his deportation.

#### Article (24)

Order of deportation issued for an alien may include the members of his family, who are depending on him in their living.

#### Article (25)

Minister of Interior may detain the alien, against whom a deportation order has been issued, for a period not exceeding two weeks, if he considers this detention is essential for executing the deportation order.

#### Article (26)

The Minister of Interior may order that the deportation expenses of an alien and his family shall be incurred by the alien himself if he has money or on the account of the country to which he is belonging; otherwise the Ministry shall bear the deportation or exit expenses.

#### Article (27)

If an alien against whom a deportation order has been issued has interests in the country that need to be settled, he shall be granted a grace period after providing a guarantee to clear these interests. The Ministry of Interior shall determine the period, which shall not exceed three months.

#### Article (28)

An alien who has been deported may not return to the country except with special permission from the Minister of Interior.

#### Article (29)

The Department of Nationality and Immigration shall issue an order for deportation of an alien if he has no residence license or if his residence license has been expired. Such an alien may return to the country if he fulfills the conditions for entry in accordance with the provisions of law.



## **Chapter Seven**

### **Punishments**

#### Article (30)

If an alien comes to the country by any means of transportation by breaching the provisions of Article (2) and Article (7) of this law, the Directorate of Nationality and Immigration may order his deportation and may order the captain of the transportation means by which he comes or a captain of any other means belonging to the same owner to take that alien out of the country. The owner of the transportation means shall bear the transportation expenses.

Any captain of any transportation means who refuses to carry out an order issued to him in accordance with the precedent article may be punished by a fine not exceeding Two Thousand Dirham.

#### Article (31)

If an alien enters the country or stays in the country by breaching the provisions of this law, or refuses to obey an order issued to him for deportation, he shall be punished by imprisonment for a period not exceeding four months and by a fine not exceeding Two Thousand Dirham or with either of the two punishments.

#### Article (32)

1. Any captain of any transportation means or the responsible person of such means, if he brings or attempts to bring any person inside the country by violation of the provisions of this law, shall be punished with imprisonment for a period not exceeding one year and with a fine not exceeding Five Thousand Dirham or with either one of these two punishments. The court has to order the deportation of this alien and departure of that means unless it considers otherwise for special reasons, which it has to state in its decision.
2. The captain of the transportation means or the person who is responsible for that means, shall be redeemed from the punishment under the precedent article, if he proofs that the transportation means has entered or he is intending to enter it through the



statutory specified entrance place or he has taken or he is intending to take all necessary procedures to present that alien person to the concerned authorities to check his papers.

3. Defying that he has no knowledge that such alien is on board or that he does not know that the alien has no papers entitling him to enter the country, will not redeem the captain of the means or the responsible person of the punishment.
4. For the implementation of the provisions of this article, any person on board of a transportation means coming to the country, the captain of that means is deemed attempting to enter him to the country unless otherwise proofed.

#### Article (33)

Any person, who gives false statement to avoid the provisions of this law, shall be punished with imprisonment of a period not exceeding four months and a fine not exceeding Two Thousand Dirham or with either of these two punishments and the court may order his deportation from the country.

#### Article (34)

Any person who forges a visa or entry permission or license or a card for the purpose of entering the country or residing therein, or any document in order to avoid the provisions of this law, or uses knowingly any forged document, shall be punished by imprisonment for a period not exceeding three years and a fine not exceeding Ten Thousand Dirham or with either of these two punishments; and the court may order his deportation from the country.

#### Article (35)

Except for punishments, prescribed for the crimes sated in this chapter, any person who violates the provisions of this law or regulations or orders issued for its implementation shall be punished with imprisonment for a period not exceeding three months and a fine not exceeding One Thousand Dirham or with either of these two punishments.



### Article (36)

Any person attempts to commit a crime punishable under this law, or participates in that crime or assists or induces or urges other to commit such crime, shall be punished with the prescribed punishment for that who commits the crime itself.

## Chapter Eight

### Exemptions

### Article (37)

The following are exempted from implementation of the provisions of this law:

- a. Presidents of states and their families.
- b. Head of diplomatic missions and consulates accredited in the country, and their families.

Members of diplomatic missions and consulates which are not accredited in the country shall be treated in accordance to reciprocity.

- c. Holders of diplomatic passports, on condition of reciprocity.
- d. Crews of vessels and airplanes coming to the country who hold marine tickets or air tickets from their concerned authorities.
- e. Persons whom the Minister of Interior decides to exempt with a special permission for international courtesy.
- f. Persons who are redeemed by virtue of international treaties in which the country is a party, but within the limits of these treaties.

## Chapter Nine

### Provisional and final provisions

### Article (38)

Without prejudice to the provisions of article (29), the Ministry of Interior, with collaboration with security authorities in the member Emirates, shall record all aliens who are residing in the country without residence permission in order to consider their granting permissions in accordance with the provisions of this law.



The Minister of Interior may determine with a resolution the rules and procedures to be applied in this regard.

#### Article (39)

Entry visas and residence licenses granted by concerned authorities in the member Emirates prior to the date on which this law enters into force shall continue to be valid until they are cancelled by virtue of this law or until the expiry of their validity periods.

Certificates of no objection to provide entry visa to the Emirates, which are members in the Union, and which are valid at the date on which this law enters into force, are deemed as entry permission issued by virtue of the provisions of this law.

#### Article (40)

Prescribed fees, which are stated in the schedule annexed to this law for each case, shall be paid for the account of the state.

#### Article (41)

Departments of nationality and immigrations in the Emirates which are member of the Union are considered as branches of the Directorate of Nationality and Immigration in the capital. Employees and officers in these departments may be transferred to the mentioned directorate. Rules for that transfer shall be determined by the Minister of Interior.

#### Article (42)

The Supreme Federal Court shall have jurisprudence over the crimes which are mentioned in article (34) of this law. The local legal bodies in the Emirates members of the Union, each in the limit of its jurisdiction, shall deal with the other crimes.

#### Article (43)

The Minister of Interior shall issue the necessary regulations, resolutions and forms for the implementation of the provisions of this law.



Article (44)

Ministers, each in his jurisdiction, have to implement the provisions of this law. This law shall be published in the Official Gazette and enters into force after one month of its publication.

Zaid Bin Sultan

President of United Arab Emirates

Issued in the Presidency Palace in Abu Dhabi

On 25 Jamadah Al Thani 1393 H.

Corresponding to 25 July 1973

\* The implementation regulations of this law has been issued by the Ministerial Decree No 12 for 1974, published in 21st edition of the Official Gazette.







## **Annex 89**

UAE General Civil Aviation Authority, Notice to Airmen  
A0812/17, 5 June 2017



## UAE NOTAM (OMAE)

LYA7213 1706050837  
GG OTBDQRNO OTZZNAZX  
050837 OMAEYNYX  
(A0812/17 NOTAMN  
Q)OMAE/QXXXX/IV/NBO/E/000/999/2500N05430E999  
A)OMAE B)1706060000 C)PERM  
E)ALL ACFT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORIZED TO  
OVERFLY EMIRATES FIR,DEPART OR LAND AT UAE AERODROMES.

OPERATORS NOT REGISTERED IN UAE INTENDING TO USE EMIRATES FIR FROM  
OR TO THE STATE OF QATAR REQUIRE PRIOR APPROVAL FROM GCAA AVIATION  
SECURITY AFFAIRS ON THE FLW CONTACT:

TEL: 00971 50 642 4911  
EMAIL: AVSEC-DI(A)GCAA.GOV.AE

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## **Annex 90**

UAE General Civil Aviation Authority, Notice to Airmen  
A0848/17, 12 June 2017



## UAE NOTAM (OMAE)

LYA7689 1706121012

GG OTNOYNYX OTZZEADN

121012 EUECYIYN

(A0848/17 NOTAMR A0812/17

Q) OMAE/QAFLP/IV/NBO/E /000/999/2500N05430E999

A) OMAE

B) 1706121010

C) PERM

E) ALL ACFT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORIZED TO  
OVERFLY UAE AIRSPACE,

DEPART OR LAND AT UAE AERODROMES.

OPERATORS NOT REGISTERED IN UAE INTENDING TO OPERATE NON-  
SCHEDULED

FLIGHTS OR CHARTER INCLUDING PRIVATE FLIGHTS, CARGO AND  
PASSENGER

FROM OR TO THE STATE OF QATAR VIA UAE AIRSPACE SHALL OBTAIN  
APPROVAL FROM THE GCAA AVIATION SECURITY AFFAIRS BY PROVIDING A  
COPY OF THE DETAILED MANIFEST OF THE FLIGHT INCLUDING PASSENGER

NAMES AT LEAST 24 HOURS PRIOR TO DEPARTURE TO THE FLW CONTACT:

TEL: 00971 50 642 4911

EMAIL: AVSEC-DI(A)GCAA.GOV.AE)

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## **Annex 91**

UAE Federal Transport Authority,  
Circular No 2/2/1023, 11 June 2017





Date : 11/06/2017

No.2/2/1023

To all United Arab Emirates Ports and ship agents.

After Greetings

**Subject: Implementation Process of the decision  
related to Qatar sanctions.**

With reference to the decisions issued by the Government of United Arab Emirates on severing relations with State of Qatar, all UAE ports implement the following:

1. Not to receive any Qatari flag vessel or owned by Qatari Companies or Qatari individuals.
2. Not Load /Unload any cargo of Qatari origin in any port or water of UAE
3. Not to allow ships to load any cargo of UAE origin to State of Qatar.

Kindly informed and alert those concerned to implement strictly



**Dr. Abdullah Salem Alkatheeri**  
**Director General**

United Arab Emirates  
Federal Transport Authority - Land & Maritime



دولة الامارات العربية المتحدة  
الهيئة الاتحادية للمواصلات البرية والبحرية



## **Annex 92**

UAE Central Bank, Circular No 156/2017, 9 June 2017





مصرف الإمارات العربية المتحدة المركزي  
CENTRAL BANK OF THE U.A.E.

Notice No.: 156/2017

Date : 09/06/2017

إشعار رقم: 2017/156

التاريخ: 2017/06/09

To : Head Offices of National Banks, Main Branches of Foreign Banks, Moneychangers, Finance and Investment companies operating in the UAE

إلى: المقار الرئيسية للبنوك الوطنية والفروع الرئيسية للبنوك الأجنبية والصرافات وشركات التمويل والاستثمار العاملة في دولة الإمارات العربية المتحدة

After greetings,

بعد التحية،،،

Based on the United Arab Emirates Cabinet of Ministers' Resolution No. 18/2017 dated 09/06/2017, you are required immediately to search for and freeze any account/accounts or deposits or investments or any other financial instruments and inform us of any credit facilities or safe deposit boxes, or any financial transfers executed through your entity from inception of opening account/accounts till date and deny access to the safe deposit boxes, and stop any financial transfers in the names mentioned in the attached list.

بناءً على قرار مجلس الوزراء لدولة الإمارات العربية المتحدة رقم 2017/18 المؤرخ 2017/06/09، يطلب منكم فوراً البحث عن وتجميد أية حساب/حسابات أو ودائع أو إستثمارات أو أية أدوات أخرى ذات قيمة مالية وإعلامنا عن أية تسهيلات إئتمانية أو صناديق أمانات أو أية تحويلات مالية تم تنفيذها من خلال منشأتكم منذ فتح الحساب/الحسابات حتى تاريخه، وعدم التمكين من التصرف في صناديق الأمانات ومنع أية تحويلات مالية بالأسماء المذكورة في القائمة المرفقة.

Please provide your confirmation on the implementation of the above mentioned instructions, and provide Financial Intelligence Department – Central Bank -Abu Dhabi within a maximum period of three working days from date, with the following documents:

يرجى منكم موافاتنا بتأكيدكم بشأن تنفيذ التعليمات المذكورة أعلاه، وتزويد إدارة الاستعلامات المالية - المصرف المركزي - أبوظبي في مدة أقصاها ثلاثة أيام عمل من تاريخه، بالوثائق التالية:

- Detailed Reports of amounts deposited or transferred to the account/accounts (in operation at present and the closed) and amounts withdrawn or transferred from/to the account/accounts, including name of depositors/transfers, beneficiaries and their sources, from inception till date, supported by the following documents:

- تقارير تفصيلية عن المبالغ المودعة أو المحولة إلى الحساب / الحسابات (النشطة حالياً وكذلك المغلقة) والمبالغ المسحوبة أو المحولة من/إلى الحساب / الحسابات متضمنة إسم المودعين/المحولين والمستفيدين ومصادرهما، منذ فتحها وحتى تاريخه معززة بالوثائق التالية:

- Account / Accounts Opening Forms and related documents
- Authorized person / persons to operate the account / accounts

- إستمارات فتح الحساب / الحسابات والوثائق ذات الصلة
- الشخص/الأشخاص المخولين بإدارة الحساب/الحسابات



Notice No.: 156/2017

إشعار رقم: 156/2017

Date : 09/06/2017

التاريخ : 2017/06/09

- Account / Accounts statements from their inception till date
- كشفات الحساب/ الحسابات منذ فتحها حتى تاريخه
- Deposit / withdrawal / transfer slips
- قسائم الإيداع / السحب/ التحويل
- Swift copy & other financial transfer's receipts
- نسخة سويفت وإيصالات التحويل الأخرى
- Documents relating to verification of source of funds credited to the Account / Accounts
- الوثائق ذات العلاقة بالتحقق من مصدر الأموال المحولة إلى الحساب / الحسابات
- Application Forms for Loans & other Facilities and related documents
- طلبات القروض والتسهيلات والوثائق ذات الصلة
- Cheques
- الشيكات
- Any other documents
- أية وثائق أخرى

In your communications, please use the following emails:

في مراسلاتكم، يرجى استخدام البريد الإلكترونيين التاليين:

1- For banks: [amlscul@uaefiu.cb](mailto:amlscul@uaefiu.cb)

1- بالنسبة للبنوك: [amlscul@uaefiu.cb](mailto:amlscul@uaefiu.cb)

2-For moneychangers and other financial institutions: [saleh.alhdhahri@cduac.gov.ac](mailto:saleh.alhdhahri@cduac.gov.ac)

2- بالنسبة للصرافات والمؤسسات المالية الأخرى: [saleh.alhdhahri@cduac.gov.ac](mailto:saleh.alhdhahri@cduac.gov.ac)

Yours faithfully,

وتفضلوا بقبول فائق الاحترام ،



عبدالرحيم محمد العوضي  
المدير التنفيذي لإدارة الاستعلامات المالية  
مصرف الإمارات العربية المتحدة المركزي  
Abdulrahim Mohammed Al Awadhi

Executive Director of Financial Intelligence Department  
Central Bank of the UAE

756-2017 MA-SA  
Enclosures: as above

المرفقات: كما ذكر أعلاه

Page (2) of (3)

صفحة (2) من (3)



**Response with regard to  
Central Bank's Notice No. 156/2017  
Dated 09/06/2017**

**الرد بشأن  
إشعار المصرف المركزي رقم 156/2017  
المؤرخ 2017/06/09**

**From:** \_\_\_\_\_ **من:** \_\_\_\_\_

**Subject:** **الموضوع:** البحث عن وتجميد فوراً أية حسابات / حسابات أو ودائع أو استثمارات أو أية أدوات أخرى ذات قيمة مالية وإعلامنا عن أية تسهيلات إئتمانية أو صناديق إمانات أو أية تحويلات مالية تم تنفيذها من خلال منشأتكم منذ فتح الحساب/الحسابات حتى تاريخه، وعدم التمكن من التصرف في صناديق الأمانات ومنع أية تحويلات مالية بالأسماء المذكورة في القائمة المرفقة.

☐ There are no accounts or deposits or investments, or any other financial instruments or credit facilities or safe deposit boxes in the names mentioned in the attached list. ☐ لا توجد حسابات أو ودائع أو استثمارات أو أية أدوات أخرى ذات قيمة مالية أو تسهيلات إئتمانية أو صناديق إمانات بالأسماء المذكورة في القائمة المرفقة.

☐ There are accounts or deposits or investments or any other financial instruments or credit facilities or safe deposit boxes or financial instruments in the names mentioned in the attached list. Attached are copies of account / accounts opening documents and statements from inception till date which are frozen, also for the closed accounts and details of safe deposit boxes and financial transfers (attached relevant documents). ☐ توجد حسابات أو ودائع أو استثمارات أو أية أدوات أخرى ذات قيمة مالية أو تسهيلات إئتمانية أو صناديق إمانات أو تحويلات مالية بالأسماء المذكورة في القائمة المرفقة. مرفق صور وثائق فتح الحساب/الحسابات والكتوفات منذ فتحها وحتى تاريخه والتي جمدت، وكذلك عن الحسابات المغلقة وتفاصيل عن صناديق الأمانات والتحويلات (مرفق الوثائق ذات الصلة).

Name of Subject	Type of Account	Frozen Amount		المبلغ المجمد	نوع الحساب	إسم الشخص
(1)	(2)	(3)	(4)	(4)	(3)	(2)
* Name of Remitter or Beneficiary	Date of Transfer	Amount-Currency	Remarks	ملاحظات	المبلغ - العملة	تاريخ التحويل

\* In case the remitter is one of the subjects mentioned in the attached list, please mention the name of the beneficiary under column (1) and vice versa.

\* في حال أن المحول هو أحد الأشخاص المذكورين في القائمة المرفقة، يرجى ذكر إسم المستفيد تحت العمود (1) وبالعكس.

Authorized Signatures:	التوقيعات المعتمدة:



## **Annex 93**

Qatar, Ministry of Interior, “Qatar Visas”

<https://portal.moi.gov.qa/qatarvisas/index.html>





**State of Qatar**  
**Ministry of Interior**

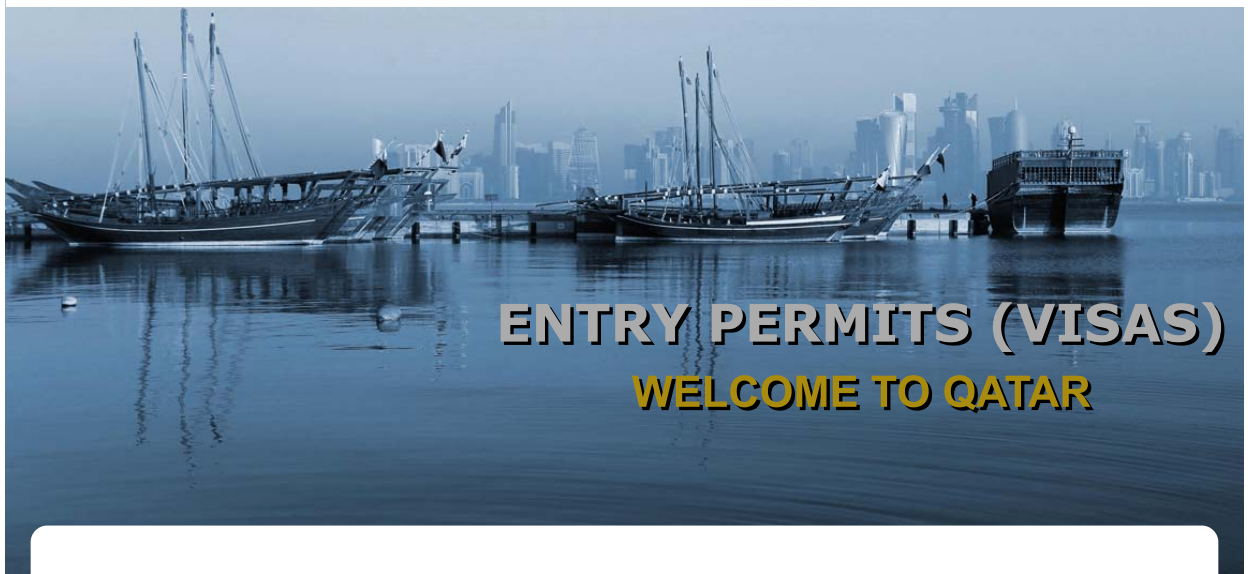
➤ Visa-Free Stay Extension |

العربية



-Select Nationality-

-Select Residence-



## VISITING QATAR MADE EASY

Thanks to a host of visa facilitation measures, Qatar is now the most open country in the Middle East. Visitors from all around the world can now enter Qatar either visa free, or by filling out simple online applications, depending on the passport they carry.

This website is designed to keep you up-to-date on the visa policies that are relevant to you, and the process you need to follow to apply for a visa, if necessary.

The Ministry of the Interior welcomes all visitors to the country from all over the world. The Ministry, through its competent agencies, works to ensure the ease of entry and exit of travelers. We welcome you to explore all queries and details about these services through this page.

## VISA-FREE ENTRY



3/27/2019

Qatar Visas

Nationals of more than 80 countries are eligible for visa-free entry into the State of Qatar, with varying allowable lengths of stay. Nationals of the eligible countries do not require any prior visa arrangements and can obtain a visa waiver upon arrival to Qatar, upon presentation of a valid passport with a minimum validity of six months and a confirmed onward or return ticket.

*If you have any questions regarding the visa waiver programme, please check our [FAQs](#).*

*For instructions on how to explore our visa services , please check our [Help](#).*









## **Annex 94**

**Qatar Airways, “Qatar Waives Entry Requirements for Citizens of 80 Countries”, 9 August 2017**

**<https://www.qatarairways.com/en/press-releases/2017/Aug/qatar-waives-entry-visa-requirements-for--citizens-of-80-countri.html>**



3/27/2019

Qatar Waives Entry Visa Requirements for Citizens of 80 Countries | Qatar Airways

*Number of nationalities eligible to enter  
visa-free highest in region*

*Qatar considering further enhancements to  
visa policy, including waiver for holders of  
visa/resident permit for GCC and Schengen  
countries, as well as UK, USA, Canada,  
Australia and New Zealand*

DOHA, Qatar - Qatar's Ministry of Interior (Mol), Qatar Tourism Authority (QTA) and Qatar Airways today announced that Qatar will allow visa-free entry for citizens of 80 countries, effective immediately.

Citizens of those countries\* wishing to visit Qatar will no longer need to apply or pay for a visa; instead, a multi-entry waiver will be issued free-of-charge at the port of entry, upon presentation of a valid passport with a minimum validity of six months and a confirmed onward or return ticket.



Depending on the nationality of the visitor, the waiver will either be valid for 180 days, from the date of issue, and allow the visitor to spend a total of 90 days in Qatar (multiple-entry waiver); or it will be valid for 30 days from the date of issue and entitle the visitor to spend up to 30 days in Qatar with the possibility of applying for an extension of the waiver for an additional 30 days (multiple-entry waiver).

These developments come as part of a series of measures that Qatar has taken to facilitate visitor access to the country. Last month, Qatar launched an e-visa platform, [www.qatarvisaservice.com](http://www.qatarvisaservice.com), through which travellers of all nationalities can apply for tourist and visitor visas with more efficiency and ease. The country is also considering further enhancements to its visa policy, such as waiving visa requirements for holders of a residence permit or a valid visa from the nations of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Saudi Arabia, and the United Arab Emirates), United Kingdom, United States of America, Canada, Australia, New Zealand or the Schengen countries. This waiver would allow eligible visitors to obtain an *Electronic Travel Authorisation* by completing a simple online application at least 48 hours prior to travel.

Qatar Airways Group Chief Executive, His Excellency Mr. Akbar Al Baker, said: "Today's announcement places the State of Qatar as the most open country in the region. This is a momentous occasion for Qatar, making the number of nationalities eligible to enter our country without a visa the highest in region, which is something that we are very proud of.

"Qatar Airways is the patriotic flag carrier for the State of Qatar and as such we are extremely honoured to bring millions of people each year to our beautiful, welcoming and historic country. This important initiative from the Ministry of Interior and Qatar Tourism Authority will provide an opportunity to welcome even more visitors, from even more countries, to experience the many exciting attractions that await them."

According to Hassan Al Ibrahim, Chief Tourism Development officer at QTA, visa facilitation is a critical component of the national tourism sector strategy, which QTA is currently reviewing in partnership with stakeholders from the public and private sectors. With renewed focus by the country's leadership on diversifying the national economy, a revised strategy which empowers various players to boost the growth of tourism is set to be



3/27/2019

Qatar Waives Entry Visa Requirements for Citizens of 80 Countries | Qatar Airways

launched on 27 September 2017, when Qatar hosts the official celebrations of World Tourism Day.

“Easing entry to Qatar is a key enabler for the growth of Qatar’s tourism industry. With this announcement we are already turning the pages of the Next Chapter of Qatar’s journey towards 2030,” commented Al Ibrahim. “Together with our partners in the public and private sectors, we have examined all of the elements needed to create a smooth and enticing experience that can attract visitors from around the world. There is no doubt that facilitating and streamlining access at all ports of entry are key factors in creating a positive first and lasting impression of Qatar.”

Al Ibrahim added, “With 80 countries eligible for a visa waiver, Qatar is now the most open country in the region and we are delighted to invite visitors to discover our renowned hospitality, cultural heritage and natural treasures.”

Brigadier Mohammed Al Ateeq, Director General of the Department of Passport and Expatriates Affairs at MoI, commented, “We are very pleased to announce that nationals of 80 countries are now eligible for a visa waiver and can enter Qatar without requiring any prior visa arrangements. Together with our partners at QTA and Qatar Airways, we have been working to enhance our country’s visa policies and implement solutions to better facilitate travel to Qatar. Further enhancements are being studied and we look forward to announcing them in due course.”

In November 2016, Qatar introduced a free transit visa, which allows passengers of all nationalities transiting in Qatar for a minimum of five hours to stay in Qatar for up to 96 hours (four days). In May 2017, QTA launched +Qatar, an initiative to promote the country as a stopover destination, with the national carrier, Qatar Airways. These measures, along with intensified international marketing, have resulted in a 39 per cent increase in the number of stopover visitors during the first six months of 2017, compared with the same period last year.

As part of Qatar Airways’ and QTA’s combined efforts to boost tourism in the country, the award-winning airline has accelerated its global expansion plans, and recently announced the launch of a number of new destinations that it is adding to its network by the end of August including Kiev, Ukraine and Prague, Czech Republic. Yesterday, the airline launched Sohar, in the Sultanate of Oman. Qatar Airways also recently launched a direct service to Dublin, Republic of Ireland; Nice, France and Skopje, connecting even more people to more places, and making it easier than ever for passengers to visit Qatar as part of their journey.

**The below section details the new visa waiver eligibility for citizens of the 80 countries.**

**Entry to Qatar is approved at the sole discretion of Qatar’s Ministry of Interior.**

**A) Nationals of the following 33 countries will not require prior visa arrangements and can obtain a visa waiver upon arrival in Qatar. The waiver will be valid for 180 days from the date of issuance and entitle its holder to spend up to 90 days in Qatar, during either a single trip or on multiple trips.**

1. *Austria*
2. *Bahamas*
3. *Belgium*
4. *Bulgaria*
5. *Croatia*
6. *Cyprus*



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Qatar Waives Entry Visa Requirements for Citizens of 80 Countries | Qatar Airways

7. *Czech Republic*
8. *Denmark*
9. *Estonia*
10. *Finland*
11. *France*
12. *Germany*
13. *Greece*
14. *Hungary*
15. *Iceland*
16. *Italy*
17. *Latvia*
18. *Liechtenstein*
19. *Lithuania*
20. *Luxembourg*
21. *Malta*
22. *Netherlands*
23. *Norway*
24. *Poland*
25. *Portugal*
26. *Romania*
27. *Seychelles*
28. *Slovakia*
29. *Slovenia*
30. *Spain*
31. *Sweden*
32. *Switzerland*
33. *Turkey*

**B) Nationals of the following 47 countries will not require prior visa arrangements and can obtain a visa waiver upon arrival in Qatar. The waiver will be valid for 30 days from the date of issuance and entitle its holder to spend up to 30 days in Qatar, during either a single trip or on multiple trips. This waiver may be extended for a further 30 days.**

1. *Andorra*
2. *Argentina*
3. *Australia*
4. *Belarus*



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Qatar Waives Entry Visa Requirements for Citizens of 80 Countries | Qatar Airways

5. *Bolivia*
6. *Brazil*
7. *Brunei*
8. *Canada*
9. *Chile*
10. *China*
11. *Colombia*
12. *Ecuador*
13. *Panama*
14. *Costa Rica*
15. *Georgia*
16. *Guyana*
17. *Hong Kong*
18. *India*
19. *Indonesia*
20. *Ireland*
21. *Japan*
22. *Kazakhstan*
23. *Lebanon*
24. *Azerbaijan*
25. *Macedonia*
26. *Malaysia*
27. *Maldives*
28. *Mexico*
29. *Moldova*
30. *Monaco*
31. *New Zealand*
32. *Paraguay*
33. *Peru*
34. *Russia*
35. *San Marino*
36. *Singapore*
37. *South Africa*
38. *South Korea*



3/27/2019

Qatar Waives Entry Visa Requirements for Citizens of 80 Countries | Qatar Airways

*39. Suriname**40. Cuba**41. Thailand**42. Ukraine**43. United Kingdom**44. United States**45. Uruguay**46. Vatican City**47. Venezuela***About Qatar Tourism Authority (QTA)**

Long-recognised by the country's leadership as an avenue to further Qatar's development, tourism has been designated a priority sector by the government. Qatar Tourism Authority's mission is to firmly establish Qatar on the global map as a world-class tourism destination with deep cultural roots. In 2014 QTA launched the Qatar National Tourism Sector Strategy (QNTSS), which seeks to diversify the country's tourism offering and increase the sector's contribution to Qatar's economy by 2030.

QTA works in partnership with public and private stakeholders to achieve this mission by planning, regulating and promoting a sustainable and diverse tourism industry.

As part of its planning efforts, QTA identifies types of tourism products and services that will contribute to the Qatar tourism experience, and works to attract investment for their development.

Regulation efforts involve ensuring tourism sector establishments operate at the highest standards while perpetuating Qatar's culture.

QTA promotes Qatar as a destination around the world, through its destination branding, international representation and participation at trade shows, and by developing a rich calendar of festivals and events. With a growing international presence, QTA's representative offices in London, Paris, Berlin, Milan, Singapore, Istanbul, New York and Riyadh support QTA's promotion efforts.

Since launching QNTSS, Qatar has welcomed over 7 million visitors, and achieved an average annual growth in arrivals of 11.5% between 2010-2015. The economic impact of the tourism sector in Qatar is becoming increasingly visible with 2014 estimates showing a total impact on Qatar's total GDP of 4.1%.

**For further information please contact:****Qatar Tourism Authority Press Office**

Tel: +974 4499 7882

Email: [pressoffice@visitQatar.qa](mailto:pressoffice@visitQatar.qa)Website: [www.visitQatar.qa](http://www.visitQatar.qa)

For images, please

visit: <https://www.flickr.com/photos/qatarairways/albums/72157687386333545>

Notes to Editors:

About Qatar Airways



3/27/2019

Qatar Waives Entry Visa Requirements for Citizens of 80 Countries | Qatar Airways

Qatar Airways, the national carrier of the State of Qatar, is celebrating 20 years of Going Places Together with travellers across its more than 150 business and leisure destinations. The world's fast growing airline will add a number of exciting new destinations to its growing network in 2017/18, including Dublin, Nice, Skopje, Sarajevo and many more, flying passengers on board its modern fleet of 200 aircraft.

A multiple award-winning airline, Qatar Airways was recently named Airline of the Year by the 2017 World Airline Awards, managed by international air transport rating organisation Skytrax. It was also named World's Best Business Class, Best Airline in the Middle East, and World's Best First Class Airline Lounge.

Qatar Airways is a member of the **oneworld** global alliance. The award-winning alliance was named the World's Best Airline Alliance 2015 by Skytrax for the third year running. Qatar Airways was the first Gulf carrier to join global airline alliance, **oneworld**, enabling its passengers to benefit from more than 1,000 airports in more than 150 countries, with 14,250 daily departures.

Oryx One, Qatar Airways' in-flight entertainment system offers passengers up to 3,000 entertainment options from the latest blockbuster movies, TV box sets, music, games and much more. Passengers flying on Qatar Airways flights served by its B787, A350, A380, A319 and select A320 and A330 aircraft can also stay in touch with their friends and family around the world by using the award-winning airline's on-board Wi-Fi and GSM service.

Qatar Airways proudly supports a range of exciting international and local initiatives dedicated to enriching the global community that it serves. Qatar Airways, the official FIFA partner, is the official sponsor of many top-level sporting events, including the FIFA 2018 and 2022 World Cups, reflecting the values of sports as a means of bringing people together, something at the core of the airline's own brand message - Going Places Together.

Qatar Airways Cargo, the world's third largest international cargo carrier, serves 60 exclusive freighter destinations worldwide via its world-class Doha hub and also delivers freight to more than 150 key business and leisure destinations globally with 200 aircraft. The Qatar Airways Cargo fleet includes eight Airbus A330 freighters, 12 Boeing 777 freighters and one Boeing 747 freighter.

For further information, please contact:

Qatar Airways Group, Corporate Communications Department

Tel: +974 4022 2200

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 +974 4022 2200

 qrmedia@qatarairways.com.qa

Visit our homepage [www.qatarairways.com](http://www.qatarairways.com) or our sites on Facebook, Twitter, Google+, Instagram, and YouTube.







## **Annex 95**

**Qatar, Law No. 17 of 2004 Regarding Organization and Ownership  
and Use of Real Estate and Residential Units by non-Qataris,  
Articles 2-4**





## Law no. (17) for the year 2004 Regarding Organization of Ownership and Use of Real Estate and Residential Units by non-Qataris 17 / 2004

Number of Articles: 14

### Table of Content

Articles (1-14)

### **We, Hamad bin Khalifa Al Thani, Emir of Qatar,**

Having considered the Amended Provisional Constitution, in particular articles 23, 34, and 51 of Law No. 5 of 1963 concerning the impermissibility of acquiring ownership of immovable property in the State of Qatar by foreigners; Law No. 14 of 1964 on the Real Estate Registration System, and the amending laws thereof;

The Law on Civil and Commercial Matters promulgated by Law No. 16 of 1971, as amended by Law No. 10 of 1982;

Law No. 2 of 1975 regarding the rental of premises and buildings and the amending laws thereof;

Law No. 13 of 1988 on the Temporary Expropriation and Confiscation of

Real Estate for the Public Interest, as amended by Law No. 23 of 1995;

Law No. 13 of 2000 on the Investment of Foreign Capital in Economic Activity; and

Law No. 2 of 2002 on the Regulation of Property Ownership by GCC

Nationals; and

The Draft Law submitted by the Council of Ministers; and

Having consulted the Shoura Council;

### **Have decided the following Law:**

### Articles

#### Article 1

In the implementation of this Law, unless the context otherwise requires, the following words and terms shall have the meaning hereunder assigned to them:

**“Real Estate”:** Land and buildings including structures erected thereon.

**“The Housing Unit”:** An apartment in a multi-storey building.

**“Areas of Investment”:** Land allocated for the exercise of commercial, industrial, tourist, residential and educational activities and any other activities the investment in which is permitted in accordance with the State applicable laws.

#### Article 2

Nationals of the Gulf Cooperation Council may own Real Estate in the Investment Areas, in respect of which a Cabinet “Council of Ministers” Decision shall be issued to determine their location, and the conditions and procedures of ownership therein.

#### Article 3



A non-Qatari may own real estate in the Pearl of the Gulf Island, the West Bay

Lagoon Project, and Al Khor Resort Project, the identification, terms and conditions, and ownership procedures thereof shall be by a Council of Ministers' Decision.

---

#### Article 4

A non-Qatari may have the right of usufruct over real estate for a term of ninety nine (99) years renewable for similar terms in the Investment Areas, and the real state location, conditions and procedures of usufruct shall be by a Council of Ministers' Decision.

---

#### Article 5

Without prejudice to the provisions of the aforementioned Law for Leasing Premises and Buildings, a non-Qatari may have the right of usufruct in respect of one residential unit or more in residential areas for a term not exceeding ninety nine (99) years renewable for further similar terms, in accordance with the conditions and procedures determined pursuant to a Council of Ministers' Decision.

---

#### Article 6

The right of usufruct is a right in kind that shall not arise, nor acknowledged, unless registered in accordance with the aforementioned Law No. 14 of 1964. The right of usufruct shall terminate upon the expiry of its defined term, mutual agreement of the parties, the destruction of the property or the expropriation thereof for the public interest.

---

#### Article 7

In the event of expropriation of the building encumbered with the right to usufruct in favor of the public interest, or its destruction as a result of actions carried out by its owner, then the owner is obliged to indemnify the usufructuary for the remaining period specified in the contract, pro rata to the right of usufruct.

---

#### Article 8

The usufructuary shall benefit from the residential unit with all facilities and common areas thereof, and may dispose of this right and utilize it without prejudice to his title, and which shall be transferred, upon his demise to legal heirs of the usufruct. The owner of the building encumbered with the right to usufruct may dispose thereof without prejudice to the right to usufruct, and shall be transferred upon the owner's demise, to his legal heirs encumbered with the right to usufruct.

---

#### Article 9

The owner of the building encumbered with the right to usufruct shall undertake to hand over the residential unit to the usufructuary free of any rights that contravene with the right to usufruct, shall warrants not to interfere with the usufructuary throughout the term of the right to usufruct, and shall hold the usufructuary harmless and undertakes to keep and maintain the other parts of the building. The usufructuary, and his personal or public successors-in-title, shall undertake to benefit from the residential unit for the purpose for which it was built and to keep and maintain it and to hand it over upon the expiry of the term of the right to usufruct.



#### Article 10

The usufructuary shall be a member of the federation of property owners where the residential unit is located and he shall be subject to the same provisions that other owners are subject to in accordance with the law.

---

#### Article 11

The provisions of this Law shall not prejudice the right of the State to prohibit ownership and usufruct in certain areas for the public interest.

---

#### Article 12

The Council of Ministers shall issue the decisions necessary to enforce the provisions of

---

#### Article 13

Any provisions contrary to the provisions of the present Law are hereby repealed.

---

#### Article 14

All competent authorities, each within its competency, shall implement this Law and it shall be effective from the date of publication in the Official Gazette.

---

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**Please do not consider the material presented above Official  
Al Meezan - Qatary Legal Portal**



## **Annex 96**

Qatar, Law No. 7 of 1996 Organizing Medical Treatment & Health  
Services within the State, Article 2



## Law No. 7 of 1996 Organizing Medical Treatment & Health Services within the State 7 / 1996

Number of Articles: 12



Stars icon indicate that some articles are amended

### Table of Content

Articles (1-12)

We, Hamad Bin Khalifa Al-Thani, the Emir of the State of Qatar;

Having perused the Amended Provisional Constitution, particularly Articles 23, 34 & 51 thereof; Law No. 2 of 1962 regulating the general fiscal policy in Qatar;

Decree Law No. 6 of 1965 organizing medical treatment within the State, and its amending laws;

Law No. 8 of 1989 concerning the treatment of the citizens of the Gulf Cooperation Council (GCC) states, at the health centers, clinics and public hospitals as Qatari citizens;

Decree Law No. 10 of 1993 organizing the Ministry of Health and determining its functions;

Decree No. 35 of 1979 concerning Hamad Medical Corporation, as amended by Decree No. 38 of 1987;

The Resolution of the Minister of Interior No. 1 of 1984 regulating the granting of temporary residence permits for non-Qataris;

The proposal of the Minister of Public Health;

The Draft-Law submitted by the Council of Ministers;

And having consulted the *Shura* Council;

Hereby promulgate the following law:

### Articles

#### Article 1

In implementing the provisions of this Law, the following words and expressions shall have the meanings assigned for each unless the context requires otherwise:

**"Ministry"** means **The** Ministry of Public Health.

**"Minister"** means **The** Minister of Public Health.

**"Health Facilities"** means health centers, hospitals and medical and therapeutic institutions related to The Ministry of Public Health.

**"Resident"** means those who are not Qatari nationals but who have a valid legal residence.

**"Visitor"** means those who are neither Qatari nationals nor residents of the State of Qatar. They are foreign nationals who are temporarily in Qatar.

**"Domestic workers & the like"** mean Non-Qatari persons who are employed as drivers, cooks, gardeners and *au pairs* etc in private homes.

#### Article 2

Qatari nationals shall be treated without being required to pay any fee at State-run health facilities.

The following persons, in addition to Qatari nationals, also qualify for this free medical treatment:

1. Citizens of the GCC for the Arab Gulf States, on the condition of reciprocity;
2. Holders of temporary residence permits in accordance with the decision of the Minister of Interior No. 1 of 1984.



### Article 3

Health facilities shall be entitled to receive fees and charges for their services. These charges are listed in the tables below, accompanying this Law. Also stipulated are the fees which can be charged by health facilities for the treatment of domestic workers and the like. These are the same fees and charges which may be charged for residents, as set out in Table 3 accompanying this Law.

Government staff, employees of other government bodies, authorities and public corporations and the domestic workers and the likes who work for Qataris, shall be exempted from fees for cosmetic surgery and prosthetic limbs set out in Table 3 accompanying this Law, provided the injury requiring treatment occurred while they were at work or in connection with their employment.

### Article 4

Fees and charges shall not be obtained for the following services:

1. Emergency cases and incidents where a patient is required to be admitted to hospital;
2. Preventative services in the field of maternity and childhood;
3. Preventative services in the field of school health for students;
4. Medical interventions to control infectious diseases and provide vaccinations.

### Article 5

The Ministry shall issue a health card to the following people, which shall contain the following relevant information:

1. Qatari citizens. This card shall be valid for five years and includes the unique personal number of the bearer.
2. Citizens of the GCC for the Arab Gulf States. This card shall be valid for one year.
3. Holders of temporary residence permits. The card shall be valid for one year and includes the unique personal number of the bearer.
4. Residents in Qatar. The card shall be valid for one year, and includes the unique personal number of the bearer. The card would be valid from the date of its issue and expires when the bearer's period of residency ends.

The card is issued after the payment of fees which are outlined in Table 1. Fees are also payable for the renewal of this health card.

### Article 6

In cases of lost or damaged cards, the holder may obtain a replacement upon payment of the fees detailed in Table 1.



#### Article 7

Save as in the cases outlined in Article 4 of this Law, and in the absence of a health card, a non-Qatari patient shall be treated as a visitor. For Qatari patients, however, the fees of a health card are collected against a receipt.

---

#### Article 8 (Amended By Decree 16/1996)★

Fees and charges for medical treatment as stated in the tables attached to this Law may only be amended with a law as well as the addition of new fees and charges.

---

#### Article 9

Any provision contrary to the provisions of this Law shall be cancelled, as well as the abovementioned Decree-Law No. 6 of 1965.

---

#### Article 10

The Minister shall issue the necessary resolutions to implement the provisions of this Law.

---

#### Article 11

Table 2 attached hereto shall apply from the date this Law comes into force, and the remaining provisions of this Law shall be enforced after six months from the date of its publication in the *Official Gazette*.

---

#### Article 12



All competent authorities, each operating within their own remit, shall implement this Law and it shall be published in the *Official Gazette*.

---

Please do not consider the material presented above Official  
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## **Annex 97**

Qatar, Law No. 8 of 1989 Concerning the Treatment as Qatari  
Citizens of Citizens of the Gulf Cooperation Council (GCC)  
States at Health Centres, Clinics and Public Hospitals, Article 1





## **Law No. 8 of 1989 Concerning the Treatment as Qatari Citizens of Citizens of the Gulf Cooperation Council (GCC) States at Health Centres, Clinics and Public Hospitals 8 / 1989**

Number of Articles: 2

### **Table of Content**

Articles (1-2)

We, Khalifa bin Hamad Al Thani, Emir of Qatar

Having perused the Amended Provisional Constitution, in particular Articles 23, 34 and 51 thereof,

Law No. 5 of 1970 specifying the powers of ministers and functions of ministries and other government agencies, as amended,

Law No. 6 of 1965 on the regulation of medical treatment at home, as amended,

Law No. 35 of 1979, regarding Hamad Medical Corporation, as amended by Decree No. 38 of 1987,

The Unified Economic Agreement between the GCC Gulf Arab states signed in Riyadh on 11/11/1981 AD, and ratified on 05.24.1982 AD.

The resolutions of the GCC Supreme Council at its ninth session held in Manama in Bahrain in December 1988 AD,

The proposal of the Minister of Public Health,

The bill submitted by the Council of Ministers,

After taking the opinion of the Shura Council,

Hereby promulgate the following law:

---

### **Articles**

#### **Article 1**

Citizens, including residents and visitors, of the Arab States of the Gulf Cooperation Council shall receive the same reciprocal treatment as Qataris in taking advantage of health centres, clinics and public hospitals.

---

#### **Article 2**

All competent authorities, each within their jurisdiction, shall enforce this Law as of the 1<sup>st</sup> of March 1989 and shall be published in the *Official Gazette*.

---

**Please do not consider the material presented above Official  
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## **Annex 98**

Qatar, Law No. 23 of 2006 regarding Enacting Code of Law Practice,  
Article 13



3/27/2019

Law (23) for year 2006 regarding Enacting the code of law practice



## Law (23) for year 2006 regarding Enacting the code of law practice

**Law Summary Record** • **Type:** Law • **Number:** 23 • **Date:** 29/06/2006 Corresponding to 03/06/1427 Hijri

• **Number of Articles:** 82 • **Status:** In force

**Official Gazette :** • **Issue:** 8 Official Journal Issue

• **Publication Date:** 28/08/2006 Corresponding to 04/08/1427 Hijri • **Page from:** 228

Issuing (1-5)

Chapter One (1-9)

Chapter Two (10-19)

Chapter Three (20-24)

Chapter Four (25-30)

Chapter Five (31-44)

Chapter Six (45-60)

Chapter Seven (61-64)

Chapter Eight (65-76)

Chapter Nine (77-77)



We, Hamad Bin Khalifa Al Thani, Emir of the State of Qatar

Having perused The constitution, Law Practice Act enacted by Law No. 10 of 1996 and the amendment laws thereto; Proposal made by the Minister of Justice, Bill submitted by the Council of Ministers; and Having consulted the Shura Council

Do hereby enact the following

### **Issuing**



3/27/2019

Law (23) for year 2006 regarding Enacting the code of law practice

Other qualitative Rolls may be established under a decision from the Minister and in accordance with the proposal of Committee, whereby the forms thereof are shown and registration conditions and system are determined.

---

## Article 13

The following conditions shall be stipulated for entering the name of whomever in the Roll of Practicing Lawyers:

- 1- Shall be of Qatari Citizenship or a citizen of GCC Country on the condition that reciprocity is observed and the approval of the Committee is maintained.
- 2- Shall hold a law degree from a recognized university.
- 3- Shall have full civil capacity, and shall at least be at the age of 21 years old.
- 4- Shall be respectable, reputable and worthy of respect due for such profession.
- 5- Shall not be convicted of a felony or crime involving moral turpitude or dishonesty, unless, have been rehabilitated.
- 6- Shall have completed the term of training as specified under the provisions of this law.

Qatari faculty members who obtained the doctorate degree and teach law in a recognized university may be enrolled in the Roll of Practicing lawyers.

---

## Article 14

Whosoever enrolled in the roll of lawyers admitted before the Court of First Instance shall have successfully completed the term of training provided for under Article (20) hereof.

The registration application shall be submitted to the Committee along with the documents required, and so is a certificate from the Center for Judicial and Legal Studies indicating that the Lawyer has successfully completed the term of training as herein stipulated, a certificate from the lawyer's office regarding the completion of training and statement regarding the cases handled by the Lawyer in Training.







## **Annex 99**

Qatar, Law No. 6 of 1983 on the Commencement of the Steps to  
Implement the Unified Economic Agreement between the States of  
the Cooperation Council for the Arab States of the Gulf CCASG,  
Article 2





## Law No 6 of 1983 on the Commencement of the Steps to Implement the Unified Economic Agreement between the States of the Cooperation Council for the Arab States of the Gulf CCASG

**Law Summary Record** • **Type:** Law • **Number:** 6 • **Date:** 19/03/1983 Corresponding to 05/06/1403 Hijri

• **Number of Articles:** 9 • **Status:** In force

**Official Gazette :** • **Issue:** 3 Official Journal Issue

• **Publication Date:** 01/01/1983 Corresponding to 17/03/1403 Hijri • **Page from:** 84

### Articles (1-9)



Hamad bin Khalifa Al-Thani, Deputy Emir of Qatar

Having perused the Amended Provisional Constitution, in particular Articles 22, 23, 34, and 51 thereof;

The Emiri Order No. 1 of 1983 concerning the appointment of Deputy Emir of Qatar;

The Customs Law of Qatar, 1975, and its amendments;

The Decree issuing the Income Tax of Qatar, 1954 and amending decrees and laws thereof;

Law No. 4 of 1961 regulating the professions of medicine and dentistry in Qatar, and the amending laws thereof;

Law No. 2 of 1962 regulating the general fiscal policy in Qatar,

Law No. 11 of 1962 establishing a commercial registration system, as amended,

Law No. 3 of 1963 on the regulation of the entry and residence of expatriates in the State of Qatar and the amending laws thereof;

Law No. 4 of 1963 on the establishment of the Qatar Chamber of Commerce,

Law No. 20 of 1963 regulating the work of foreigners in trade or industry in Qatar, as amended,

Law No. 11 of 1964 regulating the practice of contracting business,

Decree-Law No. 29 of 1966 regulating Qatar Maritime Ports, as amended,

Law No. 5 of 1970 determining the powers of ministers and the functions of the ministries and other government bodies, as amended,



3/27/2019 Law No 6 of 1983 on the Commencement of the Steps to Implement the Unified Economic Agreement between the States of the Cooperation C...

Law No. 7 of 1974 regulating the auditing profession,

Law No. 4 of 1976 regulating the transport of goods in transit,

Law No. 11 of 1980 on industry regulation,

Law No. 20 of 1980 regulating the practice of legal profession,

Law No. 21 of 1980 regulating the pilotage in the ports of Qatar,

Law No. 11 of 1981 issuing the Commercial Companies Law,

Law No. 11 of 1982 regulating medical institutions,

The Unified Economic Agreement between the GCC Gulf Arab states, Riyadh, 11/11/1981, ratified on 05.24.1982,

The decisions of the Supreme Council for the Cooperation Council at its third session, Bahrain, November 1982,

The resolution of the Council of Ministers issued at the eighth regular meeting, held on 23/02/1983, on the interpretation of Article 3 of this law, as well as the explanatory note thereof;

The draft law submitted by the Council of Ministers,

And having consulted the *Shura* Council,

Hereby promulgate the following law:

## **Articles**

### **Article 1**

Products of national origin from states being members of the Gulf Co-operation Council (GCC) shall be exempt from customs duties and fees of equivalent effect. Every product enjoying exemption hereby shall be accompanied by a certificate of origin duly authenticated by the competent government authority concerned of the country of export.

Notwithstanding the provisions of Article 3 of the aforesaid Unified Economic Agreement, this exemption shall include goods from industrial corporations, the member-state ownership of which does not reach 51%. This exemption applies for a period of one continuous year from the date of the coming into force of this law.

### **Article 2**



The GCC Member States citizens may practise the following professions in the state of Qatar:  
medical professions

legal profession;

accounting profession;

engineering profession, including engineering offices;

consultancy profession, including management, economics, technical, agricultural, fisheries, and industrial.

---

## Article 3

Nationals of the GCC member states, be they natural or legal persons, may undertake economic activity in the state of Qatar, in the areas of industry, agriculture, animal resources, fisheries and contracting, provided that Qatari citizens hold a share therein of not more than 25% of the corporation. The provision on such share shall apply for a period of five years continuously from the date this law comes into force.

Explanatory note for article 3

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## Article 4

Subject to the provisions of the two preceding Articles, the GCC nationals, before carrying out professional or economic activities, shall obtain the prescribed licences, conduct registrations and enrolments provided for in the state of Qatar, required for their Qatari counterparts.



## **Annex 100**

Qatar, Law No. 11 of 1988 on the Equality of Students of the States of the Cooperation Council for the Arab States of the Gulf (GCC) in the Institutions of Higher Education, Articles 1 and 2





## Law No. 11 of 1988 on the Equality of Students of the States of the Cooperation Council for the Arab States of the Gulf (GCC) in the Institutions of Higher Education

**Law Summary Record** • **Type:** Law • **Number:** 11 • **Date:** 21/06/1988 Corresponding to 07/11/1408 Hijri

• **Number of Articles:** 3 • **Status:** In force

**Official Gazette** : • **Issue:** 8 Official Journal Issue

• **Publication Date:** 01/01/1988 Corresponding to 12/05/1408 Hijri • **Page from:** 2740

### Articles (1-3)



We, Hamad Bin Khalifa Al-Thani, Deputy Emir of the State of Qatar;  
 Having perused the amended Provisional Statute, in particular Articles 23, 34 and 51 thereof;  
 Emiri Order No. 1 of 1988 on assigning a Deputy Emir for the State of Qatar;  
 Law No. 2 of 1977 on establishing Qatar University, and amending laws thereto;  
 Law No. 9 of 1986 on implementing certain provisions of the Unified Economic Agreement relating to technical and scientific cooperation between the States of the Cooperation Council for the Arab States of the Gulf -GCC-;  
 The Unified Economic Agreement between the States of the Cooperation Council for the Arab States of the Gulf -GCC- signed in Riyadh on 11-11-1981 and ratified on 24-05-1982;  
 The decisions of the Supreme Council for the Cooperation Council at its eighth session held in Riyadh, Kingdom of Saudi Arabia, in December 1987;  
 The draft law submitted by the Council of Ministers; and  
 After consulting the opinion of the *Shura* Council;  
 Hereby promulgate the following law:

### Articles



## Article 1

Without prejudice to any better treatment, higher education institutions shall, with respect to the acceptance of students of the States of the Cooperation Council for the Arab States of the Gulf (GCC) in such institutions, observe the following controls in the treatment of students from the State of Qatar:

The availability of admission and registration requirements approved by institutions of higher education and as applied to the people of the State of Qatar in applications from students from other GCC States, and according to the available potential.

Preference in admission shall be given to GCC citizens residing in the State of Qatar and who obtained a high school certificate or its equivalent from a Qatari institution.

---

## Article 2

Without prejudice to any better treatment, the people of the States of the Gulf Cooperation Council shall, after admission to institutions of higher education, be treated in the same manner as the people of the State of Qatar with regard to studying and the requirements of fees, bonuses and housing.

---

## Article 3

All competent authorities, each in their respective jurisdiction, shall enforce this Law from 1 June 1988 and it shall be published in the Official Gazette.







## **Annex 101**

Qatar, Law No. 8 of 2009 on Human Resources Management 8/2009,  
Article 14





## Law No. 8 of 2009 on Human Resources Management

**Law Summary Record** • **Type:** Law • **Number:** 8 • **Date:** 02/04/2009 Corresponding to 07/04/1430 Hijri

• **Number of Articles:** 182 • **Status:** In force

**Official Gazette :** • **Issue:** 4 Official Journal Issue • **Publication Date:** 23/04/2009 Corresponding to 28/04/1430 Hijri

• **Page from:** 38

Issuance Articles (1-5)

Chapter One (1-1)

Chapter Two (2-8)

Chapter Three (9-19)

Chapter Four (20-52)

Chapter Five (53-61)

Chapter Six (62-74)

Chapter Seven (75-78)

Chapter Eight (79-89)

Chapter Nine (90-121)

Chapter Ten (122-155)

Chapter Eleven (156-158)

Chapter Twelve (159-168)

Chapter Thirteen (169-170)

Chapter Fourteen (171-177)



**Reference:** *Legislations of 2005, 1<sup>st</sup> part, page 272, the Official Gazette, issue No. 11 of 2005*

**We, Tamim Bin Hamad Al-Thani, Deputy Emir of the State of Qatar,**

Having perused the constitution;

Law No. 7 of 1992 on the Regulation of the Employment of Non-Qatari Workers in the Ministries and Other Government Agencies;

Law No. 1 of 2001 on the Civil Service, as amended by Decree-Law No. 25 of 2007;

Law No. 24 of 2002 on Retirement and Pensions and the amending laws thereof;

Law No. 26 of 2004 on Public Corporations and Institutions, and the amending laws thereof;

Decree-Law No. 18 of 2006;

Draft law submitted by the Council of Ministers; and



The power of appointing in jobs shall be as follows:

By an Emiri Decree, in jobs where it is stipulated that appointment shall be by such a method and in special laws.

By a decree, in the jobs of undersecretaries and the jobs where it is stipulated that appointment shall be by such an instrument and in special laws.

By a resolution of the Prime Ministers for the jobs of assistant undersecretaries of the ministries.

By a decision of the chairperson in grade-one jobs and below or equivalent, without prejudice to the provisions of the present law, the approved Job Structure and Organisational Structure and the Manual for Description,

Classification and Order of Jobs, provided that a copy of the appointment decision or the contract shall be submitted to the Department of Public Administration within one (1) week from the date of issuance of the decision or conclusion of the contract as well as a copy of any amendment thereof or renewal of the employment contract. The Department shall have the right to object to the decision or the contract within sixty (60) days from the date of issuance if such decision or contract violates the law, in which case the decision shall be considered null and void.

## Article 14

Any person appointed in one of the jobs:

Shall be a Qatari national, and if not, priority shall be given to the offspring of a Qatari female married to a non-Qatari, the offspring of a non-Qatari male married to a Qatari, the nationals of the Gulf Cooperative Council, nationals of the Arab World and then to nationals of other countries.

Must be above eighteen (18) years of age.

Must have the qualifications and conditions required for the job.

Must pass the tests, competitions and the qualifying programmes specified by the concerned government agency.

Must be of good conduct.

Must prove fit for the job by providing a certificate from a competent medical authority.

Must not have been convicted for an act of obscenity, unless such sentence has been revoked. Nevertheless, if the judgment contains a moratorium on the penalty, the employee shall be appointed by the approval of the competent authority on appointment. If the candidate was sentenced once, such a sentence shall not prejudice his appointment, unless the Department presents a reasoned decision in relation to the reasons of the sentence and the circumstances of the incident, stating that the employee's appointment conflicts with the requirements of the job and the nature of work.

Must not have been previously dismissed from work by a final judgment or a disciplinary decision, unless at least one year has elapsed since the issuance of the judgment







## **Annex 102**

*Morsi and others v. Public Prosecution*, Case No 32611, Judgment of the  
Court of Cassation of the Arab Republic of Egypt (Criminal Chamber),  
16 September 2017

Arabic with English translation (extract)



Arab Republic of Egypt  
Court of Cassation  
President's office

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*Legal Department*

Received

Date: 9/10/2018

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Court of Cassation  
1931

**His Excellency Senior Judge Mohamed Eid Mahgoub,**

**First Assistant to the Minister of Justice**

After due respect and greetings,

We are honored to send to you an official copy of the verdict issued regarding felony No. 10154 / 2014 (2nd October Felonies), which is registered as No. 3690 / 2014 (High Court), as well as an official copy of the ruling of the Court of Cassation regarding appeal No. 32611 / 86 J, issued from Saturday's (a) criminal chamber on September 16, 2017 regarding the aforementioned felony, which is filed by Mohamed Mohamed Morsi Al Ayyat and others.

Please accept the assurances of my highest consideration,

Issued on 9<sup>th</sup> October 2018

**Assistant Chief of the Technical Office**

**Court of Cassation**

**Judge Gamal Hassan Gouda**

**Deputy President of the Court of Cassation**



**In the name of the people**

***Yasser El-Ansary***

**Court of Cassation**

**Criminal Chamber**

**Saturday (A)**

**Comprised of: Judge Hamdi Aboul Kheir, President of the Court**

**Judges Mahmoud Khedr, Badr Khalifa, Alasmar Nazeer, and Khaled Gad (Vice Presidents of the Court)**

In the presence of the Prosecutor General at the Court of Cassation, Mr. Marwan Alwakil and secretary Mr. Naguib Labib Mohamed,

In the public hearing held in the court located in the Egyptian High Court of Justice in Cairo,

On Saturday 25<sup>th</sup> Dhul Hijah 1438 H corresponding to September 16, 2017 G

**Has ruled the following:**

In the appeal lodged in the court registry under No. 32611 of the year 86 J

**Filed by:**

- 1- Mohamed Mohamed Morsi Eissa Al Ayyat
- 2- Ahmed Mohamed Mohamed Abdel Aati
- 3- Amin Abdel Hamid Amin Alserafi

*True Copy*  
*General Director* [illegible]  
 8/10/2018  
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**Cont'd Appeal No. 32611 of 86J**

**(2)**

- 4- Ahmed Ali Abdo Afifi
- 5- Khaled Hamdi Abdel Hamid Ahmed Radwan
- 6- Mohamed Adel Hamed Kelani
- 7- Ahmed Ismaeil Thabet Ismaeil

“Convicted Persons”

**Against**

The Public Prosecution

**And from the Public Prosecution against**

- 1- Mohamed Mohamed Morsi Essa Al Ayyat
- 2- Ahmed Mohamed Mohamed Abdel Aati
- 3- Amin Abdel Hameed Amin Alserafi
- 4- Ahmed Ali Abdo Afifi
- 5- Khaled Hamdi Abd Alwahab Ahmed Radwan
- 6- Mohamed Adel Hamed Kelani
- 7- Ahmed Ismaeil Thabet Ismaeil
- 8- Karima Amin Abdel Hameed Amin Alserafi
- 9- Asmaa Mohamed Alkhateeb

“Appellees”

**The Facts**

The public prosecution accused each of the following: 1-Mohammed Mohammed Morsi Eissa Al Ayyat (appellant). 2-Ahmed Mohammed Abdel Aati (appellant). 3- Amin Abdel Hameed Amin Alserafy (appellant). 4- Ahmed Ali Abdou Afifi (appellant). 5- Khaled Hamdi Abdel Wahab Ahmed Radwan (appellant). 6- Mohammed Adel Ha

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8/10/2018  
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**Cont'd Appeal No. 32611 of 86J****(3)**

Kelany (appellant). 7- Ahmed Ismaiel Thabet Ismaiel (appellant). 8- Karima Amin Abdel Hameed Amin Alserafy. 9- Asmaa Mohammed Alkhateeb. 10- Alaa Omar Mohammed Sablan. 11- Ibrahiem Mohammed Helalin felony case no. 10154 of 2014, (2<sup>nd</sup> October Second Felonies) (lodged in the main registry under no. 3690 of 2014).

During the period from June 2013 until 6<sup>th</sup> of September 2014, inside and outside the Arab Republic of Egypt, they committed the following:

**First: All the Accused:**

acquired one of the state defense secrets with the intent of delivering and disclosing it to a foreign country, whereas the first and second accused seized reports and documents issued by the General Intelligence Service, Military Intelligence Department, the Armed Forces, the National Security Sector, and the Administrative Control Authority. These reports and documents contain information and data related to the Armed Forces and their stationing areas, and the internal and foreign policies of the State. They were seized, along with photocopies thereof, by the third to the eleventh accused with the intent of delivering and disclosing these secrets to the State of Qatar. To execute that, they delivered and disclosed the secrets contained therein to that country and to those who work for it, as detailed in the investigations.

**Second: The accused from the fourth to the seventh, and the ninth:**

colluded with individuals who work for a foreign country, with the intent of prejudicing the Nation's military, political, diplomatic, and economic stances, as well as its national interests, by contriving with the tenth accused, a program planner at Al Jazeera Qatari channel, the eleventh, chief of the news sector at the Qatari network Al Jazeera, and another unknown person, an officer in the Qatari Intelligence Service,

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8/10/2018  
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**Cont'd Appeal No. 32611 of 86J****(4)**

to work with them in favor of the State of Qatar. For this purpose, the accused provided them with copies of the reports and documents issued by the General Intelligence Service, the Military Intelligence Department, the Armed Forces, the National Security Sector, and the Administrative Control Authority which contain information and data related to the State Defense Secrets, as well as the state's internal and foreign policies, with the intent of prejudicing the country's military, political, diplomatic and economic stances and its national interests as detailed in the investigations.

**Third: The tenth and the eleventh accused also:**

participated with another unknown person, an officer in the Qatari Intelligence Service, by way of agreeing, and helping the fourth to the seventh and the ninth accuseds in committing the crime of collaborating with a foreign country, the charge mentioned in item Second, as they agreed with them to commit the crime outside and inside the country, assisted them by providing them with their own email address in order to send the reports and documents mentioned in the Charge Sheet item Second, and paved the way for them to transfer the originals of these reports and documents including handing over the documents and reports to them in Qatar. Based on this agreement and this assistance detailed in the investigations, the crime is constituted.

**Fourth: The first and the second accused also:**

seized papers and documents, knowing that they concern the State's security and national interests, with the intent of prejudicing the country's military, political, diplomatic, and economical stances and its interests, as they conveyed those classified reports mentioned in the charge sheet under count 1(a), which were given to them, based on their jobs, from the location assigned

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8/10/2018  
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**Cont'd Appeal No. 32611 of 86J****(5)**

to archive them in the presidential institution. They handed them to the third accused in order to deliver and disclose their classified information to the state of Qatar with the intent of prejudicing the Country's military, political, diplomatic, and economical stances as well as its national interests as detailed in the investigations.

**Fifth: The third to the ninth accused:**

concealed papers and documents, knowing that they concern the Country's security and national interest, with the intent of prejudicing the country's military, political, diplomatic, and economical stances and its interests, keeping the classified reports described in the charge sheet under count 1(a), in locations not assigned to this purpose and disclosed the included classified information to the State of Qatar, with the intent of prejudicing the Country's military, political, diplomatic, and economic stances and its national interests, as detailed in the investigations.

**Sixth: The fourth to the seventh and the ninth and the tenth accused:**

requested money from individuals working for a foreign country, with the intent of prejudicing the national interests, the sixth accused being a public official, by requesting from the eleventh accused and another unknown person, an officer in the Qatari Intelligence Service, the sum of one million dollars, fifty thousand dollars of which were taken by the fourth and the tenth accused for their cooperation and for providing the documents and papers, subject of Charge Sheet item First, with the intent of prejudicing the national interests of the Country, as detailed in the investigations.

**Seventh: The eleventh accused also:**

- 1- along with another unknown person, an officer in the Qatari Intelligence Service, provided the fourth and the tenth accused the sums of money indicated under Charge Sheet item Sixth with the intent of prejudicing the national interests of the Country, as detailed in the investigations.

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- 2- together with another unknown person, an officer in the Qatari Intelligence Service, promised to give the fourth to the seventh, the ninth and tenth accused, the amounts of money mentioned in the charge sheet under count 6 with intent of committing actions that are harmful to the national interests of the Country, as clarified in the investigations.

**Eighth: All the Accused:**

participated in a criminal agreement with the purpose of committing the crimes mentioned in the aforementioned charge sheet, as stated in the investigations.

**Ninth: The first to the third accused**

assumed leadership of an unlawfully established organization whose purpose is to call for obstructing the application of the provisions of the Constitution and the law, preventing the Country's institutions and public authorities from exercising their functions, violating citizens' personal freedoms and public rights, and prejudicing national unity and social peace. They did this by assuming the leadership of the Muslim Brotherhood, which aims at changing the regime by force, attacking the military and police personnel and facilities, and targeting public facilities with the purpose of prejudicing public order and endangering social peace and security. Terrorism has been one of tools used by this organization to achieve its intentions, as mentioned in the investigations.

**Tenth: The fourth to the last accused also:**

joined an unlawfully established organization by joining the Muslim Brotherhood – subject of count 9 in charge sheet – while being aware of the organization's intentions, as clarified in the investigations.

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Lawyer Mohamed Mahmoud Algendy – in his capacity as an Egyptian citizen and volunteer on behalf of the Country's institutions damaged by the accused, sued the accused in civil courts for five thousand and one Egyptian pounds, as a temporary indemnification, for the damage, and requested their referral to the Cairo Criminal Court for punishment in accordance with the record and charge sheet in the referral order.

The subject Court decided on May 7, 2016 to refer the case documents to the Grand Mufti of the Arab Republic of Egypt to request a Sharia opinion with the regard to the accused Ahmed Ali Abdo Afifi (the fourth), Mohamed Adel Hamed Kelani (the sixth), Ahmed Ismail Thabet Ismail (the seventh), Asmaa Mohamed Al-Khateeb (the ninth), Alaa Omar Mohamed Sablan (the tenth), and Ibraheem Mohamed Helal (the eleventh). The hearing of June 18, 2016 was designated for sentence rendering.

In the assigned hearing, in presence of the accused from the first to the seventh, and in absentia for the eighth to the eleventh accused, pursuant to Articles 2/first and second item (a), 30 and 40/second and third, 41/1, 77 (d), 78/1-2, 80, 82/1 item 1, 82 (b)/1, 85, 86, and 86 bis/(a)/1-2 of the Penal Law, and pursuant to article 32/2 of the same law, and article 5 bis of law No. 100 of 1971 in respect of the general intelligence, the court ruled:

**First:** by consensus of the Court judges, sentencing the fourth, sixth, seventh, ninth, tenth, and eleventh accused to death by hanging, for the charges against the fourth accused stated in counts 1(a), 3(a), 5(a), 6(a), and 8 of the charge sheet; for the charges against the sixth accused stated in counts 1(b), 3(b), 5(a), and 8 of the charge sheet; for the charges against the seventh accused

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stated in counts 1(b), 3(b), and 5(b) of the charge sheet; for the charges against the ninth accused stated in the counts 1(a), 3(a), 5(a), and 8 of the charge sheet; for the charges against the tenth accused stated in counts 1(a), 2, 6(a), and 8 of the charge sheet; and for the charges against the eleventh accused stated in counts 1(a), 3(a), 7, and 8 of the charge sheet.

**Second:** sentencing the first, second, and third accused to life imprisonment for the charges against them stated in count 9 of the charge sheet.

**Third:** sentencing the first, third, and eighth accused to imprisonment for fifteen years for the charges against the first accused stated in counts 4 and 8, and for the charges against the third and eighth accused stated in counts 5(a) and 8 of the charge sheet.

**Fourth:** sentencing the fifth accused to rigorous imprisonment for fifteen years and a ten thousand dollar fine for charges against him stated in count 6(b) of the charge sheet.

**Fifth:** sentencing each of the fourth, fifth, sixth, eighth, ninth, tenth and eleventh accused to firm imprisonment for fifteen years for the charges against them stated in count 10 of the charge sheet.

**Sixth:** acquitting each of the first, second, third, fifth, sixth, seventh, eighth, and ninth accused of the charges against the first accused (in count 1), the charges against the second accused (in counts 1, 4, and 8), the charges against the third accused (in count 1), the charges against the fifth accused (in counts 1, 2(a), 5, and 8), the charges against the sixth accused (in count 6(a)), the charges against the seventh accused (in counts 6(a), 8, and 10), the charges against the eighth accused (in count 1), and the charges against the ninth accused (in count 6) of the charge sheet.

**Seventh:** confiscating the seized computers, cell phones, memory cards, hard drives, and documents and placing them at the disposal

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of the General Intelligence Service.

**Eighth:** dismissing the civil lawsuit filed by lawyer Mohamed Mahmoud Algendy, after the charge sheet was modified to read:

**First:**

**a- The fourth, ninth, tenth and eleventh accused:** obtained a state defense secret with the intention of giving it to a foreign country, by having obtained reports and documents issued by the Republican Guard, the General and Military Intelligences, the Armed Forces, the National Security Sector, and the Administrative Control Agency containing information and data related to the Armed Forces, its locations as well as internal and international State policies with the intention of delivering these secrets and disclosing them to Qatar and Al Jazeera Channel that works for the interests of Qatar. For these purposes, they delivered and disclosed these secrets to the mentioned country and those who work for it, as indicated in the investigations.

**b- The sixth and seventh accused:** assisted the fourth and tenth accused to deliver a defense secret to a foreign country and individuals working for it, and being aware of their intentions. The sixth accused obtained documentations that contain defense secrets that he received from the fourth accused to be transferred to Qatar and delivered them to its intelligence officer at Doha airport. The seventh accused obtained electronic copies thereof and sent them to the tenth accused via a social network to be delivered to Al Jazeera Channel, which works for the benefit of Qatar, while being aware of the intentions of the accused of delivering them to a foreign country, as indicated in the documents.

**Second:**

**the tenth accused:** colluded with a foreign country and with individuals working for its interests intending to harm the State's military, political, diplomatic, and economic position and its national interests by agreeing with unknown individuals – the officers of the Qatari Intelligence Agency and the chairman of Al Jazeera Channel which works for the interests of Qatar – to provide reports and documents issued by

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the General Intelligence Service, Military Intelligence, the Armed Forces, the National Security Sector, and the Administrative Control Authority, that contain information and data related to the Nation's defense secrets and its internal and foreign policy with the intent of prejudicing the Nation's military, political, diplomatic and economic stances and its national interests. He provided them with a copy of these reports through his personal e-mail, as detailed in the documents.

**Third:**

**a- The fourth, ninth and eleventh accused** participated, with another unknown individual – who is an officer in the Qatari Intelligence Service – and the chairman of Al Jazeera channel, by way of agreement and assistance, with the tenth accused, to commit the crime of colluding with a foreign country, which is the subject of count 2, by agreeing with him to commit this crime outside and inside the Country. The ninth accused assisted in delivering the reports to him for delivery to Al Jazeera channel which works for the interests of Qatar. The fourth accused copied the documents and sent them via e-mail. The eleventh accused arranged a meeting for him with the Qatari intelligence officer and Al Jazeera channel chairman to agree on transferring the originals of these documents to Qatar and delivering them in Qatar. The crime is thus constituted based on this agreement and assistance, as detailed in the documents.

**b- The sixth and seventh accused** provided assistance and facilitation to the fourth and tenth accused in order to collude with a foreign country and individuals working for it, while being aware of their intentions. The sixth accused seized documents and reports containing defense secrets to transfer them to the state of Qatar and hand them over them to the Qatari intelligence officer in Doha Airport. The seventh accused copied the documents and sent them to the tenth accused through an internet website to be delivered to Al Jazeera channel that works for the interests of Qatar, as detailed in the documents.

**Fourth:**

**the first accused** seized military reports and documents containing defense secrets that he knows concern the Country's national security and interests.

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He obtained these documents and reports based on his position and retained them with the intention of keeping them and did not return them to their designated archival locations in the Republican Guard. He handed them over to the third accused to hide them, as specified in the investigations.

**Fifth:**

- a- **The third, fourth, sixth, eighth, and ninth accused** concealed documents and papers while being aware that they relate to the State's security and its national interest. The third accused transferred the papers and documents that contain defense secrets from the locations assigned for their archival in the Presidency Institution to his home with the intent of removing them from the archival locations. The eighth accused handed them over to the ninth accused to be hidden. The ninth accused concealed them in her house, preventing the lawful keeping of these documents. The fourth accused handed them to the sixth accused to hide them. The latter concealed them in the trunk of his car for several days. The seventh accused copied the documents to a memory stick that he concealed it in his house, while they were all aware of their nature, as stated in the investigations.
- b- **The seventh accused** unlawfully seized one of the country's defense secrets with no intention to deliver or disclose it to a foreign country or anyone working in favor of a foreign country. The accused got an electronic copy of the documents that contain defense secrets (subject of count 1) on a memory stick, and kept it for himself with no intent to disclose them to a foreign country or anyone working in favor of a foreign country.

**Sixth:****a- The fourth and tenth accused:**

The tenth accused requested, for himself and for the fourth accused, and accepted and received money from a foreign country and from individuals working for it, with the intent of prejudicing the national interests. The tenth accused requested, for himself and for the fourth accused, one million dollars from the Qatari intelligence officer and the chairman of Al Jazeera channel, of which he received fifty thousand dollars and sent ten thousand dollars thereof to the fourth accused. The accused accepted a promise to be given the rest of the amount upon delivering the originals of the documents stated in count 1, with the intent of

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prejudicing the Egyptian national interest, as stated in the investigations.

**b- The fifth accused:**

provided assistance to the fourth and tenth accused, while knowing about their intention to prejudice the Nation's interests. The fifth accused facilitated the transfer and cashing of the amount of ten thousand dollars through Western Union from Qatar under his name. He exchanged the dollars and gave him the amount while knowing that this money is for leaking documents and papers that contain defense secrets to a foreign country, as detailed in the papers.

**Seventh: the eleventh accused also:**

- a- An unidentified person, who is an officer in the Qatari intelligence, and Al Jazeera's chairman gave to the fourth and tenth accused the amount of money stated in count 6, with the intent to commit actions harmful to the country's national interests as detailed in the investigations.
- b- An unidentified person, who is an officer in the Qatari intelligence, gave to the fourth and tenth accused the amounts of money mentioned in count 6 with the intent to commit actions harmful to the country's national interests as detailed in the investigations.

**Eighth: the first, third, fourth, sixth accused, and the eighth to the final accused:**

Collaborated in a criminal agreement to commit the crimes previously noted in the charge sheet and as detailed in the investigation.

**Ninth: the first to the third accused:**

They assumed leadership positions in an unlawfully established group. The group's objectives were to disrupt the provisions of the constitution and law, prevent the state's institutions and public authorities from conducting their work, assault the individual freedom of citizens, prejudice public rights, and undermine national unity and social peace. They did so by assuming leadership of the Muslim Brotherhood, which aims to change the regime by force, assault the personnel and facilities of the Armed Forces and police, target public facilities with the intent to undermine public order and endanger the society's safety and security.

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Terrorism is one of the means used by this group to achieve its objectives, as stated in the investigations.

**Tenth: the fourth to the sixth accused and the eighth to the final accused:**

joined a group established unlawfully by joining the Muslim Brotherhood – the subject of count 9 – while knowing about its objectives, as mentioned in the investigations.

The first convicted person challenged this judgment via cassation on July 30, 2016.

The seventh convicted person challenged the judgment via cassation on August 1, 2016.

The second, third, fourth, fifth, and sixth convicted persons challenged the judgment via cassation on August 8, 2016.

Lawyer Hassan Saleh Ahmed Saleh, representing the first convicted person, challenged this judgment via cassation on August 15, 2016.

The Public prosecution challenged the judgment via cassation on August 16, 2016

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**[...]**

**The court**

**After reviewing the documents, and hearing the report read by the judge rapporteur,  
and after duly deliberating:**

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**(15)**

**First: for the appeal submitted by the the first to the seventh convicted persons:**

- 1- Mohamed Mohamed Morsi Eissa Al-Ayyat;
- 2- Ahmed Mohamed Mohamed Abdel-Aati;
- 3- Ameen Abdel-Hameed Ameen Alserafi;
- 4- Ahmed Ali Abdo Afifi;
- 5- Khaled Hamdy Abdel Wahab Ahmed Radwan;
- 6- Mohamed Adel Hamed Kelani;
- 7- Ahmed Esmail Thabet Esmail.

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[...]

When he became president of the Republic in early July 2012, the accused Mohamed Morsi asked Major General Naguib Abdel Salam, commander of the Republican Guard forces, for information related to the Armed Forces, so he [Abdel Salam] prepared many military documents and maps for him [Morsi] containing information about the Armed Forces and their formations, movements, equipment,

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supply, and members. This information concerns military and strategic affairs and is considered one of the defense secrets that, for the benefit of defending the country, must not be known to anyone except those entrusted with keeping or using it and must remain secret to others. These matters are: [...]

These documents were prepared by the Republican Guard Reconnaissance Department and presented to him [Morsi] as President of the Republic and Commander in Chief of the Armed Forces. He kept them for himself and did not return them although Maj Gen Naguib Abdel Salam asked him many times to return them, His intention in possessing them changed, and he acted as their owner and kept them with the intention of depriving their owner of them, while knowing the importance of these documents and that they concerned the country's national security and contained military secrets and information

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of consequence that would allow anyone seeing the documents to form an impression and conclusions about the elements of the Egyptian military forces and their size. He knew that the information contained is top secret and is considered one of the defense secrets that cannot be viewed except by those authorized to do so or circulated or transferred outside the president's office. These documents must be kept in the archives of the Republican Guard, and their presence outside the archives is a danger to Egyptian national security. Ahmed Mohammed Mohammed Abdul Aati (second accused), who was the office director for the President of the Republic under Presidential Decree No. 20 of 2012, sent letter No. 1259 on 16/7/2012 to the General Intelligence Directorate, the National Security Agency, and the Administrative Control Authority with the directive to send the presidential correspondence inside an envelope in his name, closed and sealed from the outside, classified as top secret and personal and not to be opened by anyone but him. He sent a copy of that letter to Major General Abdulmoumen Fouda, the grand chamberlain, and Mustapha El Shafei, supervisor of the Office of the Head of the Presidency Bureau of the Republic. He [Aati] received documents from those entities containing political, diplomatic, economic, and industrial information, and information related to security measures and procedures, that by its nature is not known to persons other than those with the authority and capacity to know it. For the benefit of defending the country, such information must remain secret and bear different degrees of confidentiality. All these correspondences were handed over to Ahmed Abdel Aati in closed envelopes not to be opened by anyone but him, according to his instructions, in his capacity as the office director for the President of the Republic. He was then to decide what to do with the contents of these envelopes, either showing it to the president, or responding to it, or keeping it inside a special safe inside his office, for which he kept the keys with him and with the third accused, Amin AlSerafi. When the political movement appeared in the country and the people rejected the rule

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of the first accused, the head of the Presidency Bureau of the Republic at that time (Refaa Al-Tahtawi) issued a bulletin containing several measures to counter the events expected on June 30, 2013. These measures included the transfer of all documents located in Ittiyadiya Palace to their storage locations in Abdeen and Al Kobba Palace. He presented the decision to the first accused, who agreed to it, but he kept the military documents and reports given to him by Major General Naguib Abdel Salam, the former commander of the Republican Guard Forces, that were in his possession because of his job. He [Morsi] did not hand them over to their storage location in the administration of the Republican Guard forces, while knowing of their importance and that they included military information about the armed forces, its formations, and its military and strategic movements. He knew that for the benefit of the defense of the country, such documents must remain a secret and unknown to anyone not entrusted to safeguard or use them, for fear that this would cause the disclosure of the secrets they contained. He kept them for himself and acted as if he owned them. He gave them to Amin AlSerafi (third accused), who hid them. He also hid some documents that belong to the Office of the President of the Republic that were received from the country's sovereign authorities – the General Intelligence Directorate, the National Security Agency, and the Administrative Control Authority – and that contained information on the State's foreign and domestic policies and bore different degrees of confidentiality. By its nature, this information affects the national interests of the country and is among the defense secrets that were being stored in a special safe in the office of the office director for the President of the Republic. He put them and the papers he obtained from the first accused in a Samsonite case wrapped in beige paper and sealed with the red seal of the Secretariat of the Presidency of the Republic and transferred from their storage location with the intention of hiding them in a place far from view at his home in the First Settlement in the New Cairo area, knowing that the documents he was hiding concern the State's security,

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its national interests, and maintaining its peace and military and civil defense. He knew that it is prohibited to transfer them from their storage locations. Following the success of the 30 June Revolution, the collapse of the Brotherhood domestically, and the seizure of several of their leaders, in the month of October 2013, the accused Karima Amin AlSerafi (eighth), the daughter of the third accused, who lives with him in his residence in the First Settlement, took the case containing the mentioned documents, while knowing the nature of the documents and that they contain military, political, diplomatic, economic, and industrial information, and information related to security measures and procedures. For the benefit of defending the country, such information must be kept secret, and it bears different degrees of confidentiality. After viewing the documents, she handed them over to Asmaa Mohamed al-Khatib (ninth), whom she had known during their participation in marches and the Rabia Al-Adawiya sit-in. She [Karima Al Serafi] gave her the case containing the documents to hide after putting her father's letters in it, and she locked it with a key that she kept with her. The devil instructed Asmaa Al Khatib to seize the opportunity to sell the secrets of the homeland in the market of treason to whoever would pay. She broke open the case and viewed the documents inside it that contained defense secrets. She told the accused Omar Mohamed Sablan (tenth) – a Jordanian of Palestinian origin who worked as a correspondent for Al-Jazeera – that she received papers of the Presidency of the Republic containing military information and information related to the state's security, national interests, internal systems, and its interests and rights vis-à-vis other states. She told him of her satanic desire to sell these papers to the Qatari channel Al Jazeera, which works for the benefit of the State of Qatar and enjoys its support and is known for its hostile attitude toward Egypt following the 30 June Revolution. He agreed and quickly contacted his friend, the head of the snake, the accused Ahmed Ali Abdo Afifi (fourth),

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who works as a documentary filmmaker, and made an appointment to meet him in front of Al Hosary Mosque in 6<sup>th</sup> of October City. Accompanied by Asmaa Al Khatib, he met with him and told him about the documents they had and that they wanted to publish them on the Qatari channel Al-Jazeera, which works for the benefit of the State of Qatar. He asked her for the documents, and Asmaa told him that the case was at her house, but she was afraid to bring it in a taxi. He called his friend Mohammed Adel Hamed Kelani (sixth accused) and told him to meet Asmaa Al Khatib and Alaa Sablan on the ring road. They rode with him in his car and took the documents from the house of the accused Asmaa, then they went to the house of his friend Khaled Hamdi Radwan (fifth accused) in the eleventh district of 6th of October City. Together, they opened the case and found the papers that are considered defense secrets, those being: a full report from the military intelligence to the President of the Republic containing all the detailed information about the Egyptian Army's armament, figures on the Egyptian armed forces located in Sinai, and their numbers and positions in Sinai; detailed information on the Israeli army, its armament, and its positions along the border with Egypt; a report by the intelligence services on Israeli Knesset members, their details and party affiliations; reports to the Administrative Control Authority on senior officials in the state; a handwritten report from Refaa Al Tahtawi, the previous head of the Presidency Bureau of the Republic, on the relations between Egypt and Iran and the rapprochement between them; a report on the presidential palaces to which the first accused and his family would be transferred to in light of the developments before 30 June 2013; and other correspondences received from the state's sovereign authorities in the name of Ahmed Abdel Aati (second accused). They therefore had knowledge that the papers contain military, political,

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diplomatic, economic and industrial information, and information related to the defense of the country and the state's external and internal security. By virtue of seeing and reading these papers, they knew that they were not permitted to possess or view them because of the documents' contents and their knowledge of the nature of the information contained therein, as well as the different degrees of confidentiality written on them, which prohibit them from being circulated among anyone not authorized for that purpose. They knew that they obtained the documents illegally, and instead of giving them back to the responsible authorities, they intended to hand them over to the Qatari channel Al-Jazeera. The accused Alaa Sablan sought to contact the Qatari channel Al-Jazeera, which works for the benefit of the State of Qatar, to hand over the papers he received containing defense secrets, in order to harm Egypt's national interests. He colluded with the channel by contacting one of its employees, Ibrahim Mohamed Helal (eleventh accused), Al Jazeera's news director, and told him the content of the documents in his possession and the defense secrets they contained. He [Aati] expressed his willingness to hand over these documents to the Qatari channel Al-Jazeera and sent him the headings of those documents using his email addresses, Alaasablan@gmail.com and Alaasablan@yahoo.com. Ibrahim Helal asked him to come to the State of Qatar to meet with officials at Al Jazeera, so he quickly travelled to Doha in January 2014 and met Ibrahim Helal in a Doha hotel. Helal was accompanied by the president of the Qatari channel Al-Jazeera, which works for the State of Qatar, and a Qatari intelligence officer representing the State of Qatar. They agreed that Alaa Sablan would deliver the originals of those documents in order to harm the national interests of the country, and in return he was promised to be given one million dollars, from which he received 50 thousand dollars. He was hired as a producer for the program "The Egyptian Scene" on Al Jazeera in Qatar, while knowing that he was colluding with a representative of a foreign country,

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a Qatari intelligence officer who represents the State of Qatar, and someone working for its benefit, i.e. the director of the Qatari channel Al-Jazeera Qatari. He knew that his actions would harm the country's military, economic, political and diplomatic position. He called his accomplice Ahmed Ali Abdo Afifi and informed him of what happened in his meeting with the Qatari intelligence officer and with the director of Al-Jazeera, a channel that works for its [Qatar's] benefit. He asked him to work to send the originals of the documents containing defense secrets that were previously delivered to him. He sent him ten thousand dollars from the money he received, with the assistance of the accused Khaled Hamdi Radwan (fifth), who ordered Abdel Mageed AlSakka and Mostafa Khalil AlDemsawy to send the money in their names from the State of Qatar to his account in the name of Khaled Hamdi Radwan (fifth), drawn on Western Union, in order to avoid detection by security forces. Then Khaled Hamdi Radwan (fifth) headed to Western Union in Al Hosary Square in 6<sup>th</sup> of October City to cash it and transfer it to the Arab African Bank, where he cashed the money and changed it to the local currency and handed it over to the accused Ahmed Afifi (fourth), while knowing of the accuseds' intention and that this money was paid in exchange for leaking documents containing defense secrets. Then Ahmed Ali Abdo Afifi (fourth accused) asked the accused Ahmed Ismaeil Thabet Ismaeil (seventh) to help him to photocopy the documents and send them to Qatar in execution of their prior agreement with Alaa Sablan. So he helped him and copied the documents containing the defense secrets and sent them to Alaa Sablan in Qatar via e-mail, while knowing the importance of the information contained on Egyptian national security and the accuseds' intention of selling them to the representative of the State of Qatar. He made a copy for himself on a flash memory stick and kept it without the intention to deliver it to a foreign country, while knowing that these documents containing

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defense secrets were illegally obtained. Then he called the accused Mohammed Adel Hamed Kelani (sixth), who worked as a flight attendant at Egypt Air, and asked him to help them deliver the papers containing the defense secrets to Alaa Sablan in Qatar. He agreed, while knowing that the accuseds intended to leak documents to a representative of a foreign state in exchange for a sum of money. He received the case of documents and viewed it, and he knew the seriousness and nature of the information contained in those documents and that they contain defense secrets. He knew that he would hand it over to those who work for the benefit of a foreign state with intent to harm the country's military, economic, political and diplomatic position. He hid it in his apartment located at 63 B Swiss neighborhood, in preparation for delivering it to Qatar. He asked an official at Egypt Air to change his previously established flight schedule Dubai to Doha airport in Qatar and told the accused Alaa Sablan (tenth) that he had done so. He [Sablan] replied that a Qatari intelligence officer would be waiting for him at Doha airport, and he could board the plane and receive the bag containing the documents. The accused Ahmed Ali Abdo Afifi assigned him to bring him ten thousand dollars from Alaa Sablan. He was on his way to move the documents but for the providential care that led Major Tareq Mohammed Sabri, a National Security Agency officer, to learn the details of that incident, which were confirmed by his confidential inquiries included in a record dated 23/3/2014, attached to which is a roster including the names and addresses of the accused, including: Ahmed Ali Abdo Afifi (fourth), Khaled Hamdi Radwan (fifth), Mohammed Adel Kilani (sixth), Ahmad Ismaeil Thabet (seventh), Karima Ameen Al Serafi (eighth), and Alaa Omar Sablan (tenth). He obtained a warrant from the Supreme State Security Prosecution on the same date at 10 pm for any of the legally authorized national security officers to apprehend and search the person and residence of the accused persons under investigation

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within thirty days from the hour and date of the warrant's issuance. In accordance with this warrant, Maj. Mahmoud Mohamed Talaat managed to apprehend Ahmad Ali Abdo Afifi (fourth accused) on 27/3/2014. When he searched his house, he found a laptop, a mobile phone, and a data storage unit. He was also able to apprehend Karima Amin Al-Serafi (eighth) on 30/3/2014, and when he searched her home, he found a tablet, a mobile phone, a small Compaq Mini laptop, an external hard disk, and five flash memory sticks. On 30/3/2014, he apprehended Khaled Hamdi Abdul Wahab Ahmad Radwan (fifth accused), and when he searched his house, he found six data storage units (flash memory), two mobile phones, and a CPU. 1/4/2014, he apprehended Ahmad Isma'il Thabet Isma'il (seventh accused), and when he searched his house, he found three data storage units (flash memory), three laptops, a mobile phone, a data storage device, a hard disk, an electronic printer, and a scanner. On 27/3/2014, he apprehended Muhammad Adel Hamed Kelani (sixth accused) and searched his residence, located at 63B in the Swiss district in Nasr City. He seized a case containing secret documents of the Presidency of the Republic that were received from the country's sovereign authorities, the Republican Guard, the Armed Forces, General Intelligence, military intelligence, the National Security Agency, and the Administrative Control Authority. The documents contained information on the armed forces and their positions, as well as the state's foreign and domestic policies. Such information affects the country's national interests and is considered among the defense secrets that are prohibited from circulation outside the headquarters of the presidency. The examination committee established by a decision of the court documented in its report

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that through review of the Republican Guard's documents ledger, it was found that the documents were presented to the commander of the Republican Guard and had not been returned by the date of the examination. It was also determined that the topics of the documents recorded in the ledger were consistent with the seized documents. The committee's report also documented that the committee reviewed the documents and ledgers in the office of the office director for the President of the Republic and found that all the correspondences received from the sovereign authorities were handed over to Ahmed Abdel Aati, the office director, in sealed envelopes not to be opened except by him. He then would decide what to do with the contents of those envelopes, whether to present them, respond to them, or file them via Amin Al Serafi (third accused), who worked as his secretary. The committee established that he issued a security bulleting with instructions of the head of the Presidency Bureau of the Republic to define the measures to be taken in the face of the events of 30/6/2013, including transferring all documents located in Al Ittihadiya Palace, and Ahmed Abdul Aati (second accused) issued an oral decision to transfer all letters and documents to Abdeen Palace. The committee established, by examining the papers seized from the accuseds, that those papers included 4 pieces of correspondence received from the Administrative Control Authority: No. 577 dated 28/1/2013, No. 6748 dated 23/12/2012, No. 6785 dated 25/12/2012, and No. 574 dated 4/2/2013. There were also 11 pieces of correspondence received from General Intelligence: Nos. 21899 and 21922 dated 4/12/2012, Nos. 92, 93, 94 and 95 dated 5/2/2012, No. 22076 dated 6/12/2012, No. 11942 dated 9/6/2013, and Nos. 13358, 13359, and 13360 dated 20/6/2013. The Committee sent the abovementioned data to the Administrative Control Authority and the General Intelligence Service to send a copy of these correspondences once again to match them to the seized documents. Through examination of the correspondence received by the Committee from the Administrative Control Authority

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and General Intelligence, namely copies of these letters that were previously sent to Ahmed Abdel Aati (second accused) in his capacity as office director for the President of the Republic, it is evident that they match the papers confiscated from the sixth accused. Ahmed Ali Abdo Afifi (the fourth accused) has confessed during the investigations that he is a member of the Muslim Brotherhood and was among the participants in the sit-in in Tahrir Square during the revolution of 25 January 2011. He met Ali Safwat Hegazy, who established the Council of Trustees of the Revolution and appointed him as a member with him of the council's secretariat. He was assigned to follow up on the goals of the revolution. After Mohamed Morsi (first accused) became president of the republic and after the increase in the vehemence of protests against him starting in 2013, he went to Rabaa Al-Adawiya Square on 28/6/2013 and stayed until 14/8/2013. He was responsible for feeding and supplying the sit-in participants and supervising the main stage, as assigned by the leaders of the Muslim Brotherhood. After the sit-in was broken up, he called his friend Mohamed Adel Hamed Kelani (sixth accused), whom he met during the Rabaa Al-Adawiya sit-in, and hid in his house located in ninth zone of Nasr City behind Manhal Schools in order to evade capture from security forces. He added that as a documentary film producer, he had taken video of everything that occurred in at the Rabaa Al-Adawiya sit-in except for the breaking up of the sit-in. He kept a copy of the videos, which he sold to Al-Jazeera, receiving payments totaling \$2,000 in exchange for the videos. He further acknowledged that he asked a friend of his who belongs to the Muslim Brotherhood called Mohamed Abdulraouf to help him to find his own place to live. He [Abdulraouf] provided him a residence in the second district of 6<sup>th</sup> of October City starting in September 2013. During this period he was communicating with a member of the Muslim Brotherhood named Ahmed

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Hanafy, who was responsible for the media committee in Giza Governorate. He asked him for the videos of the breaking up of the Rabaa Al-Adawiya sit-in, which he obtained from his fiancée, Heba Gharib, who works at Al-Wady newspaper, and gave to Ahmed Hanafy on a flash drive. After a while, he met Alaa Omar Mohammed Sablan (tenth accused) – a Jordanian of Palestinian origin – and they produced a documentary to sell to Al-Jazeera about the child named Ramadan. This is what Al-Jazeera channel broadcast several times. He claimed that the child's mother was killed in the breakup of the Rabaa sit-in, and he took the child to his apartment in 6<sup>th</sup> of October and interviewed the child, then edited together a video. Alaa Omar Mohammed Sablan (the tenth accused) then took the video and sold it to Al-Jazeera. This took place in September 2013, and during this period he changed his residence several times. He rented an apartment in the first district of 6<sup>th</sup> of October City for two thousand Egyptian pounds as a monthly rent, and to make a living he sold videos of the breakup of the Rabaa sit-in to Ibrahim Abdulaouf, whose alias is Ibrahim Almasry, for sums of money, sometimes five hundred dollars and other times four hundred dollars. He also acknowledged that during January 2014, he called the (tenth accused) Alaa Omar Mohammed Sablan, who was with Asmaa Mohammed Al-Khatieb (ninth accused), and asked for a meeting at the Al Hosary Mosque. During the meeting, she told him that she has a big suitcase full of documents pertaining to the Presidency during the period when Mohamed Morsi (first accused) governed the country, and that she obtained these papers from her friend Karima Amin Abd Al-Hameed Amin Al-Serafy (eighth accused), whose father, Amin Al-Serafy (third accused), was the personal secretary of the first accused. She said that he transferred these documents from the president's office to his house before the revolution of 30/6/2013 and that the documents were reports

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from the General Intelligence Service, Military Intelligence, the Administrative Control Authority, the National Security Agency, and all the other sovereignty authorities that sent their reports to the first accused. She said that she wanted to publish those reports on Al-Jazeera and told him that the suitcase was at her house, but she was afraid to transfer them in a taxi. So he called his friend Mohamed Adel Hamed Kelani (sixth accused) and asked him to meet Asmaa Mohammed Al-Khatib and Alaa Omar Mohammed Sablan (the tenth accused) on the ring road. They rode with him in his private car and went to Asmaa's house located in the Helwan area and fetched the suitcase, and all of them went back to a café in 6<sup>th</sup> of October City. He then called his friend Khaled Hamdi Radwan (fifth accused) and told him about the nature of the documents in his possession and asked his permission to come to his house. They went to the house of the latter in the eleventh district in 6<sup>th</sup> of October City, where they opened the suitcase and found a report from the Military Intelligence for the President containing detailed information concerning the Egyptian Army's armament and figures on the Egyptian Armed Forces in Sinai and their numbers and positions; detailed information about the Israeli army, its armament and positions on the border with Egypt, the number of males and females in the Israeli army, and detailed information on some Israeli army units; and another report containing information on members of the Israeli Knesset and their details and party affiliations, which was to be presented to the first accused. There were also Administrative Control Authority on senior employees of the state and of the former regime; a report from Refaa el Tahtawy on Iran and its rapprochement with Egypt and specific information on Iran; a report on the presidential palaces to which Mohamed Morsi (first accused) and his family would move based on developments in the events before 30 June 2013; in addition to private correspondence sent to the second accused

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and a large binder containing a plastic sheet with writing in invisible ink concerning terrorist organizations in Southeast Asia that was sent to Mohamed Morsi (first accused) in his capacity as President of the Republic at that time. Alaa Omar Mohammed Sablan (tenth accused) contacted an official at the Qatari channel Al-Jazeera channel and told him about the documents. He [Sablan] sent him the documents' headings through his personal e-mail ALAASABLAN@GMAIL.COM and ALAASABLAN@YAHOO.COM. The other person told him that Al-Jazeera officials asked to meet him, so he traveled to them in January 2014. Alaa Sablan contacted him once he was there and told him that he met Ibrhahim Mohammed Helal (eleventh accused), an Egyptian national who works as the head of the news section of the Qatari channel Al-Jazeera in Doha. With Helal was an officer from Qatari intelligence and the head of Al-Jazeera. They asked him to bring the originals of the documents, and he asked them for a million dollars to deliver the originals of the documents. He received fifty thousand dollars from them for the documents already sent via email. He sent \$10,000 of the money from Qatar in the name of a person called Abdulmageed Elsaqa through Western Union under the name of Khaled Hamdi Radwan (fifth accused), who knew the nature of these documents. This was done to avoid detection by the security agencies. He acknowledged that Khaled Hamdi (fifth accused) actually went to Western Union and withdrew the amount of ten thousand dollars after the deduction of the transfer fees and that it was equivalent to roughly seventy-one thousand Egyptian pounds. The fifth accused asked him for three thousand Egyptian pounds, so he gave it to him. After that, Ahmed Ismaiel Thabet Ismaiel (seventh accused) came to him, and they copied the documents and sent the copies to the tenth accused in Qatar. They agreed to send the originals

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through Mohamed Adel Hamed Kelani (sixth accused) because he was a flight attendant and it would be easy for him to take the documents with him on one of his flights and deliver them in Qatar. He told Alaa Sablan about it, and he responded that an officer from Qatari intelligence would be waiting for him at Doha airport to receive the documents and would be able to board the plane and take the suitcase of documents from him. He asked Alaa Omar Mohammed Sablan (tenth accused) to send to him, with Mohamed Adel Hamed Kelani (sixth accused), the amount of ten thousand dollars as an advance. He acknowledged that Mohamed Adel Kelani (sixth accused) definitively refused to take any money despite his awareness that the sum being negotiated was one million dollars, that Alaa Sablan had already received the amount of fifty thousand dollars, and that he took ten thousand dollars of that sum. But he refused definitively, affirming that he was doing this out of love for the first accused and for the Muslim Brotherhood. The tenth accused asked him to send the suitcase of the documents and they would not be able to receive the million dollars until the documents arrived in Qatar through Mohamed Adel Hamed Kelani (sixth accused), who changed his flight schedule for February 2014 to fly to Doha with the documents which he had in possession already. He was waiting for the instructions from the tenth accused to deliver it to him, though Alaa Sablan tried on purpose to postpone the delivery because he wanted to renegotiate with Qatar to increase the amount of money. When faced with the documents confiscated from the sixth accused, he acknowledged that they were the same documents that he received from Asmaa Mohammed Al-Khatib (ninth accused). Furthermore, Khaled Hamdi Abd Al-Wahab Ahmed Radwan (the fifth accused) has confessed in the investigations that he is a member of the Muslim Brotherhood, the organizational structure of which consists of families, and each family consists of six or seven members, with one person responsible for each family. Those families are under what is called a branch, which consist of several families, and the branch is under the administrative office for the governorate, then the General Shura Council

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for the Brotherhood. All of that is under the Guidance Office, and the Brotherhood's Supreme Guide leads the organization. He confessed and that he is a member of a family in Ibsheaway village in Kotor markaz, and he consistently attends its weekly meetings regularly. After the 25 January revolution, he worked for the pro-Brotherhood channel Misr 25 until it was closed after the 30 June revolution. The staff then traveled to Turkey to broadcast its message from there and changed its name to Ahrar 25, then again changed its name to Al Meedan. He would send the programs he filmed for the channel via the internet. He acknowledged that he was at the Rabaa Al-Adawiya sit-in with his father and filmed the events and broadcasted them through the aforementioned channel. During October 2013, Ahmed Ali Abdo Afifi called him and asked him to send a cameraman and a camera to his apartment in the first district in 6<sup>th</sup> of October City. When he went there, he met Alaa Sablan (tenth accused) and Ahmed Ismaiel (seventh accused), and a child witness named Ramadan. Alaa Sablan was interviewing him about the story of his mother's death during the breakup of the Rabaa Al-Adawiya sit-in and his feelings after her death. He added that he took three hundred and fifty Egyptian pounds for filming, and he knew that Ahmed Afifi was going to sell the interview to Al-Jazeera. He added that during November 2013, he received a visit at his house from Ahmed Afifi, Alaa Sablan, and Asmaa Al-Khatib, who worked at Rasd Network, and Mohamed Kelani (sixth accused). Ahmed Afifi asked him to find an expert to write a script about the documents. They had a suitcase with them, and they opened it to find it full of documents, among them a file about the relationship between Egypt and Iran, the necessity of limiting that relationship to tourism, and that Iran should not spread its Shiite ideology in Egypt. The file was hand written by Refaa El Tahtawy, head of the Presidency Bureau of the Republic. They saw another file with General Intelligence written on it and the General Intelligence logo on it, and an Administrative Control Authority.

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Ahmed Afifi told him that the suitcase contained files concerned with the Israeli army and takfiris in Sinai, and for certain the documents were confidential due to the information enclosed concerning national security and the fact that they were issued from the state's sovereign authorities. Ahmed Afifi stated in front of him that they got the suitcase from the daughter of Amin Al-Serafy, the adviser to the ex-president Mohamed Morsi. After that, they departed with the suitcase. He acknowledged that two or three days afterward, he was visiting Ahmed Ali Abdo Afifi (fourth accused) at his house and saw the suitcase in his house. He later told him that Alaa Sablan (tenth accused) took the suitcase and the documents and traveled to Qatar to negotiate with Al-Jazeera to sell those documents to broadcast the information enclosed, along the lines of the recent leaks broadcast by the channel. During January 2014, Ahmed Afifi called him and told him that Alaa Sablan would send ten thousand dollars from Qatar and asked him to find one of his friends in Qatar to receive that money from the tenth accused and transfer it to Egypt under his name – the fifth accused – through Western Union. He talked with a person named Abdulmageed Elsaqa, who works at the Qatari channel Al-Jazeera, and asked him to collect the \$10,000 from the tenth accused and to transfer it to him – the fifth accused – from Qatar to Western Union. He then went to the company's branch located in the Arab African Bank in the banks area in 6<sup>th</sup> of October, where he withdrew the money after deduction of the transfer fees and exchanged it to the national currency. It was approximately sixty-eight thousand Egyptian pounds, which he delivered to Ahmed Abdo Afifi (fourth accused). He loaned him three thousand Egyptian pounds to fix his car, which was burnt during the breakup of the Rabaa Al-Adawiya sit-in. He knew that this amount of money was in return for selling the documents to the Qatari channel Al-Jazeera. Mohamed Adel

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Hamed Kelani (sixth accused) confessed in the investigations that after the 25 January revolution, he started to be interested in politics, and he had a political opinion in support of the Muslim Brotherhood. He participated in the Rabaa Al-Adawiya sit-in after the 30 June revolution, and he frequently joined the sit-in on the days that he didn't have a flight scheduled. During the sit-in, he met Ahmed Ali Abdo Afifi (fourth accused) because the latter was a leader for the sit-in. He gave him seven hundred Egyptian pounds to buy some food for the people at the sit-in. Sometimes he would participate in distributing the food to the participants. He knew that he was a member of what is called the Council of Trustees of the Revolution, which was headed by Safwat Hegazy. Their relationship got stronger, and after the breakup of the Rabaa Al-Adawiya sit-in, Ahmed Abdo Afifi fled and was moving among several rented apartments in 6<sup>th</sup> of October City, fearful of capture by the security forces. He would meet him in a café in 6<sup>th</sup> of October, where he would see a number of people with him carrying laptops and collecting photos of the Brotherhood's demonstrations and creating programs to gather people's opinions and send them to Al-Jazeera. He added that during January 2014, Ahmed Abdo Afifi (fourth accused) called him and gave him a phone number for a person named Alaa Sablan (tenth accused) and asked him to call Alaa and to meet him on the ring road to get something from him. He called him and scheduled a meeting on the Autostrad near Saqr Qoraish in Maadi, where they met. He was with a lady named Asmaa (ninth accused), and she had a suitcase. He went with them to a café, where they met Ahmed Ali and went to the house of Khaled Hamdi, where they opened the suitcase and looked at the documents inside. It was clear that the documents belonged to the Armed Forces and the Presidency. After that, Ahmed Ali asked him to give them a lift and to keep the suitcase with him, fearing that it would be seized. He kept the suitcase in his car for five days,

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then Ahmed Ali came to see him by taxi and took the suitcase from him. He gave it back after a while and asked him to look after it because of the importance of the documents inside it, being documents pertaining to the presidency. After he [Afifi] left, he opened the suitcase and reviewed the documents inside and discovered that they were issued from the Egyptian intelligence services and the Egyptian Armed Forces and contained information concerning the armament of the Egyptian Army. They had been sent to President Mohamed Morsi (first accused). He then was then convinced of the documents' importance, and he moved the suitcase from his house to another residence that he owns and is used as storage at 63B, Swiss neighborhood, in Nasr city. After about two days, Ahmed Ali called him and asked to meet him in a café in 6<sup>th</sup> of October City. He went there, and he asked for his help to send the documents in the suitcase to Qatar because of his work as a flight attendant for EgyptAir. Alaa Omar (tenth accused) attended this meeting and told him that Alaa Omar could coordinate with people in Qatar or Turkey to get the suitcase from him and deliver the documents inside to Qatari officials working at Al-Jazeera to use the information to unmask the military coup in Egypt. After about four days, Ahmed Ali called him and asked to meet him at the same café. He told him that Alaa Sablan (tenth accused) had talked with Hamad Bin Jasim – the head of Al-Jazeera – and met a Qatari intelligence officer, and they agreed on having the Qatari intelligence officer wait for him in the duty-free shop of Doha airport for delivery of the documents. He asked him about the maximum amount of cash he could bring into Egypt, and he told him that it is ten thousand dollars. Then he told him Alaa would give him that amount to deliver to him in Egypt. He agreed to that and went on to acknowledge that he changed his flight schedule to go to Qatar. Before he traveled to Qatar, Ahmed Ali came to him and asked him

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to postpone moving the documents until everything was set up in Qatar. The suitcase remained with him until he was arrested, and he showed the police to the suitcase's location. Ahmed Ismaiel Thabet Ismaiel (seventh accused) also confessed in the investigations that during November 2013, he met his friend Alaa Omar Sablan (tenth accused), who was a classmate during their studies at the Medical Sciences Faculty at 6<sup>th</sup> of October University. He told him that he had a collection of important documents in his possession. Later, he met with Ahmed Ali (fourth accused) at the Mall of Arabia in 6<sup>th</sup> of October City, and they were introduced to each other by Alaa Sablan (tenth accused). He told him that he had the documents in his possession. Then he received a phone call from Alaa, who told him that he would travel to Turkey to sell the documents to Al-Jazeera. He asked him to prepare files for the documents and attach a list of the documents in each file, and they scheduled a meeting at the home of Ahmed Ali in October [City]. So he bought what he was asked to organize the documents went to the house of Ahmed Ali. He found that he had procured a scanner to scan the documents, and he saw that some of the documents bore the logos of the Presidency, the Administrative Control Authority, and the Ministry of Defense. There were also typed documents signed by Pakinam El-Sharkawy, documents written for the President regarding the economy, some documents pertaining to Qena Governorate Governor Adel Labib, and some documents pertaining to former Minister of Culture Alaa Abdulaziz. He then knew that these documents were very important and that they were issued by state institutions. He added that he knew that Ahmed Ali and Alaa Omar Sablan helped Asmaa Mohammed Al-Khatib (ninth accused) to flee the country and to go to Malaysia and that she was the one who procured the documents. After that, Alaa Sablan called him and asked to meet him at the evening in Ahmed Ali's house. He went there for the meeting, and he told him that he had left some another collection of files with Ahmed Ali and asked him to scan them

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and send them to him after he left the country through Facebook. After Alaa traveled to Qatar, he scanned the documents and sent them to him via Alaa's Facebook account to show the documents to the Al-Jazeera officials in Qatar to sell them. One of those officials was a person named Ibrahim Mohammed Helal (eleventh accused). He went on to acknowledge that Alaa Sablan called him from Qatar and told him that State Security asked about him and Ahmed Ali at the University. He asked him to get the printer used to print the documents. He took it to his house and put a copy of all the documents scanned on a flash memory stick, which he kept in his house. He also acknowledged that during December 2013, before Alaa Sablan traveled to Qatar, he met Alaa Sablan and Ahmed Ali in a café in the second district in 6<sup>th</sup> of October City, and they were accompanied by Mohamed Kelani (sixth accused). They agreed that Mohamed Kelani (sixth accused) would convey the suitcase containing the documents to Qatar because he was a flight attendant, and it would be easy for him to take the suitcase with him during any flight so that Alaa could deliver the suitcase to Ibrahim Mohammed Helal in Qatar. Alaa Sablan also told him, while he was in Qatar, that he would send a wire transfer for ten thousand dollars to Ahmed Ali. He learned from him that he had been hired at the Qatari channel Al-Jazeera as a reward for the documents he sold to them. He ended his statements by saying that he didn't receive any money, and instead he wanted to unmask what he called the "military coup," and that he knew how important the documents were for national security. Karima Amin Abd Al-Hameed Amin Al-Serafy (eighth accused) confessed in the investigations that her father, Amin Al-Serafy (third accused), belongs to the Muslim Brotherhood and was a member of the presidential campaign of the first accused. Then he was appointed to work as secretary to the President during the first accused's rule of the country.

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Before 28 June 2013, due to the events unfolding in the country, he brought home some papers in a Samsonite case covered in beige paper and sealed with the red seal of the President's secretariat. He put the case in his office in their house located in the First Settlement in the New Cairo area. After 3 of July 2013, she lost contact with her father, and on 5 of July 2013, she collected her father's papers and put them in a small olive-green suitcase. She confessed that she saw among those documents a file pertaining to the office of the presidential team in case of emergencies and another document pertaining to the secretariat enclosed in cardboard and stamped "Presidential Secretariat." She didn't know the content of the rest of the documents. On 4 of October 2013, she hid the documents with her friend Asmaa Al-Khatib (ninth accused), who was working at Rasd Network, so that the police could not seize the documents if the house were searched. She had met Asmaa during the Rabaa Al-Adawiya sit-in, and they participated together in marches. She added that during one of her visits to her father, who was detained in the Presidential Guard, he asked her about the documents, and she told him that she put them in a safe place. He asked her to return some computers and tablets that he had for work, and he repeated his request in a letter he sent her. She returned the items to the Presidential Guard. She added that after October 2013, Asmaa Al-Khatib told her that she intended to travel abroad and claimed that the police arrested one of her relatives and that she was involved in that relative's activities. She told her that the documents are kept safely with a relative and she gave her his number to call if she needed the documents. She went on to acknowledge that she kept in contact with her after she traveled to Malaysia through a social networking site (Facebook). During March 2014, Ahmed Ali (fourth accused) phoned her and told her that he was calling her on behalf of Asmaa

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Al-Khatib and that he had something that belonged to her. She was certain that he meant the suitcase containing the documents. They agreed to meet and met in a café next to a store named Tawhid wa Al Nour in Dokki. He told her that he took a look at the documents in the suitcase, and he asked her if she had any other documents, because a group of his journalist friends were going to initiate a media campaign through Al-Jazeera. He said that Asmaa would be a member of that campaign. He told her that he wanted the documents urgently and that he gave the documents to Asmaa to publish them. She claimed that she had other documents hidden with other people and that she would deliver the documents to him. She did so because she was afraid of him because his intentions were unknown to her. She ended her confession by saying that she delivered the documents to him to hide, not to publish, and she denied what the accused Ahmed Ali Abdo Afifi said in the investigations about her giving the documents to Asmaa to publish on the Qatari channel Al-Jazeera at her father's instructions (third accused). She also denied being upset because of the delay in publishing the documents. Whereas a committee was formed by General Intelligence, Military Intelligence, and the National Security Agency to examine the seized documents, it was evident that the seized documents included memoranda and reports issued by the General Intelligence Service to be sent to the ex-President (first accused) to authorize the General Intelligence public budget for the year 2013-2014 and reports on foreign and domestic events for 5/12/2012, as well as other reports issued by the General Intelligence to be sent to the second accused, in his capacity as office director for the President of the Republic, on international and civil opinions about the new constitutional declaration, and other reports...

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Through examination of the ACER-brand laptop and the hard disk marked "creation" seized with the fourth accused Ahmad Ali Abdo Afifi, it was found that they contained electronic copies identical to confidential reports, documents, and letters sent from governmental, security, and sovereign institutions – General Intelligence, the Armed Forces, the National Security Agency, the Administrative Control Authority, Military Intelligence, and other institutions – to the first accused in his capacity as then-president and to some presidential staff members. From examination of these documents, it was proved that anyone not authorized to do so is prohibited from circulating or viewing them, and they must be kept in secured and secret places because they all are related to national security and include information that can be used to endanger Egyptian national security if it is leaked or viewed by people not authorized to do so. It would also negatively affect Egypt's political and economic standing and its diplomatic relationships with many foreign states, thus posing a risk to the security of Egyptian sovereign and security institutions. The information in the documents is among the secrets of the country's defense.

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There is sufficient evidence trusted by the Court is sufficient to respond to the Court's assertion. Given that, and as the legislator stipulated in article 77(d) of the Penal Code that: "Whoever commits the offense shall be punished by imprisonment if the offense is committed in peacetime and to rigorous imprisonment

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if committed in wartime, (1) ... (2) Whoever intentionally damages, conceals, embezzles, or forges documents while knowing that they relate to the security of the State or any other national interest, if the crime is committed with the intention of causing damage to the military, political, diplomatic or economic position of the country, or with the intention of harming a national interest, the penalty is rigorous imprisonment in peacetime and life imprisonment in wartime. Article 17 of this law shall not be applicable in any case for any of these crimes when they are committed by a public employee or a person in the capacity of a public representative or charged with public service." The foregoing text indicates that this crime does not occur unless the embezzled documents and papers are related to the security of the State or to a national interest. This crime requires three elements: **the first is material**, represented in the act of embezzlement, which is the seizure of these documents; **the second is moral**, represented in the criminal intent consisting of both knowledge and will, i.e. that the offender knows that these papers and documents relate to the security of the state or its national interest and intends to embezzle and seize them; the third is **specific intent**, represented in the intention to possess such documents, i.e. the offender's embezzlement of those documents with the intention of possessing them. The legislator instituted a harsher punishment for the perpetrator if the crime was committed with the intention of harming the country's military, political or diplomatic, or economic position in order to harm a national interest and also tied the judge's hand in applying the provisions of Article 17 of the Penal Code where there is reason to apply it if the perpetrator of the crime is a public employee or a person in the capacity of a public representative or charged with public service. Therefore, and as the appealed judgment proved its assertion with sufficient evidence acceptable to the court, that the first appellant,

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when he became president and was thus a public employee – received from the commander of the Republican Guard at that time, along with General Intelligence, Military Intelligence, the Administrative Control Authority, and National Security important documents relating to the Armed Forces, the state's security, and its national interests. He kept them for himself with the intention of possessing them and refused to return them to the respective authorities in the institution of the presidency for safekeeping. He was aware of the importance of those documents and their relevance to the state's security and national interests, but he did not return them to the competent authorities for safekeeping. He embezzled them for himself with the intent of possessing them. Hence, the effective elements of crime exists in accordance with article 77(d) paragraph (1) clause 2 of the Penal Code. As a result of the People's Revolution against him on 30/06/2013, he handed over these documents, detailed above, to the third appellant, who worked as his secretary within the presidency – and by virtue thereof was a public employee. The third appellant collected them in a personal briefcase and removed them away from their designated place in the office of the presidency by hiding them in his residence, despite their knowing their significance and that they were connected with the state's security and its national interests. The judgment also proved, in accordance with the evidence, that the second accused, the daughter of the third appellant, at the time of the 30 June 2013 revolution and due to the loss of contact with her father, handed over the documents in the suitcase to the ninth accused in order to hide them in her house until the situation settled. She and her father, the third appellant, did not return these documents to the competent authorities; therefore, the elements of the crime exist with regard to the third appellant, namely the concealment of documents relating to the state's security and its national interests as stated in Article 77 (d) paragraph (1) clause 2. The appealed judgment also proved, with the permissible evidence it presented and the conclusions trusted by the Court, that the ninth accused broke open the briefcase and looked at the documents inside

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**Cont'd Appeal No. 32611 of 86J****(68)**

and learned their importance and seriousness and that they concern the state's security and its national interests. Then she hid the documents in her residence and called the tenth defendant, who, having learned the significance and seriousness of these documents and their relevance to the national security and national interests of the country, contacted the fourth appellant and told him about the documents. He asked them to bring the documents and sent them the sixth appellant; then they all went to the residence of the fifth appellant in 6th of October City. After they viewed those documents together and realized their significance and relevance to the security of the State and its national interests, they hid the documents with the sixth appellant after the fourth appellant had agreed with the tenth defendant to contact the officials of Al Jazeera News Channel to broadcast those documents with the intention of damaging the country's military, political, diplomatic, and economic position and the national interests of the country. This constitutes the crime charged to the fourth and sixth appellants, that they concealed documents concerned with the state's security and its national interests with the intention of damaging the country's military, political, diplomatic, and economic position and its national interests of the country, according to article 77(d) paragraph 1 clause 2, and paragraph 2. Therefore, challenging the appealed judgment in this regard is not valid, nor is the judgment undermined by the appellant's defense that moving the documents from their storage location in the office of the presidency and hiding them in his residence was in effectuation of the order of his superior – the first appellant – and that his obedience was obligatory, thus making his action permissible, and that the elements of the crime charged against him are therefore absent. It is established that a subordinate's obedience to his superior does not exist in any of the matters that the law criminalizes and does not in any way extend to the commission of crimes, and that the subordinate is not obliged to obey such orders given by his superior when he knows that such action is against the law. This was proven

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with regard to him by the appealed judgment; therefore, ruling that he is not guilty of violating the law is a misapplication of law. That being the case, and as the legislator stipulated in Article 77(d) of the Penal Code that: "The following shall be punished by imprisonment if the offense is committed in peacetime and by rigorous imprisonment if committed in wartime: 1 – Whoever seeks a foreign state or a person working for its interests or colludes with it that would damage Egypt's military, political, diplomatic, or economic position. 2 – .... if the crime is committed with the intention of causing damage to the military, political, diplomatic or economic position of the country, or with the intention of harming a national interest, the penalty is rigorous imprisonment in peacetime and life imprisonment in wartime. Article 17 of this law shall not be applicable in any case for any of these crimes when they are committed by a public employee or a person in the capacity of a public representative or charged with public service." Pursuant to this text and applying its provisions, the following must be present: **First, *actus reus*** represented in the material act done by the offender either by seeking a foreign state or a person working for its interests or by colluding with a foreign state or a person who works for its interests. The seeking and collaboration may take place by a variety of possible or available means. The legislator required that such acts harm the military, political, diplomatic, or economic position of the country. If it does not reach that level, it is not criminalized, which is a matter that must be proven and is subject to the trial court's discretion, under the oversight of the Court of Cassation. **Second, *mens rea***, which is general criminal intent consisting of both knowledge and will, which means that the offender intended to seek and collude, while having the knowledge that it could damage the country's military, political, diplomatic, or economic status. Even if the crime didn't cause

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any damage, the crime will be complete for the offender, and he will be punished for it, even if the harm did not occur or he did not mean to cause it. But if the offender meant to cause harm to the military, political, diplomatic, or economic status of the country or harm the national interest of the country, the legislator instituted an aggravated punishment by making the penalty rigorous imprisonment rather than [ordinary] imprisonment if the offense was committed in peacetime and life imprisonment instead of rigorous imprisonment if the crime was committed in wartime. The intent of the legislator was to protect the country's security and national interests and to prevent the judge from applying Article 17 of the Penal Code for the offender if he is a public employee or a person in the capacity of a public representative or charged with public service, and the crime occurs by any act that would transmit information or data about any matters related to the country or its military interests, such as those related to the affairs of armed forces, their preparation and armament, their positioning, and their sustenance and plans, or any matter related to the policy of the country and the management of all its political affairs, foreign or domestic, and its diplomatic relations with all countries, as well as any act that would transfer any information on the country's economic situation, budget, strategic reserve, and shortcomings or causes in any vital aspect life in the country, whether such information is transferred by seeking a foreign state or someone working for its benefit, or by colluding with them by any means of communication. These are all acts marked by illegitimacy and breaking the law. That being the case, and as it is established that in contributing to the commission of crimes or complicity therein, whether the offender is an original perpetrator or an accomplice, an original perpetrator in accordance with article 39 of the Penal Code is considered to be someone who commits the crime

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alone or with others or takes part in committing it. If the crime consists of a series of acts, the offender intentionally performs one of the crime's constituent acts. Complicity in the crime, under Article 40 of the Penal Code, is incitement to commit the acts constituting the crime, if the act occurs on the basis of this incitement, or is agreement with others on the commission of the crime that then occurs pursuant to this agreement, or is assistance in committing the crime by giving the perpetrator a weapon, tools, or anything used in the commission of the crime, while knowing of the crime or assisting them in any other manner in the acts in preparation, facilitation or completion of the crime's commission. Furthermore, complicity in a crime can only be achieved if a punishable act occurs due to the original perpetrator, and the accomplice cannot be punished if the original perpetrator's act is not punishable, because criminalizing the accomplice derives from criminalizing the original perpetrator, and without this, complicity doesn't exist. The trial court, in accordance with its right under Article 308 of the Code of Criminal Procedure, amended the charge sheet for the crime of collaboration by making the tenth accused (Alaa Omar Sablan) an original perpetrator and the fourth accused (Ahmed Ali Abdo Afifi) and the eleventh accused (Ibrahim Mohammed Helal) accomplices in the crime. The court made that amendment on 3/2/2016 in a session in the presence of the defense counsel of the fourth defendant, and it alerted him to this amendment, which the pleading was based on. The court, after it proved the crime of colluding with a foreign country on the part of the tenth accused, asserted based on the evidence that it trusted, that the fourth appellant contributed to the commission of the crime of colluding with a foreign state and persons working for its interest in order to harm the country's military, political, diplomatic, and economic position and national interests. The court asserted that his will turned to participating in that crime while he had knowledge of it, and he helped to commit the crime

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by agreeing with the tenth accused, based on a convergence of their wills, to meet with the ninth accused in 6th of October City in front of Al-Hosry Mosque after they told him that they had a bag of the presidency's documents from the period of the first appellant's rule of Egypt. The ninth accused obtained the documents from the eighth accused, who is the daughter of the third accused, and the two were assisted by the fourth appellant, who sent them the sixth appellant to bring them in his car. They went to the residence of the fifth appellant, where they looked those documents together and realized their importance and relevance to the country's defense secrets and its national interests. The intent of the fourth appellant and the tenth accused was to publish these documents through the Qatari channel Al-Jazeera. After the tenth accused traveled to Qatar and informed the staff of Al-Jazeera through the 11th accused of the documents and their importance, he sent them the main headings of these documents using his e-mail address with the help of the fourth and sixth appellants. After the employees of Al Jazeera saw the document headings, they asked the tenth accused to travel to Qatar, where he met with the 11th accused, along with Al Jazeera director Hamad bin Jassem and a Qatari intelligence officer. He made an agreement with them that they would pay one million dollars. They paid in advance the amount of fifty thousand dollars and asked him to bring the originals of those documents and delayed the payment of the rest of the money until the originals of documents were delivered to them. He contacted the fourth appellant, told him about the agreement, and sent him, through the fifth appellant, the amount of ten thousand dollars. This constitutes, on his part, complicity by way of agreement and assistance in the commission of the crime of collaborating with a foreign state and someone working for its interest with the intention of harming the military, political, diplomatic, and economic position of the country and its national interests.

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Hence, challenging the appealed judgment for falling short in this regard is without merit. That being the case, and as Article 80 of the Penal Code states that: "The penalty shall be execution for any person who delivers to a foreign state or to any person acting in its interest, or in any way and by any means discloses, one of the country's national defense secrets, or who manages in any manner to obtain such a secret for the purpose of delivering or disclosing it to a foreign state or anyone working for its interest..." And as Article 85 of the Penal Code defined what is considered a defense secret, stipulating: "The following are considered defense secrets: 1. Military, political, diplomatic, economic, and industrial information which by its very nature is known only to persons who have authority to know it, and that in the interest of defending the country must remain a secret except to those persons. 2. Objects, correspondence, documents, papers, drawings, maps, designs, images, and other things that, in the interest of the defense of the country, must be known only to those entrusted with such items' safekeeping or use, and that shall be kept secret from others for fear of disclosure of information referenced in the previous paragraph. 3. News and information related to the armed forces, their formations, movements, equipment, supplies, and personnel, and in general, anything prejudicial to military and strategic affairs where there is no written permission from the General Command of the Armed Forces to publish or broadcast it. 4. News and information concerning the measures and procedures taken to detect, investigate, or prosecute the crimes set out in this section. However, the court in charge of the trial may authorize the broadcasting of such proceedings." It is clear from the above that realization of the crime requires the availability of two elements. **The first is material**, represented in a material act, namely the delivery

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or disclosure to a foreign state or those working for its interest of one of the country's defense secrets, or managing in any manner to obtain such a secret to delivery or disclose it to a foreign state or those working for its interest. **The second is moral**, represented in general criminal intent consisting of both knowledge and will, i.e. the offender knows that what he is obtaining is one of the country's defense secrets – as defined in Article 85 of the Penal Code above – and his will is to obtain the secret for delivery or disclosure to a foreign state or to those working for its interest. This being the case, and as the appealed judgment proved, by the permissible evidence it presented and the conclusions trusted by the court, that the fourth appellant obtained the documents containing national defense secrets – in the manner stated above – and was aware of the contents of those documents and that they contain national defense secrets and may not be circulated, stored, or viewed by anyone not entrusted to do so. It is established that those documents – as stated above – contain military, political, diplomatic, and economic information, maps, and reports on the Armed Forces and their formations, movements, equipment, and positioning. The judgment proved that the 10<sup>th</sup> and 11<sup>th</sup> accused managed to seek and collaborate with the Qatari channel Al Jazeera Channel and Qatari intelligence to deliver those documents to them. That occurred the aid of the sixth and seventh appellants. With regard to him [the fourth appellant], the elements are present of the crime to obtain one of the secrets of the country's defense to deliver and disclose it to a foreign state and those working for its interests, and that he should be punished for this crime. Therefore, contesting the appealed judgment in this regard is not valid. That being the case, the trial court, in applying the correct qualification of the facts of the case as directed by law, amended the charge

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against the sixth and seventh appellants in respect of the crime of obtaining a national defense secret for delivery or disclosure to a foreign state, in that they knew of the intent of the fourth and the tenth accused when they aided them in obtaining a national defense secret to deliver or disclose to a foreign state and those working for its interest. This is criminalized in paragraph 1 of article 82 of the Penal Code, which stipulates: "The following shall be punished as an accomplice in the offenses set out in this section: "1 - Anyone who knows the intent of the offender when providing him with aid, a livelihood, housing, refuge, a meeting place, or other facilities, as well as anyone who carries the offender's messages or facilitates the search for the target of the crime, or conceals, moves, or provides information on it..." It is clear from the foregoing that the legislator, in view of the gravity of the offenses set forth in Part One of the Second Book of the Penal Code and their relevance to the state's security from the outside threats, was careful to criminalize all acts that cause, assist, or support the commission of such crimes or facilitate the means of committing, and deemed anyone who commits those acts an accomplice in those crimes. When those elements are present with regard to such accomplice, he must be punished with the same punishment of the original perpetrator. That being the case, and as the appealed judgment proved, with the permissible evidence it permitted and the conclusions that the court trusted, that the sixth appellant (Muhammad Adel Kilani) and the seventh appellant (Ahmed Ismail Thabet) knew the intention of the fourth and tenth defendants to obtain one of the country's defense secrets to deliver or disclose it to a foreign state. Their will turned to assisting them in committing the crime. The sixth appellant hid the bag containing documents that were considered national defense secrets at his home in the Swiss neighborhood of Nasr City until he took it by plane

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on his trip to Qatar and handing it over to the Qatari intelligence officer, the representative of the foreign state. He changed his flight from Dubai to Qatar in preparation for carrying out that mission. The seventh appellant sent copies of those documents and files containing the secrets of defending the country to the tenth accused by e-mail for the officials of the Qatari channel Al-Jazeera and the Qatari intelligence to see the documents and to negotiate the delivery of the originals of those documents with all the secrets and information contained therein. The sixth and seventh appellants committed these acts while knowing of the intention of the fourth and tenth accused, and nevertheless, their will was to commit those acts. This suffices to provide, with regard to them, that they knew of the intention of the fourth and the tenth accused, and they were complicit with them in committing the crime of obtaining one of the secrets of the country's defense to deliver and disclose it to a foreign state and those working for its benefit, which requires that they be punished for that. Therefore, challenged the appealed judgment for lack of causation and defective inference in this regard has no merit.

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That being the case, and as the judgment proved, through permissible evidence it presented and conclusions that the court trusted, that the fourth appellant was complicit by agreement with the tenth accused to commit the crime of seeking and colluding with a foreign state and those who work for its benefit with the intention of damaging the country's military, political, diplomatic, and economic position and its national interests, by the convergence of their will to commit that crime – as stated above – and with his knowledge what he was doing. The judgment also proved the convergence of the wills of the first and third appellants, as well as the fourth and the sixth, on the embezzlement and concealment of the documents and files which are the subject of the case and which contain national defense secrets and relate to the state's security and its national interests. The judgment also proved the convergence of the wills of the fourth and sixth appellants and that they committed the crime of concealing those documents for the purpose of delivery and disclosure to a foreign state and those who work for its benefit. Furthermore, the judgment proved, through permissible evidence it presented

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and conclusions that the court trusted, the convergence of the will of the fourth appellant and the tenth accused to request money from a foreign state and those who work for its benefit with the intent to commit acts harmful to the national interests of the country. The challenged judgment's conclusion concerning complicity in a criminal agreement, as stated above, by means of inference and extrapolation from the corroborating evidence provided by the trial court was sufficient and necessary to say that it was available, and that the claim in that regard was sufficient to justify stating that such complicity existed. Challenging the judgment on this basis is not valid. Moreover, the appealed judgment applied, with regard to the two appellants, the provision of Article 32 of the Penal Code to impose on them the harshest penalty for the crime. They have no standing to challenge the judgment for failing to prove complicity in the criminal agreement. That being the case, and as it is established that weighing the witnesses' statements and evaluating the circumstances in which they gave their testimony, and basing a ruling on such testimony despite any challenges or suspicions, is all within the trial court's authority to disregard or trust evidence as it deems appropriate. When the court accepts witness testimony, that means it discarded all considerations put forth by the defense to push it not to accept the testimony. Contradiction by the witness in some of his statements does not invalidate the judgment as long as the truth is deduced from those statements where there is no contradiction. The appealed judgment is based on the statements of witnesses for the prosecution, statements that the court believed and from which the judgment derived proof that is not contradicted. Challenging the judgment in this regard tends to dispute the trial court's discretion in assessing the evidence of the case, and this cannot be argued before the Court of Cassation.

That being the case, and as it is clear from the challenged judgment that it relied on the statements of officer Tarek Mohamed Sabri and derived sufficient evidence from those statements – contrary to what the appellants claim in the reasons for appealing – it is established that the officer testifying alone,

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without the other members of the accompanying force, does not prevent taking his testimony as evidence in the case at the discretion of the trial court. Therefore, challenging the appealed judgment in this regard is not correct. That being the case, and as it is established that the adversaries may remove the expert if there are strong reasons to do so and shall submit a removal request, which must contain all the reasons for removal, to the investigating judge to adjudicate it within three days from the day of submission, and this request shall result in the expert ceasing his work except in case of urgency by order of the judge. It was stated in the minutes of the trial sessions that the defense counsel for the second appellant filed, at the hearing on 10 September 2015, a request to the President of the Court to remove Major General Abbas Mustafa Kamel, chairman of the committee formed by the Court to examine the documents and files seized, match them to the records and ledgers in the institution of the Presidency, and identify the date and sending entity for each document and the actions taken with regard thereto. The Court, after the members of the committee were sworn in before undertaking this task, decided that the committee would continue to perform its duties entrusted to it, and presented the reasons in its appealed judgment for dismissing the removal request, saying that the work assigned to the committee is not considered the work of an expert because it is simply to review the incoming and outgoing ledgers of the institution of the presidency and to record the content contained therein without commenting on it or applying any technical or scientific methods in this regard. Accordingly, the report submitted by the committee is not a technical report submitted by an expert in the case, and it is not subject to the expert removal rule, which allowed the dismissal of the removal request submitted by the appellant in this regard. Challenging the appealed judgment with regard to the removal request is inadmissible. That being the case, and as it is established that the trial court was entitled to draw from the statements of witnesses and the other elements before it

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in order to form the correct picture of the case that would lead it to be convinced and to discard other, contradictory pictures of the case, as long as its inference is permissible based on logically and reasonably acceptable evidence with a basis in the case files. The trial court has revealed its satisfaction that the facts of the case occurred in accordance with the picture derived from all the permissible evidence put forth. Challenging the appealed judgment based on the impossibility of the incident occurring in this way, and that the charge is fabricated and malicious, amounts to no more disputing the authority of the trial court to derive its belief about the incident and its nature from the evidence that the court trusts. This cannot be argued before the Court of Cassation. That being the case, and as it is established that assessing the seriousness of the investigations and their adequacy for issuing an arrest and search warrant is among the substantive issues entrusted to the investigation authority under the supervision of the trial court, and when the court is convinced of the seriousness and adequacy of the evidence on which the search warrant was based, and the Public Prosecution acknowledges its conduct in this regard, it is not reviewable as far as the court deems it to relate to the merits rather than the law. As the court was presented the defense regarding the invalidity of the Public Prosecution's arrest and search warrant, a defense presented by the sixth and seventh appellants that the warrant was based on unserious and inadequate investigations with an unidentified source...

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**For these reasons**

**The court ruled:**

- 1- To accept the Public Prosecution's presentation of the case in form and to recognize the death sentence verdict against the convicted persons Ahmed Ali Abdo Afifi, Mohamed Adel Hamed Kilany and Ahmed Ismail Thabet Ismail.
- 2- To accept the convicted persons' appeal in form, and on the merits to annul the appealed judgment in part and correct it as following: **First:** To annul the 15-year prison sentence issued against the convicted person Mohamed Mohamed Morsi Eissa Al Ayyat for the two crimes he is accused of in counts 4 and 8 and to suffice with the life sentence

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against him for the crime he is accused of in count 9 of the appealed judgment. **Second:** To annul the 15-year prison sentence against the convicted person Amin Abdel Hameed Amin El Serafi for the two crimes he is accused of in counts numbers 5 and 8 and to suffice with the life sentence against him for the crime he is accused of in count 9 of the appealed judgment. **Third:** To annul the 15-year rigorous prison sentence against the convicted person Ahmed Ali Abdo Afifi for the crime he is accused of in count 10 and to suffice with the death sentence against him for the crimes he is accused of in counts 1(a), 3(a), 5(a), 6(a) and 8 of the appealed judgment. **Fourth:** To annul the rigorous prison sentence against the convicted person Khaled Hamdi Abdel Wahab Ahmed Radwan for the crime he is accused of in count 10 and to suffice with the 15-year prison sentence and 10 thousand dollar fine against him for the crime he is accused of in count 6(b) of the appealed judgment. **Fifth:** To annul the 15-year rigorous prison sentence against the convicted person Mohamed Adel Hamed Kilany for the crime he is accused of in count to and to suffice with the death sentence against him for the crimes he is accused of in counts 1(b), 3(b), 5(a), and 8 of the appealed judgment, and rejecting the appeal otherwise.

- 3- To accept the Public Prosecution's appeal in form and reject it on the merits.
- 4- The court ruled to refer the files to the Prosecutor General to take necessary actions regarding the investigation and to decide on the accusations against the director of the Qatari channel Al Jazeera, Hamad Ben Jassem, of acts and incidents that involve criminal offenses relating to colluding with a foreign state and those working for its benefit to cause harm to the country's national interest and its military,

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political, diplomatic, and economic status and for paying bribes in order to commit an act that causes harm to the national interest of the country.

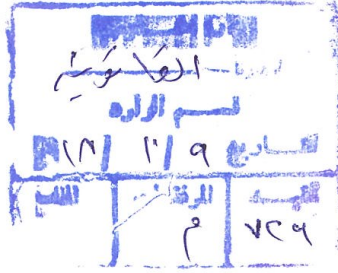
**Secretary****Head of Chamber****[signature]****[signature]***True Copy*

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جمهورية مصر العربية  
محكمة النقض  
مكتب الرئيس

معالي المستشار الجليل / محمد عيد محجوب  
مساعد أول وزير العدل

تحية طيبة . . . وبعد

نتشرف بأن نرسل لسيادتكم صورة رسمية من الحكم الصادر في الجناية رقم ١٠١٥٤ لسنة ٢٠١٤ جنابات ثان أكتوبر والمقيدة برقم كلى ٣٦٩٠ لسنة ٢٠١٤ ، وكذلك صورة رسمية من حكم محكمة النقض في الطعن رقم ٣٢٦١١ لسنة ٨٦ قضائية ، الصادر من دائرة السبت ( أ ) الجنائية بتاريخ ٢٠١٧/٩/١٦ في الجناية المشار إليها والمرفوع من / محمد محمد مرسى عيسى العياط وآخرين .

وتفضلوا بقبول وافر الاحترام ،،،

تحريراً فى ٢٠١٨/١٠/٩ م

رئيس المكتب الفني المساعد

لمحكمة النقض

القاضى / جمال

( جمال حسن جودة )

نائب رئيس محكمة النقض



باسم الأنصار

باسم الشعب  
محكمة النقض  
الدائرة الجنائية  
السبت (أ)

المؤلفة برئاسة السيد القاضي/ حمدي أبو الخير  
( نائب رئيس المحكمة )  
و عضوية السادة القضاة / محمود خضر و بدر خليفة  
الأسمر نظير و خالد جاد  
" نواب رئيس المحكمة "

وحضور رئيس النيابة العامة لدى محكمة النقض السيد / مروان الوكيل .  
وأمين السر السيد / نجيب لبيب محمد .  
في الجلسة العلنية المنعقدة بمقر المحكمة بدار القضاء العالي بمدينة القاهرة .  
في يوم السبت ٢٥ من ذي الحجة سنة ١٤٣٨ هـ الموافق ١٦ من سبتمبر سنة ٢٠١٧ م .  
أصدرت الحكم الآتي  
في الطعن المقيم بجدول المحكمة برقم ٣٢٦١١ لسنة ٨٦ القضائية .  
المرفوع من :

- ١- محمد محمد مرسى عيسى العياط
- ٢- أحمد محمد محمد عبد العاطي
- ٣- أمين عبد الحميد أمين الصيرفي

محورت طبع الأصل  
م. ع. النقض  
١٠/٨/٢٠١٨





(3)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

المخابرات القطري - على العمل معهم لصالح دولة قطر ، وأمدوهم لهذا الغرض بصور من التقارير والوثائق الصادرة عن أجهزة المخابرات العامة والمخابرات الحربية والقوات المسلحة وقطاع الأمن الوطني وهيئة الرقابة الإدارية ، والتي تتضمن معلومات وبيانات تتعلق بأسرار الدفاع عن البلاد وسياساتها الداخلية والخارجية ، بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبمصالحتها القومية على النحو المبين بالتحقيقات .

ثالثًا / المتهمان العاشر والحادي عشر أيضًا :-

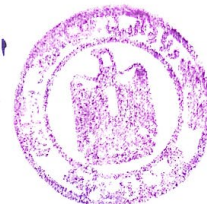
اشتركاً وآخر مجهول - ضابط بجهاز المخابرات القطرية - بطريقي الاتفاق والمساعدة مع المتهمين من الرابع حتى السابع والتاسعة في ارتكاب جريمة التخابر - موضوع الاتهام الوارد بالبند ثانيًا - بأن اتفقوا معهم على ارتكابها في الخارج والداخل وساعدوهم بأن أمدوهم بعنوان البريد الإلكتروني الخاص بهم لإرسال التقارير والوثائق المبينة بوصف الاتهام الوارد بالبند ثانيًا وهياؤا لهم سبل نقل أصول تلك التقارير والوثائق حتى تسليمها إليهم بدولة قطر فوقعت الجريمة بناءً على هذا الاتفاق وتلك المساعدة على النحو المبين بالتحقيقات .

رابعًا / المتهمان الأول والثاني أيضًا :-

اختلسا أوراقًا ووثائق - يعلمان أنها تتعلق بأمن الدولة وبمصالحتها القومية - بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبذلك المصالح بأن نقلًا تلك التقارير السرية المبينة بوصف الاتهام الوارد بالبند أولاً فقرة (أ) والمسلمة إليهما بسبب وظيفتهما من الأماكن المعدة

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فيلالہ  
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(٥)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

لحفظها بمؤسسة الرئاسة وسلمهاها إلى المتهم الثالث لتسليمها وإفشاء ما بها من معلومات سرية إلى دولة قطر بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبمصالحتها القومية على النحو المبين بالتحقيقات .

#### خامسًا / المتهمون من الثالث حتى التاسعة أيضًا :-

أخفوا أوراقًا ووثائق يعلمون أنها تتعلق بأمن الدولة والمصالح القومية بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبتلك المصالح بأن حازوا التقارير السرية المبينة بوصف الاتهام الوارد بالبند أولاً فقرة (أ) في أماكن غير معدة لهذا الغرض وإفشاء ما بها من معلومات سرية إلى دولة قطر ، بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبمصالحتها القومية على النحو المبين بالتحقيقات .

#### سادسًا / المتهمون من الرابع حتى السابع والتاسعة والعاشر أيضًا :-

طلبوا ممن يعملون لمصلحة دولة أجنبية نقودًا بقصد ارتكاب عمل ضار بمصلحة قومية - حال كون المتهم السادس موظفًا عمومياً - بأن طلبوا من المتهم الحادي عشر وآخر مجهول - ضابط بجهاز المخابرات القطرية - مبلغ مليون دولار أخذ منه المتهمان الرابع والعاشر مبلغ خمسين ألف دولار مقابل التعاون معهما وإمدادهما بالوثائق والأوراق - موضوع الاتهام الوارد بالبند أولاً - بقصد ارتكاب أعمال ضارة بالمصالح القومية بالبلاد على النحو المبين بالتحقيقات .

#### سابعًا / المتهم الحادي عشر أيضًا :-

١. قدم وآخر مجهول - ضابط بجهاز المخابرات القطرية - للمتهمين الرابع والعاشر المبالغ المالية المبينة ببند الاتهام سادسًا بقصد ارتكاب أعمال ضارة بالمصالح القومية بالبلاد على النحو المبين بالتحقيقات .

البرهان

محمد الصالح  
٢٠١٨/١٠/٨





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تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

٢. قدم وآخر مجهول - ضابط بجهاز المخابرات القطرية - للمتهمين من الرابع حتى السابع والتاسعة والعاشر أيضًا وعدًا بالمبالغ المالية المبينة ببند الاتهام سادسًا بقصد ارتكاب أعمال ضارة بالمصالح القومية بالبلاد على النحو المبين بالتحقيقات .

ثامناً / المتهمون جميعاً :-

اشتركوا في اتفاق جنائي الغرض منه ارتكاب الجرائم المبينة ببند الاتهام آنفة البيان على النحو المبين بالتحقيقات .

تاسعاً : المتهمون من الأول حتى الثالث أيضًا :-

تولوا قيادة جماعة أسست على خلاف أحكام القانون الغرض منها الدعوة إلى تعطيل أحكام الدستور والقوانين ومنع مؤسسات الدولة والسلطات العامة من ممارسة أعمالها والاعتداء على الحرية الشخصية للمواطنين والحقوق العامة والإضرار بالوحدة الوطنية والسلام الاجتماعي بأن تولوا قيادة جماعة الإخوان التي تهدف لتغيير نظام الحكم بالقوة والاعتداء على أفراد ومنشآت القوات المسلحة والشرطة واستهداف المنشآت العامة بهدف الإخلال بالنظام العام وتعريض سلامة المجتمع وأمنه للخطر وكان الإرهاب من الوسائل التي تستخدمها هذه الجماعة في تنفيذ أغراضها على النحو المبين بالتحقيقات .

عاشراً / المتهمون من الرابع حتى الأخير أيضًا :-

انضموا لجماعة أسست على خلاف أحكام القانون بأن انضموا للجماعة - موضوع الاتهام الوارد بالبند تاسعاً - مع علمهم بأغراضها على النحو المبين بالتحقيقات .

أبراهيم

٢٠١٨ / ١٠ / ١٨





(٧)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وادعى الأستاذ / محمد محمود الجندي المحامي بصفته مواطناً مصرياً ومتطوعاً عن كافة مؤسسات الدولة التي تم إفسادها من المتهمين مدنياً بمبلغ خمسة آلاف جنيه وواحد على سبيل التعويض المؤقت . وأحالتهم إلى محكمة جنايات القاهرة لمعاقتهم طبقاً للقيد والوصف الواردين بأمر الإحالة .

والمحكمة المذكورة قررت في ٧ من مايو سنة ٢٠١٦ إحالة أوراق الدعوى إلى فضيلة مفتي جمهورية مصر العربية لاستطلاع الرأي الشرعي بشأن كل من المتهمين أحمد على عبده غيفي (الرابع) ومحمد عادل حامد كيلاني (السادس) وأحمد إسماعيل ثابت إسماعيل (السابع) وأسماء محمد الخطيب (التاسعة) وعلاء عمر محمد سبلان (العاشر) وإبراهيم محمد هلال (الحادي عشر) وحددت جلسة ١٨ من يونية سنة ٢٠١٦ للنطق بالحكم .

وبالجلسة المحددة قضت حضورياً للمتهمين من الأول للسابع وغيباً للمتهمين من الثامنة للحادي عشر عملاً بالمواد ٢ / أولاً - ثانياً بند (أ) ، ٣٠ ، ٤٠ / ثانياً - ثالثاً ، ١ / ٤١ ، ٧٧ ، (د) ، ٧٨ / ٢-١ ، ٨٠ ، ١ / ٨٢ بند ١ ، ٨٢ (ب) / ١ ، ٨٥ ، ٨٦ ، ٨٦ مكرراً / ٢-١ ، ٨٦ مكرراً (أ) / ٢-١ من قانون العقوبات ، مع إعمال المادة ٣٢ / ٢ من ذات القانون ، والمادة ٥ مكرر من القانون رقم ١٠٠ لسنة ١٩٧١ بشأن المخابرات العامة ، أولاً : وبإجماع آراء قضاة المحكمة بمعاينة كل من المتهمين الرابع والسادس والسابع والتاسعة والعاشر والحادي عشر بالإعدام شنعاً عما أسند للمتهم الرابع ببنود الاتهام أولاً / أ ، ثالثاً / أ ، خامساً / أ ، سادساً / أ ، وثامناً من وصف الاتهام ، وعما أسند للمتهم السادس ببنود الاتهام أولاً / ب ، وثالثاً / ب ، وخامساً / أ ، وثامناً من وصف الاتهام ، وعما أسند للمتهم

أ. هـ

أ. هـ  
٢٠١٨ / ١١ / ١١





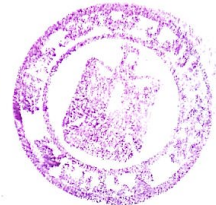
(٨)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

السابع ببنود الاتهام أولاً / ب ، وثالثاً / ب ، وخامساً / ب من وصف الاتهام ،  
وعما أسند للمتهمة التاسعة ببنود الاتهام أولاً / أ ، ثالثاً / أ ، وخامساً / أ ، وثامناً  
من وصف الاتهام ، وعما أسند للمتهم العاشر ببنود الاتهام أولاً / أ ، وثانياً ،  
وسادساً / أ وثامناً من وصف الاتهام ، وعما أسند للمتهم الحادي عشر ببنود الاتهام  
أولاً / أ ، وثالثاً / أ ، وسابعاً ، وثامناً من وصف الاتهام . ثانياً : بمعاقبة كل من  
المتهمين الأول والثاني والثالث بالسجن المؤبد عما أسند إليهم بالبند تاسعاً من وصف  
الاتهام . ثالثاً : بمعاقبة كل من المتهمين الأول والثالث والثامنة بالسجن لمدة خمس  
عشرة سنة عما أسند للأول ( بالبندين رابعاً وثامناً ) ، وعما أسند للثالث والثامنة  
( بالبندين خامساً / أ وثامناً ) من وصف الاتهام . رابعاً : بمعاقبة المتهم الخامس  
بالسجن المشدد لمدة خمس عشرة سنة وبتغريمه عشرة آلاف دولار عما أسند إليه  
بالبند سادساً / ب من وصف الاتهام . خامساً : بمعاقبة كل من المتهمين الرابع  
والخامس والسادس والثامنة والتاسعة والعاشر والحادي عشر بالسجن المشدد لمدة  
خمس عشرة سنة عما أسند إليه بالبند عاشراً من وصف الاتهام . سادساً : ببراءة  
كل من المتهمين الأول والثاني والثالث والخامس والسادس والسابع والثامنة والتاسعة  
مما نسب للمتهم الأول ( بالبند أولاً ) وللمتهم الثاني ( بالبنود أولاً ، ورابعاً ، وثامناً )  
ومما نسب للمتهم الثالث ( بالبند أولاً ) ومما نسب للمتهم الخامس ( بالبنود أولاً  
وثالثاً / أ وخامساً وثامناً ) ومما نسب للمتهم السادس ( بالبنود سادساً / أ )  
ومما نسب للمتهم السابع ( بالبنود سادساً / أ وثامناً وعاشراً ) ومما نسب للمتهمة  
الثامنة ( بالبند أولاً ) ومما نسب للمتهمة التاسعة ( بالبند سادساً ) من وصف الاتهام .  
سابعاً : بمصادرة أجهزة الحاسب الآلي والهواتف المحمولة وذاكرات التخزين  
والأقراص الصلبة والوثائق والمستندات المضبوطين ووضعها تحت تصرف

أ. م. م. م.

٢٠١٨ / ١٠ / ٨





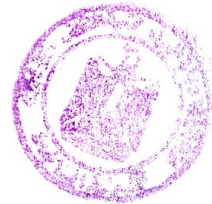
(٩)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

المخابرات العامة . ثامناً : بعدم قبول الدعوى المدنية المقامة من محمد محمود الجندي المحامي ، وذلك بعد أن عدلت وصف الاتهام المسند للمتهمين إلى أنهم :-  
 أولاً : أ- المتهمون الرابع ، والتاسعة ، والعاشر ، والحادي عشر : حصلوا على سر من أسرار الدفاع عن البلاد بقصد تسليمه وإفشائه إلى دولة أجنبية ، بأن حصلوا على تقارير ووثائق صادرة من أجهزة الحرس الجمهوري ، والمخابرات العامة والحربية ، والقوات المسلحة ، وقطاع الأمن الوطني ، وهيئة الرقابة الإدارية ، والتي تتضمن معلومات وبيانات تتعلق بالقوات المسلحة وأماكن تمركزها وسياسات الدولة الداخلية والخارجية ، وكان ذلك بقصد تسليم تلك الأسرار وإفشائها إلى دولة قطر وقناة الجزيرة التي تعمل لمصلحتها ، ونفاذاً لذلك سلموها وأفشوا ما بها من أسرار إلى تلك الدولة ومن يعملون لمصلحتها على النحو المبين بالتحقيقات .  
 ب- المتهمان السادس والسادس : قدما إعانة للمتهمين الرابع والعاشر على تسليم سر من أسرار الدفاع إلى دولة أجنبية ومن يعمل لمصلحتها مع علمهما بنياتهما ، بأن حاز السادس الوثائق والمستندات التي تحوى أسرار الدفاع والتي تسلمها من المتهم الرابع لنقلها إلى دولة قطر وتسليمها لضابط مخابراتها بمطار الدوحة ، وحاز السابع صوراً إلكترونية منها وقام بإرسالها للمتهم العاشر عبر موقع التواصل الاجتماعي لتسليمها إلى قناة الجزيرة التي تعمل لمصلحة دولة قطر مع علمهما بنية المتهمين في تسليمها لدولة أجنبية وذلك على النحو المبين بالأوراق . ثانياً : المتهم العاشر :- تخابر مع دولة أجنبية ومع من يعمل لمصلحتها بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبمصلحتها القومية بأن اتفق مع مجهولين - هما ضابط بجهاز المخابرات القطرية ، ورئيس قناة الجزيرة التي تعمل لمصلحة دولة قطر - على إمدادهما بتقارير ووثائق صادرة عن أجهزة

أولاً

أحمد المرصوف  
٩٠٨/١٠/٨





(١٠)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

المخابرات العامة والمخابرات الحربية والقوات المسلحة وقطاع الأمن الوطني وهيئة الرقابة الإدارية والتي تتضمن معلومات وبيانات تتعلق بأسرار الدفاع عن البلاد وسياساتها الداخلية والخارجية بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبمصالحتها القومية وأمدهما بصورة منها عبر البريد الإلكتروني الخاص به وعلى النحو المبين بالأوراق . ثالثاً : أ- المتهمون الرابع ، والتاسعة ، والحادي عشر : اشتركوا وآخر مجهول - ضابط بجهاز المخابرات القطرية - ورئيس قناة الجزيرة بطريقي الاتفاق والمساعدة مع المتهم العاشر في ارتكاب جريمة التخابر موضوع الاتهام الوارد بالبند ثانياً بأن اتفقوا معه على ارتكابها في الخارج والداخل وساعدوه بأن أحضرت التاسعة المستندات له لتسليمها لقناة الجزيرة التي تعمل لمصلحة دولة قطر ، وقام الرابع بنسخ صور المستندات وإرسالها له عبر البريد الإلكتروني ، ورتب له الحادي عشر لقاءً مع ضابط المخابرات القطرية ورئيس قناة الجزيرة للاتفاق على نقل أصول المستندات وتسليمها لهما بدولة قطر فوقعت الجريمة بناءً على هذا الاتفاق وتلك المساعدة على النحو المبين بالأوراق . ب- المتهمان السادس والسابع : قدما إعانة وتسهيلات للمتهمين الرابع والعاشر على التخابر مع دولة أجنبية ومع من يعمل لمصلحتها مع علمهما بنياتهما بأن حاز السادس التقارير والوثائق التي تحوى أسرار الدفاع لنقلها إلى دولة قطر وتسليمها لضابط مخابراتها بمطار الدوحة ، وقام السابع بنسخ الوثائق والتقارير وتصويرها وإرسالها للمتهم العاشر عبر أحد المواقع الإلكترونية لتسليمها إلى قناة الجزيرة التي تعمل لمصلحة دولة قطر وذلك على النحو المبين بالأوراق . رابعاً :- المتهم الأول : اختلس أوراقاً ووثائق يعلم أنها تتعلق بأمن الدولة وبمصالحتها القومية بأن حصل على الوثائق والمستندات العسكرية التي تحوى

إبراهيم

عبدالله  
٥١٨ / ١ / ٨









(١٢)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

ضارة بالمصلحة القومية لمصر وذلك على النحو المبين بالتحقيقات . ب- المتهم الخامس :- قدم إعانة للمتهمين الرابع والعاشر مع علمه بنيتهما في ارتكاب عمل ضار بالمصلحة القومية للبلاد ، بأن سهل لهما تحويل وصرف مبلغ عشرة آلاف دولار عبر شركة ويسترن يونيون من دولة قطر باسمه وقام بتغييرها وتسليمها له مع علمه بأن هذا المبلغ لتسريب أوراق ومستندات تحوى أسرار الدفاع إلى دولة أجنبية على النحو المبين بالأوراق . سابقا - المتهم الحادي عشر أيضا : أ- قدم وآخر مجهول - ضابط بجهاز المخابرات القطرية - ورئيس قناة الجزيرة القطرية للمتهمين الرابع والعاشر المبالغ المالية المبينة ببند الاتهام سادسا بقصد ارتكاب أعمال ضارة بالمصالح القومية بالبلاد على النحو المبين بالتحقيقات . ب- قدم وآخر مجهول - ضابط بجهاز المخابرات القطرية - للمتهمين الرابع والعاشر أيضا وعدا بالمبالغ المالية المبينة ببند الاتهام سادسا بقصد ارتكاب أعمال ضارة بالمصالح القومية بالبلاد على النحو المبين بالتحقيقات . ثامنا : المتهمون الأول ، والثالث ، والرابع ، والسادس ، ومن الثامنة حتى الأخير :- اشتركوا في اتفاق جنائي الغرض منه ارتكاب الجرائم المبينة ببند الاتهام آتفة البيان على النحو المبين بالتحقيقات . تاسعا : المتهمون من الأول للثالث :- تولوا قيادة في جماعة أسست على خلاف أحكام القانون الغرض منها الدعوة إلى تعطيل أحكام الدستور والقانون ومنع مؤسسات الدولة والسلطات العامة من ممارسة أعمالها والاعتداء على الحرية الشخصية للمواطنين والحقوق العامة والإضرار بالوحدة الوطنية والسلام الاجتماعي بأن تولوا قيادة بجماعة الإخوان التي تهدف لتغيير نظام الحكم بالقوة والاعتداء على أفراد ومنشآت القوات المسلحة والشرطة واستهداف المنشآت العامة بهدف الإخلال بالنظام العام وتعريض سلامة المجتمع وأمنه للخطر

أبريل

عبدالمعز ربيع  
٢٠ ١١ / ١٠ / ٨





(١٣)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وكان الإرهاب من الوسائل التي تستخدمها هذه الجماعة في تنفيذ أغراضها على النحو المبين بالتحقيقات . عاشراً : المتهمون من الرابع حتى السادس ومن الثامنة للأخير :- انضموا لجماعة أسست على خلاف أحكام القانون ، بأن انضموا للجماعة - موضوع الاتهام الوارد بالبند تاسعاً - مع علمهم بأغراضها على النحو المبين بالتحقيقات .

فطعن المحكوم عليه الأول في هذا الحكم بطريق النقض في ٣٠ من يوليو سنة ٢٠١٦ .

كما طعن المحكوم عليه السابع في هذا الحكم بطريق النقض في الأول من أغسطس سنة ٢٠١٦ .

كما طعن المحكوم عليهم الثاني والثالث والرابع والخامس والسادس في هذا الحكم بطريق النقض في ٨ من أغسطس سنة ٢٠١٦ .

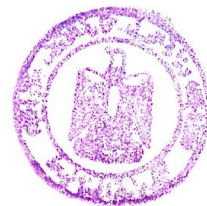
كما طعن الأستاذ / حسن صالح أحمد صالح المحامي بصفته وكيلأ عن المحكوم عليه الأول في هذا الحكم بطريق النقض في ١٥ من أغسطس سنة ٢٠١٦ .

كما طعننت النيابة العامة في هذا الحكم بطريق النقض في ١٦ من أغسطس سنة ٢٠١٦ .

وأودعت عشر مذكرات بأسباب الطعن الأولى عن المحكوم عليه السابع في ١٥ من أغسطس سنة ٢٠١٦ موقعا عليها من الأستاذ / رحيم علم الدين المحامي ، والثانية عن المحكوم عليهم الثاني والثالث والرابع والخامس والسادس والسابع في ١٥ من أغسطس سنة ٢٠١٦ موقعا عليها من الأستاذين / أحمد إبراهيم الحمراوي وحسن صالح أحمد المحاميين ، والثالثة عن المحكوم عليهما الثاني والثالث في ١٥ من أغسطس سنة ٢٠١٦ موقعا عليها من الأستاذين / علاء علم

الإبراهيم

أحمد صالح / رحيم  
٢٠١٦ / ٨ / ٨





(١٤)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الدين متولي وحسن صالح أحمد المحاميين ، والرابعة عن المحكوم عليه الأول في ١٥ من أغسطس سنة ٢٠١٦ موقعا عليها من الأساتذة / علاء علم الدين متولى وحسن صالح أحمد ومحمد السعيد طوسن المحاميين ، والخامسة عن المحكوم عليه السادس في ١٥ من أغسطس سنة ٢٠١٦ موقعا عليها من الأستاذ / محمد عبد الفتاح إبراهيم الجندي المحامي ، والسادسة عن المحكوم عليهم الرابع والخامس والسادس والسابع في ١٥ من أغسطس سنة ٢٠١٦ موقعا عليها من الأستاذين / علاء علم الدين متولي وحسن صالح أحمد المحاميين ، والسابعة عن المحكوم عليه السادس في ١٥ من أغسطس سنة ٢٠١٦ موقعا عليها من الأستاذين / محمد عبد الفتاح إبراهيم الجندي وعصام محمدي على عبد الله البطاوي المحاميين ، والثامنة عن المحكوم عليهما الأول والثالث في ١٦ من أغسطس سنة ٢٠١٦ موقعا عليها من الأستاذ / كامل عبد الحليم كامل مندور المحامي ، والتاسعة من النيابة العامة في ١٦ من أغسطس سنة ٢٠١٦ موقعا عليها من المستشار / تامر عبد الحميد حمد فرجاني المحامي الأول لنيابة أمن الدولة العليا ، والعاشرة عن المحكوم عليه الرابع في ١٧ من أغسطس سنة ٢٠١٦ موقعا عليها من الأستاذ / أحمد محمود قناوي .

كما عرضت النيابة العامة القضية على محكمة النقض مشفوعة بمذكرة برأيها .

وبجلسة اليوم سُمِعَت المرافعة على نحو ما هو مبين بمحضر الجلسة .

المحكمة

بعد الاطلاع على الأوراق وسماع التقرير الذي تلاه السيد القاضي المقرر والمرافعة وبعد المداولة قانوناً :-

١٤١

أحمد محمد  
٢٠١٦/٧/١٣





(١٥)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

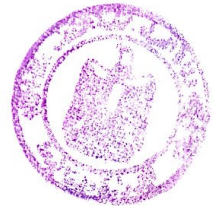
أولاً :- بالنسبة للطعن المقدم من المحكوم عليهم من الأول حتى السابع .

- ١- محمد محمد مرسى عيسى العياط .
  - ٢- أحمد محمد محمد عبد العاطي .
  - ٣- أمين عبد الحميد أمين الصرفي .
  - ٤- أحمد على عبده عفيفي .
  - ٥- خالد حمدي عبد الوهاب أحمد رضوان .
  - ٦- محمد عادل حامد كيلاني .
  - ٧- أحمد إسماعيل ثابت إسماعيل .
- وحيث إن الطعن استوفى الشكل المقرر قانوناً .

وحيث إن الطاعنين ينعون على الحكم المطعون فيه بمذكرات أسباب طعنهم التسعة أنه إذ دان الأول والثاني والثالث بجريمة تولى قيادة جماعة إرهابية أسست على خلاف أحكام القانون الغرض منها تعطيل أحكام الدستور ومنع مؤسسات الدولة من أداء عملها ، ودان الرابع والخامس والسادس بالانضمام إلى تلك الجماعة مع علمهم بغرضها ، ودان الأول بجريمة اختلاس أوراق ووثائق تتعلق بأمن الدولة ومصالحتها القومية مع علمه بذلك ، ودان الثالث والرابع والسادس بجريمة إخفاء تلك الأوراق والوثائق مع علمهم بأنها تتعلق بأمن الدولة ومصالحتها القومية ، ودان الرابع بجريمة الحصول على سر من أسرار الدفاع عن البلاد بقصد تسليمه وإفشائه إلى دولة أجنبية ، كما دانه بالاشتراك مع المتهم العاشر وآخر مجهول في ارتكاب جريمة التخابر مع دولة أجنبية ومن يعمل لمصلحتها بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي ومصالحتها القومية ، ودان السادس والسابع بجريمة تقديم إعانة للمتهمين الرابع والعاشر على تسليم سر

الحزب

عبد الحليم محمد  
٢٠١٨/١٠/٨





(١٦)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

من أسرار الدفاع عن البلاد لدولة أجنبية ومن يعمل لمصلحتها مع علمهما بذلك ،  
 ودان الخامس والسادس والسابع بجريمة تقديم إعانة وتسهيلات للمتهمين الرابع  
 والعاشر للتخابر مع دولة أجنبية ومن يعمل لمصلحتها مع علمهم بنيتها ،  
 ودان الأول والثالث والرابع والسادس بالاشتراك في اتفاق جنائي الغرض منه ارتكاب  
 الجرائم التي دينوا بها ، ودان الرابع بجريمة طلب لنفسه وأخذ مبالغ مالية من دولة  
 أجنبية ومن يعمل لمصلحتها بقصد الإضرار بالمصالح القومية للبلاد ، ودان السابع  
 بجريمة الحصول بوسيلة غير مشروعة على سر من أسرار الدفاع عن البلاد ،  
 ولم يقصد من ذلك تسليمه أو إفشائه إلى دولة أجنبية ومن يعمل لمصلحتها قد شابه  
 القصور في التسبب ، والفساد في الاستدلال ، والبطلان ، والخطأ في تطبيق القانون ،  
 ومخالفة الثابت بالأوراق ، والإخلال بحق الدفاع ، والتناقض ؛ ذلك أن أسبابه  
 جاءت في عبارات عامة شابهها الغموض والإبهام والإجمال فلم يبين واقعات الدعوى  
 بياناً كافياً مفصلاً بما تتوافر به كافة الأركان القانونية للجرائم التي دان الطاعنين بها ،  
 ولم يورد مؤدى أدلة الإدانة ووجه استدلاله بها على ثبوت تلك الجرائم في حقهم  
 فلم يبين الأدلة السانغة التي استدلت منها على توافر أركان جريمة تولى قيادة جماعة  
 أسست على خلاف أحكام القانون والانضمام إليها وثبوتها في حقهم واطرح دفاعهم  
 بأن تلك الجماعة وفقت أوضاعها طبقاً لأحكام القانون رقم ٨٤ لسنة ٢٠٠٢  
 بشأن الجمعيات الأهلية وذلك بموجب القرار رقم ٦٤٤ الصادر في ٢٠١٣/٣/١٩  
 من وزير التأمينات الاجتماعية ، فضلاً عن أن الطاعن الأول تخلى عن قيادة  
 تلك الجماعة منذ توليه رئاسة الجمهورية خلال عام ٢٠١٢ مما تنتفى معه أركان  
 تلك الجريمة في حقهم ، وساق الحكم مجموعة من القرائن استدلالاً على ثبوت  
 تلك الجريمة في حقهم منها حوار تليفزيوني أجراه الطاعن الأول في فترة زمنية سابقة



أ. ج. العرسلي  
 ٢٠١٨ / ١١ / ١





(١٧)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

على الفترة المنسوب إليهم ارتكاب الجرائم موضوع الدعوى خلالها وكذلك ما أفادت به تحريات الأمن الوطني وهيئة الأمن القومي والتي لا تعدو سوى أن تكون مجرد رأياً لمحررها لا تصلح سنداً للإدانة وذلك دون أن يبين الحكم الأفعال والأغراض غير المشروعة التي ارتكبوها ، كما لم يدل على توافر القصد الجنائي لديهم وعلمهم بتلك الأغراض ، هذا إلى أن الحكم لم يورد الأدلة السائغة على توافر أركان جريمة اختلاس الأوراق والوثائق التي دان بها الطاعن الأول وانصراف نيته إلى تملكها ، وكذا توافر أركان جريمة إخفاء تلك الأوراق والوثائق التي دان بها الطاعنين الثالث والرابع والسادس واطرح في هذا الشأن دفاع الطاعن الثالث بأن نقل تلك الأوراق والوثائق كان تنفيذاً لأمر رئيسه في العمل - الطاعن الأول - ووجبت عليه طاعته مما يجعل عمله مباحاً ومن ثم تنتفي أركان تلك الجريمة في حقه ، وساق الحكم تدليلاً على توافر أركان جريمة التخابر مع دولة أجنبية ومن يعملون لمصلحتها أقوالاً مرسلة لا تؤدي للقول بتوافرها فلم يبين الحكم الأدلة على حدوث هذا التخابر وما هي المعلومات موضوع التخابر وعلاقتها بأمن الدولة ومصلحتها القومية ، كما لم يدل تدليلاً سائغاً على توافر أركان جريمة الحصول على سر من أسرار الدفاع عن البلاد وعلى سعي الطاعنين إلى الحصول على ذلك السر أو إفشائه إلى دولة أجنبية واطرح دفاع الطاعن الرابع في هذا الشأن بانتفاء القصد الجنائي لديه وأنه كان يقصد نشر ما حوته تلك المستندات عندما وصلت إليه دون سعي منه على قناة الجزيرة القطرية لفضح ما سماه بالانقلاب العسكري ، كما قصر الحكم في بيان الأدلة على توافر أركان جريمتي الإغانة على الحصول على سر من أسرار الدفاع عن البلاد والتخابر اللتين دان بهما الطاعنين الخامس والسادس والسابع ، واطرح دفاع الطاعن السابع بأن ما قام به من نسخ أو تصوير

١/ س/لج

وبالعلم  
٢٠١٨/١٠/١٨





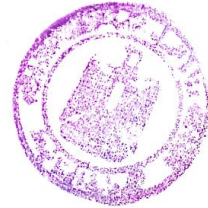
(١٨)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

اقتصر على العناوين الرئيسية لتلك المستندات والوثائق دون محتواها من معلومات تفصيلية وأنه لا يعلم بأن قناة الجزيرة القطرية تعمل لصالح المخابرات القطرية الأمر الذي تنتفي معه أركان الجريمة في حقه ، ولم يستظهر الحكم الأفعال التي أتاها الطاعنون والتي استدلت منها على اشتراكهم في اتفاق جنائي الغرض منه ارتكابهم الجرائم التي دانهم بها ، وعول في قضائه على أقوال شهود الإثبات وتقارير اللجان المشكلة من قبل النيابة العامة والمحكمة دون أن يورد مؤداها على نحو كاف ووجه استدلاله بها ودون الرد على ما وجه إليها من مطاعن فلم يورد مؤدى أقوال الضابط طارق محمد صبري المستمدة من تحقيقاته رغم تعويله عليها ، كما عول على أقوال اللواء / عباس كامل رئيس اللجنة المشكلة من قبل المحكمة لفحص الوثائق والمستندات على الرغم مما أثاره الطاعن الثاني بشأن طلب رده عن مباشرة تلك المهمة لوجود شقاق بينهما لتولييه حالياً ذات العمل الذي كان منوطاً به من قبل ولافتقاده للحيدة والنزاهة ، كما عول في قضائه على أقوال الضابط القائم بالضبط رغم عدم مصداقيتها وانفراده بالشهادة ، واعتنق الحكم أخذاً من أقوال الشهود التي شابها الاضطراب والتناقض وعدم المصادقية صورة غير صحيحة لواقعة الدعوى ، وأغفل دفاعهم القائم على تلفيق الاتهام وكيدته واستحالة حدوث الواقعة على نحو ما قال به شهود الإثبات مدللين على ذلك بأن الطاعنين الثلاثة الأول كانوا قيد الحبس خلال تلك الفترة التي قيل باختلاس المستندات وإخفائها خلالها ، فضلاً عن عدم اختصاصهم بحفظ تلك الأوراق والمستندات بالإضافة إلى أن أياً من باقي الطاعنين لم يسع للحصول على أي سر من أسرار الدفاع عن البلاد ولم تتجه إرادة أي منهم إلى الاتصال بدولة أجنبية أو من يعملون لمصلحتها لتسليمها تلك الأسرار أو إفشائها إليها ولم تتجه نيتهم إلى الإضرار بمركز البلاد الدبلوماسي

أ. م. م. م.

أ. م. م. م.





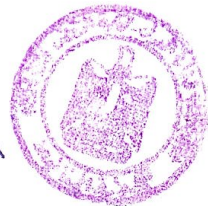
(١٩)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

أو السياسي أو الحربي أو الاقتصادي ، واطرح الحكم برد غير سائغ ما دفع به الطاعنون من بطلان إذن النيابة العامة بالضبط والتفتيش لابتثائه على تحريات غير جدية ، واطرح برد قاصر دفع الطاعنين من الرابع حتى السابع ببطلان القبض عليهم لوقوعه قبل صدور الإذن بذلك من النيابة العامة مدللين على ذلك ببرقيات تلغرافية أرسلت من أهلية الطاعن الرابع ولم يعن بتحقيق ذلك الدفع ، كما ا طرح بما لا يسوغ دفعهم ببطلان تقرير هيئة الأمن القومي الخاص بفحص المضبوطات وتحرياتهم لتجهيل مصدرها وتجاوز من قام به حدود أمر النذب الصادر له وعدم مثول من قام بإعداده أمام النيابة العامة وأمام المحكمة رغم استدعائه وعدم حلفه اليمين القانونية بالمخالفة لنص المادة ٨٦ من قانون الإجراءات الجنائية ، كما ا طرح دفع الطاعنين الرابع والخامس والسادس والسابع ببطلان الاعترافات المنسوبة إليهم كونها وليدة إكراه مادي ومعنوي وتعذيب بدني مدللين على ذلك بما لحقهم من إصابات وتهديدات لذويهم بالإضافة إلى احتجازهم بدون وجه حق وعدم عرضهم على النيابة العامة خلال الميعاد المقرر قانوناً وإطالة أمد التحقيق معهم ولم يتحر وجه الحق في تلك الاعترافات وأنها صدرت منهم عن إرادة حرة دون إكراه أو تهديد ، كما ا طرح الدفع المبدى من الطاعنين من الرابع إلى السابع ببطلان استجواباتهم من قبل النيابة العامة لعدم حضور محام مع كل منهم أثناء التحقيق بالمخالفة لنص المادة ١٢٤ من قانون الإجراءات الجنائية بما لا يتفق وصحيح القانون ، وأعرضت المحكمة عن طلبات الطاعن السادس بضم دفتر الأحوال الخاص بقطاع الأمن الوطني في الفترة من ٢٠١٤/٣/٢٣ حتى ٢٠١٤/٣/٣٠ ودفترتي أحوال قسمي مدينة نصر أول وثان ودفاتر أحوال المباحث والحجز عن تلك الفترة للتدليل على احتجاز الطاعن السادس وخضوعه للتعذيب والإكراه والاستعلام

أ. م. م. م.

٢٠١٨/١٠/١٨





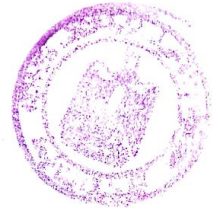
(٢٠)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

من شركتي فودافون واتصالات عن رقمي هاتفي ونطاقهما الجغرافي خلال تلك الفترة ومعاينة للشقة الخاصة به الكائنة بالحي السويسري بمدينة نصر لبيان كيفية ضبط الحقيبة التي تحوى المستندات والوثائق المضبوطة وضم كاميرات المراقبة بناية أمن الدولة عن يومي ١٧ ، ١٨ / ١٢ / ٢٠١٣ والأشرطة التي تم تسجيلها وأوراق القضية رقم ٣٤١٥٠ لسنة ٢٠١٥ جنابات قسم أول مدينة نصر تدليلاً على عدم مشاركته في اعتصام رابعة العدوية والاستعلام من فندق شيراتون الدوحة عن تاريخ دخول وخروج المتهم العاشر خلال الفترة من ٢٠١٣/١٢/١٣ حتى ٢٠١٤/٣/٢٣ وسؤال المستشار عدلي منصور رئيس الجمهورية المؤقت وصفوه حجازي والضابط محمد حازم طه بقطاع الأمن الوطني عن معلوماتهم بشأن اعتصام رابعة العدوية والاستعلام عن اللجنة التي شكلت بمعرفة الشاهد الأول لاستلام المضبوطات وضم صورة رسمية من قرار الاستلام ، كما أعرضت المحكمة عن طلب دفاع الطاعن السابع بجلسة ٢٠١٥/٧/٧ الاطلاع على الإميل الخاص به تحقيقاً لدفاعه بعدم إرساله أي وثائق أو مستندات عبر بريده الالكتروني ، ولم تعن بتحقيق تلك الطلبات وصولاً لوجه الحق في الدعوى ، واطرح بما لا يتفق وصحيح القانون دفع الطاعنين بعدم جواز نظر الدعوى لسابقة الفصل فيها في القضية رقم ٥٦٤٥٨ لسنة ٢٠١٣ جنابات قسم أول مدينة نصر المقيدة برقم ٢٥٢٩ لسنة ٢٠١٥ كلى شرق القاهرة والمحكوم فيها بجلسة ٢٠١٥/٦/١٥ وذلك بالنسبة للاتهام المسند إليهم بالبندين تاسعاً وعاشراً بشأن جريمة تولى قيادة جماعة أسست على خلاف أحكام القانون الغرض منها تعطيل أحكام الدستور ومنع مؤسسات الدولة من أداء عملها والانضمام إليها مع العلم بغرضها ، كما ا طرح بما لا يسوغ دفعهم بعدم جواز نظر الدعوى الجنائية لسابقة صدور أمر ضمني بالألا وجه لإقامة الدعوى الجنائية قبل رئيس قناة الجزيرة

أبراهيم

أبراهيم  
٢٠١٨/١٠/٨





(٢١)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

القطرية ( حمد بن جاسم ) ، كما اطرح الحكم بما لا يتفق وصحيح القانون الدفع المبدى ببطلان التحقيقات وأمر الإحالة وإجراءات المحاكمة لعدم اختصاص المحكمة ولأنياً بمحاكمة الطاعن الأول بحسبه الرئيس الشرعي للبلاد خلال تلك الفترة وأن الاختصاص بالتحقيق معه ومحاكمته ينعقد للنائب العام والمحكمة المنصوص عليها قانوناً بموجب المادة ١٥٩ من الدستور والمادة ( ٢٥ ) من القانون رقم ٢٤٧ لسنة ١٩٥٦ ، كما دفع الطاعنون ببطلان إجراءات المحاكمة بجلسة ٢٠١٦/٣/٦ لعدم حضور ممثل النيابة العامة بها بالإضافة إلى حضور محام واحد هو الأستاذ / علاء علم الدين متولى عن الطاعنين الثاني والسابع رغم تعارض مصلحتهما ، كما أنهم دفعوا بعدم دستورية أحكام المواد ( ٧٧ د ) ، ( ٨٢ ) ، ( ٨٨ مكرر ج ) من قانون العقوبات لمخالفتها أحكام المواد ٥٤ ، ٩٤ ، ٩٥ ، ٩٦ ، ٩٩ ، ١٨٤ ، ١٨٦ من الدستور بيد أن المحكمة بدلاً من أن توقف الدعوى وتحيلها إلى المحكمة الدستورية للفصل في دستورية تلك النصوص العقابية اطرحت الدفع المبداه في هذا الشأن بما لا يتفق وصحيح القانون وما استقرت عليه أحكام المحكمة الدستورية في هذا الخصوص وعولت المحكمة في قضائها على تقرير دار الإفتاء المصرية على الرغم من أنه قد تجاوز في إبداء الرأى الشرعي إلى جميع المتهمين دون قصر رأيه على المتهمين الذين طلبت منه المحكمة إبداء الرأى الشرعي فيما نسب إليهم من جرائم ، ولم تعرض ذلك التقرير على بساط البحث والمناقشة ، هذا بالإضافة إلى بطلان الحكم كون المحكمة بإحالتها الأوراق لفضيلة المفتي لإبداء رأيه الشرعي بالنسبة لبعض المتهمين دون البعض الآخر تكون قد كشفت عن رأيها في الدعوى بالنسبة لهم قبل النطق بالحكم مما يجعلها غير صالحة للفصل في الدعوى وخاضت المحكمة في مدونات أسباب حكمها في أمور سياسية

أبرار

عطاء الصبر  
٢٠١٨/١٠/٢٠





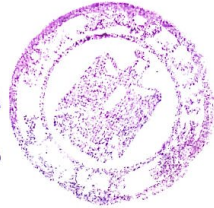
(٢٢)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

بخصوص نشأة جماعة الإخوان المسلمين وتطورها التاريخي واستقت معلوماتها في هذا الشأن من مواقع الكترونية لا صلة لها بماديات الدعوى وأدلتها وهو ما كان له بالغ الأثر في تكوين عقيدتها نحو إدانة الطاعنين مما يفقدها الحيادة والصلاحيية للفصل في الدعوى وشاب الحكم التناقض إذ عول في قضائه على أقوال الضابط بالأمْن الوطني محمد عبد الرحمن على الرغم من أنه قرر بأقواله أنه لم يتم بإجراء تحريات بشأن جماعة الإخوان المسلمين عن الفترة من ٢٠١٣/٦/١ حتى ٢٠١٣/٦/٣٠ كما أن الحكم بعد أن استدل على ثبوت جريمة التخابر في حق المتهمين من حصولهم على مبالغ مالية من العاملين بالمخابرات القطرية وقناة الجزيرة عاد وخلص إلى عدم حصول الطاعن السادس على ثمة مبالغ لنفسه ، كما استند الحكم إلى أقوال شهود الإثبات وتقارير اللجان المشكلة للفحص في إدانة الطاعنين ثم عاد واطرحها لدى قضائه ببراءتهم من بعض الاتهامات الأخرى ، كما استند في قضائه بالإدانة إلى تحريات الأمْن الوطني وهيئة الأمْن القومي ثم عاد واطرحها لدى قضائه بالبراءة من اتهامات أخرى ، كما قضت المحكمة بإدانة الطاعنين بالاتفاق الجنائي على الرغم من القضاء بعدم دستورية نص المادة ٤٨ من قانون العقوبات في الدعوى رقم ١١٤ لسنة ٢١ قضائية دستورية ، كما أن المحكمة بعد أن عدلت وصف الاتهام وأسندت الاشتراك في اتفاق جنائي للمتهمين الأول والثالث والرابع والسادس دون الثاني والخامس والسابع عادت في موضع آخر وتحدثت عن اشتراكهم جميعاً في اتفاق جنائي الغرض منه ارتكابهم الجرائم موضوع الاتهام والتي دينوا بها مما ينبئ عن اضطراب الواقعة في ذهن المحكمة وعدم إحاطتها بها بصورة كافية ، وعدلت المحكمة وصف الاتهام بالتخابر المسند للطاعن الخامس إلى أنه قدم إعانة للمتهمين الرابع والعاشر للقيام بعمل ضار

١٨/١٠/٢٠١٨

١٨/١٠/٢٠١٨





(٢٣)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

بالمصلحة القومية للبلاد ، كما عدلت وصف الاتهام بالحصول على سر من أسرار الدفاع عن البلاد والتخابر المسند للمتهمين السادس والسابع إلى أنهما أعانا المتهمين الرابع والعاشر على ارتكاب هاتين الجريمتين وذلك دون أن تتبهما المتهمين بما أجرته من تعديل لبيدوا دفاعهم على أساس القيد والوصف الجديد ، كما أن ما أجرته المحكمة من تعديل على النحو المتقدم ليس مجرد تعديل لوصف الاتهام وإنما هو إضافة وقائع جديدة لم ترفع بها الدعوى ومحاكمة الطاعنين عنها وهو ما يعد تصدياً من المحكمة بالمخالفة لحكم المادة ١١ من قانون الإجراءات الجنائية ، وأعمل الحكم في حق الطاعن السادس حكم المادة ٣٢ من قانون العقوبات لوحدة الغرض الإجرامي ومع ذلك أوقع عليه عقوبتين مستقلتين عن الجريمتين المؤتمتين بالمادتين ٨٠ ، ٨٢ من قانون العقوبات ولم يعمل الحكم في حق الطاعنين حكم المادة ٣٢ من قانون العقوبات وأفرد عقوبة مستقلة لكل منهم عن جريمة تولى قيادة جماعة إرهابية والانضمام إليها على الرغم من ارتباطها ببقية الجرائم التي دانهم بها كونها جميعاً وليدة نشاط إجرامي واحد وانتظمتها خطة إجرامية واحدة ، ذلك كله مما يعيب الحكم المطعون فيه بما يستوجب نقضه .

وحيث إن الحكم المطعون فيه في سياق بيانه واقعات الدعوى عرض لتاريخ نشأة جماعة الإخوان المسلمين وهيكلها التنظيمي وأهدافها ثم أورد قوله : " ..... أن محمد محمد مرسى عيسى العياط ( المتهم الأول ) تولى قيادة في هذه الجماعة فقد أصبح عضو مكتب الإرشاد بها ومسئول القسم السياسي المركزي وهو أحد الأقسام النوعية بالجماعة والعضو المسئول عن اللجنة البرلمانية وعضو مكتب الإرشاد العالمي مما جعل له السيطرة على أعضاء الجماعة وطاعته عليهم وإجبه فيما يصدره من تكليفات ، وكان يتم الرجوع إليه في شئون التنظيم عند غياب المرشد

١ /

١٠/٨ ٢٠١٨





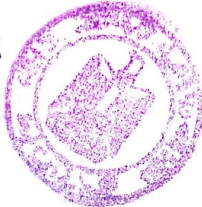
(٢٤)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

العام للجماعة وذلك حسبما أقر في العديد من الأحاديث الإعلامية المسجلة والتي قرر في إحداها على قناة الجزيرة القطرية بتاريخ ٢٠١٣/٤/٢٠ أنه نشأ في الإخوان المسلمين ويعتز بانتمائه لها وأنه كان رئيساً لحزب الحرية والعدالة الذي أنشأته جماعة الإخوان المسلمين وترشحه لرئاسة الجمهورية من قبل ذلك الحزب ومن جماعة الإخوان المسلمين كما تولى المتهمان أحمد محمد عبد العاطي ( الثاني ) وأمين عبد الحميد أمين الصرفي ( الثالث ) قيادة في ذات الجماعة إذ كانا عضوين بلجنة الاتصال بالعالم الخارجي المنوط بها الاتصال بمختلف الدول التي يتواجد بها التنظيم الدولي للإخوان المسلمين والتنسيق مع أجنحة الجماعة بالخارج وهي بمثابة همزة الوصل بين مكتب الإرشاد في مصر وفروع التنظيم بالخارج وكانا يمثلان الجماعة في اللقاءات الخارجية ويرفعان تقاريرهما عن الجماعة في الدول الأجنبية لمكتب الإرشاد وقد ثبت ذلك من خلال تقارير اجتماعات الهيئة العامة للجهاز الطلابي للتنظيم الدولي لجماعة الإخوان المسلمين والتي ضببت بمنزل المتهم أمين الصرفي ومنها اجتماع بمدينة كوالا لامبور في ماليزيا بتاريخ ٢٠١٠/٣/٢ الذي حضره أحمد عبد العاطي بصفته عضو الهيئة العليا للجهاز الطلابي ومسؤولي العمل الطلابي من مختلف الأقطار وانتهى الاجتماع إلى إصداره عدة قرارات منها تعيين أحمد عبد العاطي مسؤولاً عن لجنة التدريب والدعم الفني وترشيحه لتولى منصب الأمين العام للإفسو والموافقة على عقد الجمعية العامة للإفسو في إندونيسيا وقطر على التوالي وشملت الأهداف المقترحة لخطة العمل الطلابي خلال الفترة من ٢٠١٢ حتى ٢٠١٦ والتي جاء على رأسها ترسيخ عالمية الجماعة تصوراً وتبيناً وهيكلية وتنفيذاً وتحقيق تقارب وتجانس البرامج التدريبية لكافة أجزاء الحركة وإعلاء الانتماء للجماعة عالمياً فقهياً وشعوراً وممارسة وزيادة فعالية التنظيم العالمي



أحمد العاطي  
٢٠١٨/١٠/٨






(२०)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

من خلال ربط خطط الأقطار بالرؤية العامة وتنمية الموارد لكفاية أعمال التنظيم العالمي وتطوير هيكله التنظيم بما يتوافق مع المستجدات والاحتياجات ، وفي عام ٢٠١١ استغلت الجماعة الحراك السياسي في مصر وكثفت من نشاطها وتمكنت من الوصول إلى سدة الحكم من خلال تولى ( المتهم الأول ) محمد مرسى رئاسة الجمهورية الذي استمر على علاقته بجماعة الإخوان المسلمين وأمر بتعيين المتهمين الثاني والثالث المنتمين للجماعة موظفين عموميين بمقر رئاسة الجمهورية رغم عدم خبرتهما فتولى أولهما منصب مدير مكتب رئيس الجمهورية بموجب القرار الجمهوري رقم ٢٠ لسنة ٢٠١٢ وعين ثانيهما بمنصب السكرتارية الخاصة بموجب القرار رقم ٧٠ لسنة ٢٠١٣ الصادر من مساعد رئيس ديوان رئيس الجمهورية للشؤون المالية بتاريخ ٢٧/٢/٢٠١٣ والتعاقد معه بمسمى وظيفة كيميائي بالمكافأة الشاملة وتم إلحاقه بالسكرتارية الخاصة وتأشّر على أوراق تعيينه بعدم الاستعلاء عنه أمنياً كما قام بتعيين بعض أعضاء الجماعة في المناصب القيادية بالقصر الجمهوري نفاذاً لتعليمات مكتب الإرشاد حسبما جاء بتحريات الأمن القومي وهم أحمد محمد محمد عبد العاطي ( مدير مكتب رئيس الجمهورية ) وعبد المجيد مشالي وعصام أحمد محمود الحداد ( مساعد رئيس الجمهورية للعلاقات الخارجية والتعاون الدولي ) ، ومحى حامد محمد سيد أحمد ( مستشار رئيس الجمهورية للتخطيط والمتابعة ) ومحمد فتحي رفاعه الطهطاوي ( رئيس ديوان رئاسة الجمهورية ) وأسعد محمد أحمد شيخه ( نائب رئيس ديوان رئاسة الجمهورية ) وعمد إلى مخالفة القوانين فأصدر القرار الجمهوري رقم ٣٨٦ لسنة ٢٠١٢ والذي يتضمن إعلاناً دستورياً جعل بموجبه قراراته محصنة عن رقابة القضاء كما قام بإقالة النائب العام بتعيين آخر رغم عدم قابلية النائب العام للعزل وأساء استخدام السلطات المخولة له

  
 Marshall to  
 C. 11/11/18



(٢٦)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

بصفته رئيساً للبلاد فأصدر قرارات جمهورية بالعفو عن محكوم عليهم بعقوبات جنائية بأحكام باتة حائزة لقوة الأمر المقضي مثل القرار رقم ٧٥ لسنة ٢٠١٢ بالعفو الشامل عن ٢٦ متهمًا وتخفيف العقوبة عن متهم واحد وجميعهم كانوا متهمين بالاتفاق الجنائي والانضمام لجماعة محظورة وهي القضية التي عرفت إعلاميًا بقضية التنظيم الدولي للإخوان ، ونصت المادة الثانية من القرار على إعفاء ثلاثة وعشرين سجينًا من العقوبة الأصلية أو ما تبقى منها وكانوا متهمين بالانضمام لجماعة محظورة والاشتراك في اتفاق جنائي والقتل والتزوير وحيازة أسلحة وذخيرة ، كما أصدر قرارات بالعفو عن متهمين هاربين دون اتخاذ إجراءات إعادة محاكمتهم بالمخالفة للقانون ومنهم وجدي غنيم ، وعوض محمد سعد ، وإبراهيم منير عضو مكتب الإرشاد بجماعة الإخوان ، وأمين عام التنظيم الدولي للإخوان ، كما أصدر القرار الجمهوري رقم ١٢٢ في ١٦ أغسطس ٢٠١٢ بالعفو عن سبعة وخمسين سجينًا في قضايا متنوعة كالتهريب وتعطيل المواصلات والسرقة والمخدرات والتزوير والنصب وإحراز مفرقات وإحراز سلاح وما لبث أن بدأ حراك سياسي في البلاد معارضًا بقاءه في الحكم بعد فشله في إدارة شئون البلاد وطالب الشعب بإقصائه عن الحكم فقامت قيادات جماعة الإخوان بتكليف أعضائها بتنظيم المظاهرات والمسيرات التي أخذت تجوب أنحاء البلاد يدعون إلى بقاءه في السلطة واعتصم بعضهم في الميادين العامة في مختلف أنحاء البلاد ومنها اعتصامًا مفتوحًا بميدان رابعة العدوية دائرة قسم أول مدينة نصر والذي بدأ في ٢٨/٦/٢٠١٣ وتولى القياديون بالجماعة مهمة الإشراف على الاعتصام والمطالبة باستمرار المتهم الأول في الحكم إلا أن محاولاتهم باءت بالفشل وثار الشعب في ٣٠ يونيو ٢٠١٣ وخرج بجميع طوائفه يطالب بإقصائه عن الحكم وإنحاز الجيش إلى جانب الشعب

أ. ب. ل.

عبد الرحمن  
٢٠١٨/١٠/١٨





(٢٧)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وأصدر خارطة الطريق في ٢٠١٣/٧/٣ متضمنة عزله من رئاسة الجمهورية وتعطيل العمل بالدستور وتكليف رئيس المحكمة الدستورية بإدارة البلاد فاشتاطت الجماعة غضبًا وعملت على الضغط على القائمين على إدارة شئون البلاد لإعادته إلى الحكم باستخدام القوة والعنف والتهديد والترجيع فقام أعضاؤها بالإخلال بالنظام العام وتعريض سلامة المجتمع وأمنه للخطر من خلال تنظيم المسيرات والمظاهرات في مختلف أنحاء البلاد تجوب الشوارع والميادين وتروع الأهالي وتعتدى عليهم وعلى الممتلكات العامة والخاصة وارتكب المعتصمون المنتمون لجماعة الإخوان المسلمين العديد من الجرائم بمنطقة رابعة العدوية فاعتدوا على الحرية الشخصية للمواطنين المقيمين بالعقارات الواقعة بمنطقة الاعتصام وعرضوا حياتهم وأمنهم للخطر حيث كان يتم استيقافهم وتفتيشهم والاطلاع على بطاقتهم الشخصية عند دخولهم لمحال إقامتهم وكان بعضهم يحمل أسلحة نارية وبيضاء وكونوا مجموعات أمن وأمسكوا بعضى لفرض سيطرتهم وسطوتهم وقاموا بالاعتداء بالضرب على من يرفض الخضوع لأوامرهم كما ألحقوا الضرر بالبيئة فقاموا بتحطيم الضبانات ( الأرصفة ) واستخدام ناتج الكسر في إقامة المتاريس واحتلوا الحدائق وأتلفوا الأشجار والمزروعات وأقاموا مجموعة من الخيام ودورات المياه في نهر الطريق وعرقلوا دخول رجال النظافة لرفع المخلفات ومنعوا وسائل المواصلات العامة والخاصة من المرور بأن قاموا بغلق الطرق العامة المؤدية إلى منطقة الاعتصام من طريق النصر حتى تقاطعه مع شارع أحمد تيسير وحتى شارع يوسف عباس وشارع الطيران حتى تقاطعه مع شارع ابن فضلون وبعض الشوارع الخلفية مثل شارع أنور المفتي وقاموا بمنع مؤسسات الدولة والسلطات العامة من ممارسة أعمالها فمنعوا رجال الشرطة من الدخول إلى المنطقة

أ. ب. ك.  
٢٠١٨/١٠/٨





(٢٨)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

التي قاموا باحتلالها لممارسة أعمالهم في حفظ الأمن والنظام وقاموا بالاعتداء على من حاول منهم الدخول إليها كما قاموا بمنع إقامة العبادات فاحتلوا مسجد رابعة العدوية وحولوه إلى أماكن للإيواء خاصة بهم مما أدى إلى منع المواطنين من دخول المسجد لأداء صلاتهم وعطلوا العملية التعليمية واحتلوا المدرسة الفندقية بمدينة نصر ومدرسة عبد العزيز جاويز الكائنتين بمنطقة الاعتصام والتابعتين لمنطقة مدينة نصر التعليمية وعطلوا الدراسة فيهما واستولوا على مبانيهما وحولوهما إلى أماكن للإيواء والإقامة الدائمة لهم وقاموا ببناء دورات المياه في فناءهما وتدمير أثاثهما مما أدى إلى تعذر إجراء امتحانات الدور الثاني بالأماكن المعدة لها وتعذر مزاوله الأنشطة الصيفية المعتادة ، الأمر الذي أدى إلى إشاعة الفوضى وتعطيل العمل بالقانون في تلك المنطقة والإضرار بالسلام الاجتماعي وتحرر عن ذلك عدة محاضر بدائرة قسم مدينة نصر أول وكان ذلك بتعليمات قيادات الجماعة الذين كانوا على علم تام بالأعمال الإرهابية التي يقوم بها أعضاؤها في رابعة العدوية وفي غيرها من المناطق التي احتلوها للضغط على المسؤولين عن إدارة البلاد لإعادة المتهم الأول إلى سدة الحكم ، وقد انضم لهذه الجماعة المتهمون أحمد على عبده عفيفي (الرابع) وخالد حمدي عبد الوهاب أحمد رضوان (الخامس) ، ومحمد عادل حامد كيلاني (السادس) ، وكريمة أمين عبد الحميد أمين الصرفي (الثامنة) ، وأسماء محمد الخطيب (التاسعة) ، وعلاء عمر محمد سبلان (العاشر) ، وإبراهيم محمد هلال (الحادي عشر) وقاموا بأنشطة مادية تعبر عن إرادتهم المتجهة إلى الانخراط في عضويتها والإسهام في أعمالها التنفيذية مع علمهم بالغرض الذي تدعو إليه وأن الإرهاب من الوسائل التي تستخدمها تلك الجماعة في تنفيذ أغراضها بأن قاموا بتنفيذ التكاليفات التي تصدر لهم من قيادات الجماعة بالاشتراك في الاعتصامات

إبراهيم  
عبد الوهاب  
١٨/١٠/٨٠





(٢٩)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

والمسيرات التي أخذت تجوب شوارع القاهرة مدججة بالأسلحة النارية والبيضاء وزجاجات المولوتوف وكان المتهم أحمد على عبده عفيفي ( الرابع ) مسئولاً عن الإعاشة وتوزيع الأغذية على المعتصمين في رابعة العدوية والمشرف على المنصة الرئيسية بتكليف من قيادات جماعة الإخوان المسلمين بينما كان المتهم خالد حمدي ( الخامس ) عضواً بإحدى الأسر في الهيكل التنظيمي للجماعة بقرية أبشواي مركز قطور ويواظب على حضور اجتماعها الأسبوعي وحضر اعتصام رابعة العدوية وقام بتصوير أحداثه وشارك المتهم محمد عادل حامد كيلاني ( السادس ) في اعتصام رابعة العدوية وتردد عليه كثيراً وتعرف أثناء ذلك على المتهم أحمد على عبده عفيفي لكونه أحد مسؤولي الاعتصام وأمه ب مبلغ سبعمائة جنيه لشراء وجبات طعام للمعتصمين وكان يشارك أحياناً في توزيعها عليهم وشاركت المتهمة كريمة الصرفي ( الثامنة ) في اعتصام رابعة العدوية وتعرفت على المتهمة أسماء الخطيب ( التاسعة ) التي كانت تتردد على الاعتصام وتعمل بشبكة رصد واشتركا سوياً في المسيرات وبالنسبة للمتهم علاء عمر سيلان ( العاشر ) كان يقوم بعمل أفلام وثائقية مفبركة مؤيدة لجماعة الإخوان ويقوم ببيعها لقناة الجزيرة المعارضة لنظام الحكم في مصر ، كما أكدت التحريات انضمام المتهم إبراهيم محمد هلال ( الحادي عشر ) لجماعة الإخوان المسلمين مع علمه بأغراضها وأن الإرهاب من الوسائل التي تستخدمها في تحقيق أغراضها وأنه وباقي المتهمين كانوا يحضرون اللقاءات الدورية للجماعة ، وقد طلب المتهم محمد مرسى حال شغله لمنصب رئيس الجمهورية في أوائل شهر يوليو عام ٢٠١٢ من اللواء نجيب عبد السلام قائد قوات الحرس الجمهوري معلومات تتعلق بالقوات المسلحة فأعد له عدة وثائق ورسوم وخرائط عسكرية تحوي معلومات عن القوات المسلحة وتشكيلاتها وتحركاتها وعتادها

أحمد الصرفي  
٢٠١٨/١٠/٨





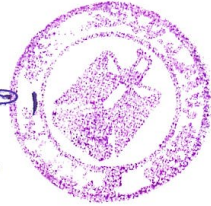
(٣٠)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وتموينها وأفرادها وتمس الشئون العسكرية والاستراتيجية وتعد من أسرار الدفاع التي يجب لمصلحة الدفاع عن البلاد ألا يعلم بها إلا من يناط بهم حفظها أو استعمالها والتي يجب أن تبقى سرا على من عداهم وهي : ١- تشكيل القوات البرية المصرية ، ٢- السياج الأمني المقرر إنشائه من قبل إسرائيل على الحدود المصرية ، ٣- البيانات الأساسية عن دولة إسرائيل ، ٤- الحجم العام للقوات الإسرائيلية ، ٥- مراكز القيادة والسيطرة بإسرائيل ، ٦- كروكي الجدار العازل لفصل القدس ، ٧- رسم كروكي لكشف ملامح من جدار الموت المصري ، ٨- المعلومات الميسرة عن السياج الأمني المقرر من قبل إسرائيل على الحدود المصرية ، ٩- المقترحات الإسرائيلية لتبادل الأراضي ، ١٠- خرائط ( قطاع غزة - المعابر الحدودية - أحياء رئيسية في قطاع غزة - تأمين قطاع غزة بقوات حماس - النقاط الحدودية لقطاع غزة ) ، ١١- حجم القوات المتعددة الجنسيات المتواجدة بشبه جزيرة سيناء ، ١٢- حجم وأوضاع القوات المصرية والإسرائيلية وعناصر القوات المتعددة الجنسيات طبقاً لمعاهدة السلام ، ١٣- التواجد العسكري الأمني الأمريكي بالمنطقة ، ١٤- تشكيل القوات الخاصة الإسرائيلية ، ١٥- تطورات الأوضاع على الحدود المصرية مع قطاع غزة ، ١٦- أماكن تواجد الفلسطينيين عقب اقتحام معبر رفح البري ، وقد تم إعداد تلك الوثائق بمعرفة إدارة استطلاع الحرس الجمهوري وعرضت عليه باعتباره رئيساً للجمهورية والقائد الأعلى للقوات المسلحة فاحتفظ بها لنفسه ولم يقر بإعادتها على الرغم من طلبها منه عدة مرات بمعرفة اللواء نجيب عبد السلام وتغيرت نيته في حيازتها وتصرف فيها باعتباره مالكا لها واحتفظ بها قاصداً حرمان مالكيها منها مع علمه بمدى خطورة تلك الوثائق والمستندات وأنها تمس الأمن القومي للبلاد وتحتوي على أسرار ومعلومات عسكرية تشكل

ابو بكر

أبو بكر  
٢٠١٨/١٠/٨



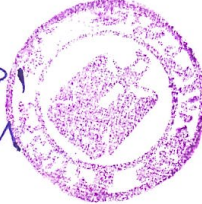


(٣١)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

خطورة وتعطي للمطلع عليها انطباعاً واستنتاجاً عن عناصر القوات العسكرية المصرية وحجمها وأن المعلومات الواردة بها تحمل درجة سري للغاية وتعد من أسرار الدفاع التي لا يجوز اطلاق غير المختصين عليها أو تداولها أو نقلها خارج الرئاسة وأنه يجب حفظ هذه الوثائق والمستندات في إدارة الحفظ بالحرس الجمهوري ووجودها خارج الحفظ أمر يشكل خطورة على الأمن القومي المصري ، كما قام أحمد محمد محمد عبد العاطي ( المتهم الثاني ) الذي كان يشغل منصب مدير مكتب رئيس الجمهورية بمقتضى القرار الجمهوري رقم ( ٢٠ ) لسنة ٢٠١٢ بإرسال الكتاب رقم ( ١٢٥٩ ) بتاريخ ٢٠١٢/٧/١٦ إلى المخابرات العامة والأمن الوطني وهيئة الرقابة الإدارية يتضمن التوجيه بإرسال مكاتبات الرئاسة داخل مطرووف باسمه مغلق ومختوم من الخارج بدرجة سرية " سري للغاية وشخصي ولا يفتح إلا بمعرفته " ، وأرسل صورة من ذلك الكتاب إلى كل من اللواء عبد المؤمن فودة " كبير الباوران " ، ومصطفى الشافعي المشرف على مكتب رئيس ديوان رئيس الجمهورية " ، فوردت إليه وثائق ومستندات من تلك الجهات تحوى معلومات سياسية ودبلوماسية واقتصادية وصناعية ومعلومات تتعلق بالتدابير والإجراءات الأمنية والتي بحكم طبيعتها لا يعلمها إلا الأشخاص الذين لهم صفة في ذلك ويجب مراعاة لمصلحة الدفاع عن البلاد أن تبقى سراً وتحمل درجات سرية مختلفة وكانت جميع تلك المكاتبات تسلم لأحمد عبد العاطي في مظارييف مغلقة ولا يتم فتحها إلا بمعرفته طبقاً لتعليماته بصفته الوظيفية كمدير لمكتب رئيس الجمهورية ثم يقوم هو بالتصرف في محتوى هذه المظاريف سواء من حيث العرض على رئيس الجمهورية آنذاك أو الرد عليها أو حفظها في خزانة خاصة داخل مكتبه ويحتفظ بمفاتيحها معه ومع المتهم الثالث أمين الصرفي وعند ظهور بوادر الحراك السياسي في البلاد ورفض الشعب لحكم

أحمد عبد العاطي  
٢٠١٨/١٠/١٨



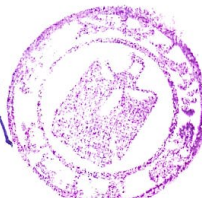


(٣٢)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

المتهم الأول أصدر رئيس ديوان رئيس الجمهورية آنذاك ( رفاعه الطهطاوي ) منشورًا يتضمن عدة إجراءات لمجابهة الأحداث المتوقعة في ٣٠ يونيو ٢٠١٣ ومنها نقل جميع الأوراق والمستندات المتواجدة بقصر الاتحادية إلى أماكن حفظها بقصري عابدين والقبة ، وعرض القرار على المتهم الأول فعلم به ووافق عليه ، إلا أنه احتفظ بالوثائق والتقارير العسكرية التي سلمها إليه اللواء نجيب عبد السلام قائد قوات الحرس الجمهوري السابق والتي كانت في حيازته بسبب وظيفته ولم يسلمها لمكان حفظها بإدارة قوات الحرس الجمهوري مع علمه بخطورتها وأنها تتضمن معلومات عسكرية عن القوات المسلحة وتشكيلاتها وتحركاتها العسكرية والاستراتيجية وأنه يجب مراعاة لمصلحة الدفاع عن البلاد أن تبقى سرًا لا يعلم بها إلا من يناط بهم حفظها أو استعمالها خشية أن تؤدي إلى إفشاء ما تتضمنه من أسرار واحتفظ بها لنفسه وكأنها ملك له وأعطاها لأمين الصربي ( المتهم الثالث ) الذي قام بإخفائها ، كما قام بإخفاء بعض الوثائق والمستندات والمكاتبات الخاصة بمكتب رئيس الجمهورية والواردة من الجهات السيادية بالبلاد - المخابرات العامة ، وقطاع الأمن الوطني ، وهيئة الرقابة الإدارية - والمتضمنة معلومات عن سياسات الدولة الخارجية والداخلية وتحمل درجات مختلفة من السرية ومن شأنها التأثير على المصالح القومية للبلاد وتعد من أسرار الدفاع والتي كان يتم حفظها في خزانة خاصة في مكتب مدير مكتب رئيس الجمهورية وقام بوضعها والأوراق التي حصل عليها من المتهم الأول في حقيبة سمسونائيت مغلقة بورق بيج اللون وعليه خاتم السكرتارية الخاص برئاسة الجمهورية باللون الأحمر ونقلها من مكان حفظها برئاسة الجمهورية قاصداً إخفائها في مكان بعيد عن الأنظار في منزله الكائن بالتجمع الأول بمنطقة القاهرة الجديدة مع علمه بأن الوثائق والمستندات التي يخفيها تتعلق بأمن

أبو  
م. م. م. م.  
٢٠١٨/١٠/٨



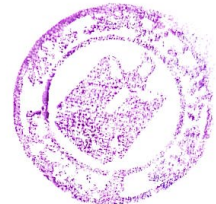


(٣٣)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الدولة ومصالحها القومية وصيانة سلامها ودفاعها الحربي والمدني وأنه يحظر نقلها من أماكن حفظها وعلى إثر نجاح ثورة الثلاثين من يونيو وانهيار تنظيم الإخوان داخلياً وضبط العديد من قياداتهم ، وفي غضون شهر أكتوبر ٢٠١٣ قامت المتهمه كريمة أمين الصرفي ( الثامنة ) ابنة المتهم الثالث والمقيمة معه في مسكنه بالتجمع الأول بأخذ الحقيبة التي تحوى المستندات آنفة البيان مع علمها بطبيعتها وبأنها وثائق ومستندات تحوى معلومات حربية وسياسية ودبلوماسية واقتصادية وصناعية ومعلومات تتعلق بالتدابير والإجراءات الأمنية والتي يجب مراعاة لمصلحة الدفاع عن البلاد أن تبقى سرّاً وتحمل درجات سرية مختلفة ، وبعد الاطلاع عليها قامت بتسليمها لأسماء محمد الخطيب ( التاسعة ) والتي كانت قد تعرفت عليها أثناء مشاركتهما في المسيرات واعتصام رابعة العدوية ، وأعطتها الحقيبة التي تحوى المستندات لإخفائها لديها بعد أن أودعت بها خطابات والدها وأغلقتها بمفتاح احتفظت به لديها إلا أن الشيطان أوعز لأسماء الخطيب باغتنام الفرصة وبيع أسرار الوطن في سوق الخيانة لمن يدفع الثمن ففضت الحقيبة واطلعت على ما بداخلها من وثائق ومستندات تحوى أسرار الدفاع ، وأخبرت المتهم علاء عمر محمد سبلان ( العاشر ) - وهو أردني الجنسية من أصل فلسطيني ويعمل مراسلاً بالقطعة لدى قناة الجزيرة - بما حصلت عليه من أوراق خاصة برئاسة الجمهورية تحوى معلومات عسكرية ومعلومات تتعلق بأمن الدولة وبمصالحها القومية وأنظمتها الداخلية ومصالحها وحقوقها في مواجهة الدول الأخرى وأفضت إليه برغبتها الشيطانية في بيع تلك الأوراق لقناة الجزيرة القطرية التي تعمل لمصلحة دولة قطر وتحظى بتأييدها والمعروفة بموقفها العدائي من مصر بعد ثورة الثلاثين من يونيو فوافقها وسارع بالاتصال بصديقه رأس الأفعى المتهم أحمد على عبده عفيفي ( الرابع )

إبراهيم  
أعطى للمدعى  
٢٠١٨/١٠/٨



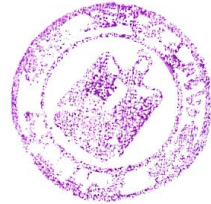


(٣٤)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الذي يعمل منتج أفلام وثائقية وضرب له موعداً أمام مسجد الحصري بمدينة السادس من أكتوبر وتقابل معه وبرفقته أسماء الخطيب وأخبراه بما لديهما من مستندات يرغبان في نشرها على قناة الجزيرة القطرية والتي تعمل لصالح دولة قطر وطلب منها الأوراق وأبلغته أسماء أن الحقيبة لديها في المنزل ولكنها تخشى من نقلها في سيارة أجرة فقام بالاتصال بصديقه محمد عادل حامد كيلاني ( المتهم السادس ) وكلفه بمقابلة المتهمين أسماء الخطيب وعلاء سبلان على الطريق الدائري واستقلا معه سيارته الخاصة وأحضروا المستندات من منزل المتهمه أسماء ، ثم توجهوا إلى منزل صديقه خالد حمدي رضوان ( المتهم الخامس ) في الحي الحادي عشر بمدينة السادس من أكتوبر ، وقاموا جميعاً بفتح الحقيبة فوجدوا بها أوراقاً تعد من أسرار الدفاع وهي تقرير كامل من المخابرات الحربية للعرض على رئيس الجمهورية يحوى جميع المعلومات التفصيلية عن تسليح الجيش المصري وأعداد القوات المسلحة المصرية الموجودة في سيناء وحجمها وأماكن تركزها داخل سيناء ، ومعلومات تفصيلية عن الجيش الإسرائيلي وتسليحه وتمركز القوات على الحدود مع مصر ، وتقرير من المخابرات عن أعضاء الكنيست الإسرائيلي وبياناتهم وانتماءاتهم الحزبية ، وتقارير لهيئة الرقابة الإدارية عن كبار الموظفين في الدولة ، وتقرير محرر بخط اليد من ( رفاة الطهطاوي ) الذي كان يشغل منصب رئيس ديوان رئيس الجمهورية الأسبق عن العلاقات بين مصر وإيران والتقارب بينهما ، وتقرير عن القصور الرئاسية التي سوف ينتقل إليها المتهم الأول هو وأسرته على ضوء تطورات الأحداث قبل ٣٠ يونيو ٢٠١٣ ، وغيرها من مراسلات واردة من جهات سيادية بالدولة باسم أحمد عبد العاطي ( المتهم الثاني ) ، ومن ثم فقد تحقق لهم العلم بأن الأوراق تحوى معلومات حربية وسياسية

١٢/١٠/٨  
٢٠١٢/١٠/٨



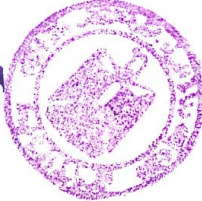


(٣٥)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

ودبلوماسية واقتصادية وصناعية وتتعلق بالدفاع عن البلاد وأمن الدولة الخارجي والداخلي ، وأنها من الأوراق التي لا يجوز لهم حيازتها أو الاطلاع عليها وذلك من واقع رؤيتهم لها ومطالعتهم لمحتواها وعلمهم بطبيعة ما تحويه من معلومات وما دون عليها من درجات السرية المختلفة التي تحظر تداولها إلا بين المختصين وأنهم حصلوا عليها بطريق غير مشروع وبدلاً من ردها إلى الجهات المختصة اتجهت نيتهم إلى تسليمها لقناة الجزيرة القطرية فقام المتهم علاء سبلان بالسعي إلى قناة الجزيرة القطرية المعترف بها من دولة قطر والتي تعمل لمصلحتها ليسلم إليها الأوراق التي حصل عليها وتحوي أسرار الدفاع إضراراً بالمصالح القومية لمصر فتخابر معها من خلال الاتصال بأحد العاملين بها وهو إبراهيم محمد هلال ( المتهم الحادي عشر ) رئيس قطاع الأخبار بها وأخبره بمحتوى الوثائق والمستندات التي بحيازته وما تحويه من أسرار الدفاع وأبدى استعداداه صراحة لتسليم تلك الوثائق والمستندات إلى قناة الجزيرة القطرية وأرسل له العناوين الرئيسية لتلك الوثائق عبر البريد الإلكتروني الخاص به : Alaasablan@gmail.com & Alaasablan@yahoo.com ، وطلب منه إبراهيم هلال الحضور إلى دولة قطر لمقابلة المسؤولين في قناة الجزيرة فأسرع بالسفر إلى الدوحة في يناير ٢٠١٤ وتقابل مع إبراهيم هلال بأحد فنادق الدوحة وحضر معه رئيس قناة الجزيرة القطرية التي تعمل لمصلحة دولة قطر وضابط من المخابرات القطرية يمثل دولة قطر واتفقوا على أن يلتزم علاء سبلان بتسليم أصول تلك المستندات إضراراً بالمصالح القومية للبلاد وذلك مقابل وعد بعطية مبلغ مليون دولار أخذ منها مبلغ خمسين ألف دولار وتم تعيينه كمعد لبرنامج المشهد المصري بقناة الجزيرة بقطر مع علمه أنه يتخابر مع من يمثل دولة أجنبية

الإبراهيم  
٢٠١٨/١٠/٨



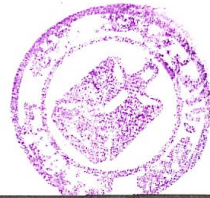


(٣٦)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وهو ضابط المخابرات القطرية الذي يمثل دولة قطر ومع من يعمل لمصلحتها وهو رئيس قناة الجزيرة القطرية وأن من شأن فعله الإضرار بمركز البلاد الحربي والاقتصادي والسياسي والدبلوماسي وبإدار بالاتصال بشريكه أحمد على عبده عفيفي وأبلغه بما تم في لقائه مع ضابط المخابرات القطرية ومع رئيس قناة الجزيرة التي تعمل لمصلحتها وطلب منه العمل على إرسال أصول الوثائق والمستندات التي تحوى أسرار الدفاع والسابق تسليمها إليه وأرسل له عشرة آلاف دولار من مقدم المبلغ الذي حصل عليه بمعاونة المتهم خالد حمدي رضوان ( الخامس ) الذي كلف من يدعيا عبد المجيد السقا ومصطفى خليل الدماوي بإرسال المبلغ باسميهما من دولة قطر لحسابه وباسم " خالد حمدي رضوان " ( الخامس ) مسحوباً على شركة ويسترن يونيون تجنباً للملاحقة الأمنية ثم توجه خالد حمدي رضوان ( الخامس ) إلى شركة ويسترن يونيون بميدان الحصري في السادس من أكتوبر لصرفها وتم تحويله إلى البنك العربي الإفريقي حيث قام بصرف المبلغ وتغييره إلى العملة المحلية وسلمه للمتهم أحمد عفيفي ( الرابع ) مع علمه بنية المتهمين وبأن المبلغ نظير تسريب وثائق تحوى أسرار الدفاع ، ثم طلب أحمد على عبده عفيفي ( المتهم الرابع ) من المتهم أحمد إسماعيل ثابت إسماعيل ( السابع ) مساعدته في تصوير المستندات وإرسالها إلى قطر نفاذاً لاتفاقهما سلفاً مع علاء سبلان فعاونته على ذلك وقام بنسخ الوثائق والمستندات التي تحوى أسرار الدفاع وإرسالها إلى علاء سبلان في قطر عبر البريد الإلكتروني مع علمه بخطورة المعلومات التي تحويها على الأمن القومي المصري وبنية المتهمين في بيعها إلى ممثل دولة قطر ونسخ لنفسه صورة منها على ذاكرة تخزين " فلاش ميموري " احتفظ لنفسه بصورة منها بغير قصد تسليمها إلى دولة أجنبية مع علمه بأنه تم الحصول على تلك الوثائق التي تحوي

أبراهيم  
أحمد عفيفي  
٢٠١٨/١٠/٨



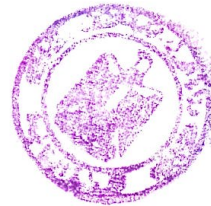


(٣٧)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

أسرار الدفاع بوسيلة غير مشروعة ، ثم اتصل أحمد عفيفي بالمتهم محمد عادل حامد كيلاني ( السادس ) الذي يعمل مضيفاً جواً بشركة مصر للطيران وطلب منه معاونتهم في تسليم الأوراق التي تحوي أسرار الدفاع لعلاء سبلان في قطر فوافق مع علمه بنية المتهمين في تسريب الوثائق والمستندات إلى ممثل دولة أجنبية نظير مبلغ من المال وتسلم حقيقة الوثائق والمستندات واطلع عليها وعلم بخطورة وطبيعة المعلومات التي تحويها تلك المستندات وأنها تحوي أسرار الدفاع وأنه سيقوم بتسليمها إلى من يعملون لمصلحة دولة أجنبية بقصد الإضرار بمركز البلاد الحربي والاقتصادي والسياسي والدبلوماسي وقام بإخفائها في شقته الكائنة ٦٣ ب الحي السويسري تمهيداً لتوصيلها إلى قطر وطلب من المختص بشركة مصر للطيران تعديل جدول رحلته المقررة سلفاً من دبي إلى مطار الدوحة بقطر وأخبر المتهم علاء سبلان ( العاشر ) بذلك فأجابه بأن ضابط من المخابرات القطرية سيكون في انتظاره في مطار الدوحة ويمكنه الصعود للطائرة ويتسلم منه الحقيقة التي تحوي المستندات وكلفه المتهم أحمد على عبده عفيفي أن يحضر له مبلغ عشرة آلاف دولار من علاء سبلان ، وكان في سبيله لنقل الوثائق لولا العناية الإلهية التي هدت الرائد طارق محمد صبري الضابط بقطاع الأمن الوطني إلى معرفة تفاصيل تلك الواقعة وأكدها تحرياته السرية فضمنها بمحضر مؤرخ ٢٣/٣/٢٠١٤ وأرفق به كشفاً ضمنه أسماء وعناوين المتهمين أحمد على عبده عفيفي ( الرابع ) ، وخالد حمدي رضوان ( الخامس ) ، ومحمد عادل كيلاني ( السادس ) ، وأحمد إسماعيل ثابت ( السابع ) ، وكريمة أمين الصرفي ( الثامنة ) ، وعلاء عمر سبلان ( العاشر ) ، واستصدر إذناً من نيابة أمن الدولة العليا بذات التاريخ الساعة العاشرة مساءً لأي من ضباط الأمن الوطني المختصين قانوناً بضبط وتفتيش شخص ومسكن المتهمين المتحرى عنهم

أولاً  
عبدالمعطي  
٢٠١٨/١٠/٨



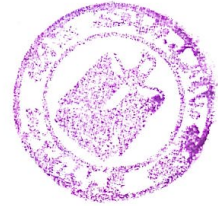


(٣٨)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

خلال ثلاثين يوماً من ساعة وتاريخ إصدار الإذن ، ونفاذاً لهذا الإذن تمكن الرائد محمود محمد طلعت من ضبط كل من أحمد على عبده عفيفي ( المتهم الرابع ) بتاريخ ٢٠١٤/٣/٢٧ ، وبتفتيش مسكنه عثر على جهاز كمبيوتر محمول ( لاب توب ) وجهاز هاتف محمول ووحدة تخزين بيانات ، كما تمكن من ضبط المتهمه كريمة أمين الصرفي ( الثامنة ) بتاريخ ٢٠١٤/٣/٣٠ وبتفتيش مسكنها عثر على جهاز لوحي " تابلت " ، وتليفون محمول ، وكمبيوتر محمول صغير ماركة كومبك ميني وهارد ديسك خارجي وخمس ذاكرات تخزين " فلاش ميموري " وبتاريخ ٢٠١٤/٣/٣٠ قام بضبط خالد حمدي عبد الوهاب أحمد رضوان ( المتهم الخامس ) وبتفتيش مسكنه عثر على ست وحدات تخزين بيانات ( فلاش ميموري ) وجهازي هاتف محمول ووحدة تحكم مركزية لجهاز كمبيوتر ، وبتاريخ ٢٠١٤/٤/١ قام بضبط أحمد إسماعيل ثابت إسماعيل ( المتهم السابع ) وبتفتيش مسكنه ضبط ثلاث وحدات تخزين بيانات ( فلاش ميموري ) وثلاثة أجهزة كمبيوتر محمول ( لاب توب ) وجهاز تليفون محمول ووحدة تخزين بيانات ( هارد ديسك ) وطابعة إلكترونية وماسح ضوئي ، وبتاريخ ٢٠١٤/٣/٢٧ قام بضبط محمد عادل حامد كيلاني ( المتهم السادس ) وبتفتيش مسكنه الكائن ٦٣ ب الحي السويسري بمدينة نصر ضبط حقيبة بداخلها المستندات والوثائق السرية الخاصة بمؤسسة رئاسة الجمهورية والواردة إليها من الجهات السيادية بالبلاد الحرس الجمهوري والقوات المسلحة والمخابرات العامة والحربية وقطاع الأمن الوطني وهيئة الرقابة الإدارية والمتضمنة معلومات عن القوات المسلحة وأماكن تركزها وسياسات الدولة الخارجية والداخلية ومن شأنها التأثير على المصالح القومية للبلاد وتعد من أسرار الدفاع المحظور تداولها أو نقلها خارج مقر الرئاسة ، وقد ثبت بتقرير لجنة الفحص المشكلة بقرار من المحكمة قيامها

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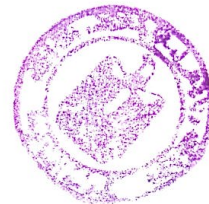


(٣٩)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

بالاطلاع على دفتر المستندات بالحرس الجمهوري ، وتبين أنه مثبت به عرض المستندات على قائد الحرس الجمهوري ولم يتم إعادتها حتى تاريخ الفحص وتطابقت موضوعات الأوراق المثبتة بالدفتر مع الوثائق المضبوطة ، كما ثبت قيام اللجنة بالاطلاع على الأوراق والمستندات والوثائق والدفاتر بمكتب مدير مكتب رئيس الجمهورية فتبين لها أن جميع المكاتبات الواردة من الجهات السيادية كانت تسلم لأحمد عبد العاطي مدير المكتب في مظارييف مغلقة ولا يتم فتحها إلا بمعرفته ، ثم يقوم هو بالتصرف في محتويات تلك المظارييف سواء من حيث العرض أو الرد عليها أو الحفظ من خلال أمين الصرفي ( المتهم الثالث ) الذي كان يعمل سكرتيراً له ، وأنه صدر منشور أمني بتعليمات رئيس ديوان رئيس الجمهورية بتحديد الإجراءات المزمع اتخاذها لمجابهة أحداث ٢٠١٣/٦/٣٠ بنقل جميع الأوراق والمستندات المتواجدة بالاتحادية وأصدر أحمد عبد العاطي ( المتهم الثاني ) قراراً شفوياً بنقل جميع المكاتبات والمستندات إلى قصر عابدين ، وأنه بفحص الأوراق التي تم ضبطها لدى المتهمين وجدت من بينها عدد (٤) مكاتبات واردة من الرقابة الإدارية أرقام (٥٧٧) بتاريخ ٢٠١٣/١/٢٨ ، (٦٧٤٨) بتاريخ ٢٠١٢/١٢/٢٣ ، (٦٧٨٥) بتاريخ ٢٠١٢/١٢/٢٥ ، (٥٧٤) بتاريخ ٢٠١٣/٢/٤ ، وأيضاً عدد (١١) مكاتبة واردة من المخابرات العامة أرقام : (٢١٨٩٩) ، (٢١٩٢٢) بتاريخ ٢٠١٢/١٢/٤ ، (٩٢ ، ٩٣ ، ٩٤ ، ٩٥) بتاريخ ٢٠١٢/٢/٥ ، (٢٢٠٧٦) بتاريخ ٢٠١٢/١٢/٦ ، (١١٩٤٢) بتاريخ ٢٠١٣/٦/٩ ، (١٣٣٥٨) ، (١٣٣٥٩) ، (١٣٣٦٠) بتاريخ ٢٠١٣/٦/٢٠ ، وقامت اللجنة بإرسال البيانات سالفة الذكر للرقابة الإدارية والمخابرات العامة لإرسال صورة من هذه المكاتبات مرة أخرى لمطابقتها بالمستندات المضبوطة ، وبفحص المكاتبات الواردة للجنة من الرقابة

أبو  
عبد الحرس  
٢٨/١٠/١٨



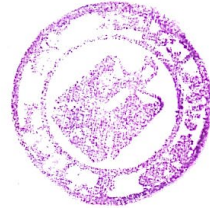


(٤٠)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الإدارية والمخابرات العامة وهي صور من تلك المكاتبات التي سبق إرسالها إلى أحمد عبد العاطي ( المتهم الثاني ) بصفته مديراً لمكتب رئيس الجمهورية تبين مطابقتها مع الأوراق المضبوطة لدى المتهم السادس ، وقد اعترف أحمد على عبده عفيفي ( المتهم الرابع ) بالتحقيقات أنه عضو في جماعة الإخوان المسلمين ، وكان من بين المعتصمين في ميدان التحرير خلال ثورة ٢٥ يناير ٢٠١١ وتعرف على صفوه حجازي الذي أنشأ ( مجلس أمناء الثورة ) وعينه عضواً معه في أمانة المجلس ، وكان يختص بمتابعة تحقيق أهداف الثورة وعقب تولى محمد مرسي ( المتهم الأول ) رئاسة الجمهورية وبعد تصاعد حدة الاحتجاجات ضده منذ عام ٢٠١٣ توجه إلى ميدان رابعة العدوية يوم ٢٨/٦/٢٠١٣ وظل بالميدان حتى يوم ١٤/٨/٢٠١٣ ، وكان مسؤولاً عن الإعاشة وتوزيع الأغذية على المعتصمين والمشرف على المنصة الرئيسية بتكليف من القياديين بجماعة الإخوان المسلمين ، وبعد فض الاعتصام اتصل بصديقه محمد عادل حامد كيلاني ( المتهم السادس ) الذي تعرف عليه في اعتصام رابعة العدوية واختفى لديه في منزله بالمنطقة التاسعة بمدينة نصر خلف مدارس المنهل هرباً من الملاحقة الأمنية ، وأضاف أنه باعتباره منتج أفلام وثائقية فقد قام بتصوير كل ما حدث في اعتصام رابعة العدوية عدا فض الاعتصام واحتفظ به في صورة أفلام قام ببيعها لقناة الجزيرة ، وحصل لقاء ذلك على مبالغ مالية على دفعات وصلت إلى ألفي دولار ، واستطرد مقررراً أنه طلب من صديق له ينتمي لجماعة الإخوان المسلمين يدعى ( محمد عبد الرؤوف ) أن يساعده في العثور على مسكن خاص فوفر له مسكناً بالحي الثاني بمدينة السادس من أكتوبر منذ شهر سبتمبر ٢٠١٣ ، وخلال تلك الفترة كان على اتصال ببعضو جماعة الإخوان المسلمين ويدعى ( أحمد

أحمد  
أحمد العبد  
٢٠١٨/١٢/١٨



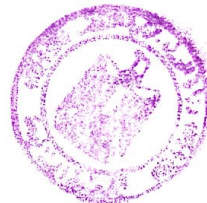


(٤١)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

حنفي ) مسئول اللجنة الإعلامية بمحافظة الجيزة والذي طلب منه مادة فيلمية عن فض اعتصام رابعة العدوية فحصل عليها من خطيبته ( هبة غريب ) التي تعمل صحفية بجريدة الوادي وأعطاهها للمدعو ( أحمد حنفي ) على فلاشة كمبيوتر ، وبعد فترة تعرف على علاء سبلان ( المتهم العاشر ) - وهو أردني الجنسية من أصول فلسطينية - وقاما بعمل فيلم وثائقي لبيعه لقناة الجزيرة عن الطفل ( رمضان ) وهو الذي تم تقديمه في قناة الجزيرة عدة مرات مدعياً أن والدته توفيت في فض اعتصام رابعة ، فأحضر ذلك الطفل إلى مسكنه في ٦ أكتوبر وأجرى معه حواراً وقام بعمل مونتاج وأخذ علاء عمر سبلان ( المتهم العاشر ) الفيلم لبيعه لقناة الجزيرة ، وكان ذلك خلال شهر نوفمبر ٢٠١٣ وخلال تلك الفترة قام بتغيير مسكنه عدة مرات ، وحصل على مسكن في الحي الأول بمدينة السادس من أكتوبر بإيجار ألفين جنيه شهرياً وكان يدبر نفقاته من بيع مواد فيلمية تصويرية عن فض اعتصام رابعة لإبراهيم عبد الرؤوف وشهرته ( إبراهيم المصري ) وذلك لقاء مبالغ مالية ، فتارة حصل على خمسمائة دولار وتارة أخرى على أربعمائة دولار واسترسل مقررأ أنه في غضون شهر يناير عام ٢٠١٤ اتصل به علاء عمر محمد سبلان ( المتهم العاشر ) وكان معه أسماء محمد الخطيب ( المتهمة التاسعة ) وطلب منه أن يقابلهما أمام مسجد الحصري فتوجه إليهما والتقى بهما وأخبرته الأخيرة أن معها حقيبة كبيرة بها مجموعة من الأوراق الخاصة برئاسة الجمهورية خلال فترة حكم محمد مرسي ( المتهم الأول ) للبلاد ، وأنها حصلت عليها من صديقتها كريمة أمين عبد الحميد الصرفي ( المتهمة الثامنة ) الذي كان والدها أمين عبد الحميد الصرفي ( المتهم الثالث ) يعمل سكرتيراً خاصاً للمتهم الأول وأنه قام بنقل تلك الأوراق من رئاسة الجمهورية إلى منزله قبل ثورة ٢٠١٣/٦/٣٠ وهي عبارة عن تقارير

أحمد حنفي  
٢٠١٨/١٠/١٨



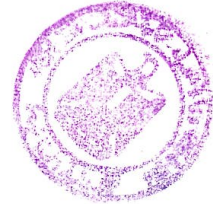


(٤٢)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

من المخابرات العامة والمخابرات الحربية وهيئة الرقابة الإدارية والأمن الوطني وجميع الجهات السيادية التي تبعت بتقاريرها للمتهم الأول وأنها ترغب في نشر تلك المستندات بقناة الجزيرة وأبلغته أن الحقيبة لديها في المنزل ولكنها تخشى من نقلها في سيارة أجرة فقام بالاتصال بصديقه محمد عادل حامد كيلاني ( المتهم السادس ) وطلب منه مقابلة أسماء الخطيب وعلاء سبلان ( التاسعة والعاشر ) على الطريق الدائري واستقلا معه سيارته الخاصة وتوجهوا إلى منزل أسماء بمنطقة حلوان وأحضروا حقيبة المستندات وعادوا جميعاً إلى مقهى في مدينة ٦ أكتوبر ، ثم اتصل بصديقه خالد حمدي رضوان ( المتهم الخامس ) وأخبره بطبيعة الأوراق التي معه وطلب منه أن يسمح لهم بالحضور لمنزله وتوجهوا إلى منزل الأخير في الحي الحادي عشر بمدينة السادس من أكتوبر وقاموا جميعاً بفتح الحقيبة فوجدوا بها تقاريراً من المخابرات الحربية للعرض على رئيس الجمهورية تحوى جميع المعلومات التفصيلية عن تسليح الجيش المصري وأعداد القوات المسلحة المصرية الموجودة في سيناء وحجمها وأماكن تركزها داخل سيناء ومعلومات تفصيلية عن الجيش الإسرائيلي وتسليحه وتمركز القوات على الحدود مع مصر وعدد الإناث والذكور في الجيش الإسرائيلي وتفاصيل عن بعض وحدات الجيش الإسرائيلي وتقرير آخر يحتوى على معلومات عن أعضاء الكنيست الإسرائيلي وبياناتهم وانتفاءاتهم الحزبية للعرض على المتهم الأول - كما وجدت تقارير لهيئة الرقابة الإدارية عن كبار الموظفين في الدولة ورموز النظام السابق وتقرير من ( رفاعة الطهطاوي ) عن إيران والتقارب بينها وبين مصر ومعلومات خاصة بإيران وتقرير عن القصور الرئاسية التي سوف يتنقل بينها محمد مرسي ( المتهم الأول ) هو وأسرته حسب تطورات الأحداث قبل ٣٠ يونيو ٢٠١٣ ، بالإضافة إلى مراسلات خاصة كانت مرسلة للمتهم

مطالع  
٢٠١٨/١٠/٨





(٤٣)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الثاني ومجلد كبير يحوى ورقة بلاستيكية ظهر كلام مكتوب بطريقة الحبر السري عن المنظمات الإرهابية بجنوب شرق آسيا وكان مرسلاً للعرض على محمد مرسي ( المتهم الأول ) بصفته رئيس الجمهورية آنذاك فقام علاء سبلان ( المتهم العاشر ) بالاتصال بأحد المسؤولين بقناة الجزيرة القطرية وأخبره عن المستندات وأرسل له العناوين الرئيسية لها بطريق الإيميل الخاص به Alaasablan@yahoo.com & Alaasablan@gmail.com فأبلغه الآخر أن مسؤولي قناة الجزيرة طلبوا لقاءه فسافر لهم في يناير ٢٠١٤ واتصل به علاء سبلان من هناك وأخبره أنه تقابل مع إبراهيم محمد هلال ( المتهم الحادي عشر ) وهو مصري الجنسية ويعمل رئيس قطاع الأخبار بقناة الجزيرة القطرية بالدوحة وحضر معه لقاء ضم أحد ضباط المخابرات القطرية ورئيس قناة الجزيرة وطلبوا منه إحضار أصول المستندات وأنه طلب منهم مبلغ مليون دولار مقابل تسليم أصول المستندات وحصل منهم على مبلغ خمسين ألف دولار مقابل المستندات السابق إرسالها على الإيميل أرسل له منها عشرة آلاف دولار من قطر باسم شخص يدعى ( عبد المجيد السقا ) على شركة ويسترن يونيون باسم خالد حمدي رضوان ( المتهم الخامس ) والذي كان يعلم بطبيعة تلك المستندات وذلك تجنباً للملاحقة الأمنية وأن خالد حمدي ( المتهم الخامس ) توجه بالفعل إلى شركة ويسترن يونيون بميدان الحصري في السادس من أكتوبر وقام بصرف المبلغ وقيمته ( عشرة آلاف دولار ) مخصوماً منها رسوم التحويل وأن هذا المبلغ يعادل تقريباً بالعملة المصرية ( واحد وسبعين ألف جنيه ) وطلب منه المتهم الخامس مبلغ ثلاثة آلاف جنيه فأعطاهما له وبعد ذلك حضر له أحمد إسماعيل ثابت إسماعيل ( المتهم السابع ) وقاما بتصوير الوثائق وإرسال صورها إلى المتهم العاشر في قطر واتفقوا على إرسال أصول

أحمد إسماعيل ثابت إسماعيل

٢٠٨/١١/٨





(٤٤)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

المستندات عن طريق محمد عادل حامد كيلاني ( المتهم السادس ) لأنه مضيف جوي ويسهل له حملها معه في إحدى رحلاته وتسليمها في قطر وأخبر علاء سبلان بذلك فأجابته بأنه سيكون في انتظاره في مطار الدوحة ضابط من المخابرات القطرية ويمكنه الصعود للطائرة ويتسلم منه حقيبة المستندات وطلب من علاء عمر سبلان ( المتهم العاشر ) أن يرسل له مع محمد عادل حامد كيلاني ( المتهم السادس ) مبلغ عشرة آلاف دولار تحت الحساب وقرر أن المتهم محمد عادل كيلاني ( السادس ) رفض رفضاً قاطعاً أن يأخذ أية مبالغ مالية رغم علمه أن المفاوضات كانت مقابل مليون دولار وأن علاء سبلان استلم بالفعل خمسين ألف دولار وأنه أخذ منها عشرة آلاف دولار ولكنه رفض رفضاً قاطعاً مقررًا أنه يقوم بهذا العمل حباً في المتهم الأول وفي جماعة الإخوان المسلمين فطلب منه المتهم العاشر إرسال الحقيبة التي تحوى المستندات وأنهم لن يستطيعوا الحصول على مبلغ المليون دولار إلا بعد وصول أصول المستندات لقطر عن طريق محمد عادل كيلاني ( المتهم السادس ) الذي قام بتعديل جدول رحلاته عن شهر فبراير ٢٠١٤ ليتوجه إلى الدوحة ومعه المستندات التي كانت لديه بالفعل ، وأنه كان في انتظار تعليمات المتهم العاشر لنقلها له ، بيد أن علاء سبلان كان يعتمد تأخيرها لأنه كان يرغب في التفاوض مع قطر على زيادة المبلغ وبمواجهته بالمستندات المضبوطة لدى المتهم السادس أقر بأنها ذات المستندات التي تسلمها من المتهمه أسماء الخطيب ( التاسعة ) ، كما اعترف خالد حمدي عبد الوهاب أحمد رضوان ( المتهم الخامس ) بالتحقيقات أنه منضم لجماعة الإخوان المسلمين والتي يتكون هيكلها التنظيمي من الأسر وتضم كل أسرة ستة أو سبعة أعضاء ولكل أسرة مسئول عنها ثم يعلوها ما يسمى بالشعبة وتتكون من مجموعة من الأسر ويعلوها المكتب الإداري للمحافظة ثم مجلس

الإدارة  
عبد الوهاب أحمد  
٢٠١٨/١٠/٨



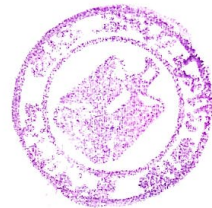


(٤٥)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الشورى العام للجماعة ويعلوه مكتب الإرشاد ويتألف التنظيم المرشد العام للجماعة ، وأنه عضو بإحدى الأسر بقرية أبشواي بمركز قطور ويواظب على حضور اجتماعها الأسبوعي وعقب ثورة الخامس والعشرين من يناير عمل ضمن فريق عمل قناة ( مصر ٢٥ ) الإخوانية حتى تم إغلاقها بعد ثورة الثلاثين من يونيو وسفر فريق العمل إلى تركيا ليث إرسالها من هناك وتم تغيير اسمها إلى قناة ( أحرار ٢٥ ) ثم قناة ( الميدان ) وكان يرسل ما يقوم بتصويره من برامج للقناة عبر الإنترنت ، وأنه حضر اعتصام رابعة العدوية مع والده وقام بتصوير أحداثه وإذاعتها على القناة المذكورة وفي غضون شهر أكتوبر ٢٠١٣ اتصل به أحمد على عبده عفيفي وطلب منه إرسال كاميرا ومصور إلى شقته بالحي الأول بمدينة السادس من أكتوبر وعندما توجه إلى هناك التقى بكل من علاء سبلان ( المتهم العاشر ) وأحمد إسماعيل ( المتهم السابع ) وشاهد طفل يدعى ( رمضان ) كان يحاوره علاء سبلان عن قصة موت والدته أثناء فض اعتصام رابعة العدوية وحالته بعد وفاتها ، وأضاف أنه حصل على مبلغ ثلاثمائة وخمسون جنيهاً مقابل التصوير وعلم أن أحمد عفيفي سيبيع هذا الفيلم لقناة الجزيرة ، وأضاف أنه في غضون نوفمبر ٢٠١٣ حضر له في مسكنه أحمد عفيفي ومعه علاء سبلان وأسماء الخطيب التي تعمل بشبكة رصد ومحمد كيلاني ( المتهم السادس ) وطلب منه أحمد عفيفي البحث عن متخصص لإعداد سيناريو عن الوثائق ، وكان معهم حقيبة قاموا بفتحها فوجدوا ممتلئة بالأوراق وشاهد من بينها ملف حول العلاقة بين دولتي مصر وإيران ووجوب اقتصرها على السياحة وأن لا تنتشر إيران فكر التشيع في مصر والملف مكتوب بخط اليد وبتوقيع رفاة الطهطاوي ( رئيس ديوان رئيس الجمهورية ) ، كما شاهد ملفاً آخر مدون عليه ( المخابرات العامة ) وعليه شعارها وملف للرقابة الإدارية ،

أحمد على عبده عفيفي  
٢٠١٨ / ١٠ / ٨



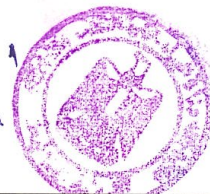


(٤٦)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وأخبره أحمد عفيفي أن في الحقيقة أوراق تتعلق بالجيش الإسرائيلي والتكفيريين في سيناء ، فتأكد أنها وثائق سرية لما تحويه من معلومات تمس الأمن القومي ولصدورها من جهات سيادية بالدولة وذكر أحمد على عبده عفيفي أمامه أنهم حصلوا على تلك الحقيقة من ابنة أمين المصرفي مستشار الرئيس الأسبق محمد مرسى ثم انصرفوا بعد ذلك بالحقيقة واسترسل مقررأ أنه بعد ذلك بنحو يومين أو ثلاثة كان في زيارة للمتهم أحمد على عبده عفيفي ( المتهم الرابع ) في منزله فشاهد الحقيقة عنده ، ثم أخبره بعد ذلك أن علاء سبلان ( المتهم العاشر ) أخذ الحقيقة والوثائق وسافر إلى قطر ليتفاوض مع قناة الجزيرة على بيع تلك الوثائق تمهيداً لإذاعة ما بها من معلومات على ذات نهج التسريبات الأخيرة المذاعة على تلك القناة آنذاك وفي غضون شهر يناير ٢٠١٤ اتصل به أحمد عفيفي وأخبره أن علاء سبلان سيرسل مبلغ عشرة آلاف دولار من قطر وطلب منه البحث عن أحد أصدقائه بقطر لاستلام هذا المبلغ من المتهم العاشر وتحويله إلى مصر باسمه - أي المتهم الخامس - عبر شركة ويسترن يونيون فتواصل مع المدعو ( عبد المجيد السقا ) الذي يعمل بقناة الجزيرة القطرية وطلب منه أن يتسلم من المتهم العاشر مبلغ عشرة آلاف دولار ويقوم بتحويلهم باسمه - أي المتهم الخامس - من دولة قطر إلى شركة ويسترن يونيون ، ثم توجه إلى فرع الشركة بالبنك العربي الإفريقي بمنطقة البنوك بأكتوبر وقام بصرف المبلغ المشار إليه بعد خصم المصاريف وقام بتحويله إلى العملة الوطنية فبلغ ثمانية وستين ألف جنيه تقريباً سلمهم إلى أحمد عبده عفيفي ( المتهم الرابع ) فأعطاه ثلاثة آلاف جنيه على سبيل السلفة لإصلاح سيارته التي احترقت أثناء فض اعتصام رابعة العدوية ، وأنه كان يعلم أن هذا المبلغ مقابل بيع الوثائق إلى قناة الجزيرة القطرية ، واعترف محمد عادل

أحمد عفيفي  
٢٠١٤/١٠/٨  
٢٠١٤/١٠/٨





(٤٧)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

حامد كيلاني ( المتهم السادس ) بالتحقيقات أنه في أعقاب ثورة ٢٥ يناير بدأ الاهتمام بالسياسة وتكون لديه رأى سياسي مؤيد لجماعة الإخوان المسلمين ، وفي أعقاب ثورة ٣٠ يونيو ٢٠١٣ شارك في اعتصام رابعة العدوية وكان يتردد على الاعتصام في الأيام التي لا يكون لديه فيها رحلات وتعرف أثناء ذلك على المتهم أحمد على عبده عفيفي ( الرابع ) لكون الأخير أحد مسؤولي الاعتصام وأمدّه بمبلغ سبعمائة جنيه لشراء وجبات طعام للمعتصمين وكان يشارك أحياناً في توزيعها عليهم وعلم أنه عضو فيما يسمى ( بمجلس أمناء الثورة ) الذي يرأسه ( صفوه حجازي ) وتوطدت علاقتهما وعقب فض اعتصام رابعة العدوية هرب أحمد عبده عفيفي ، وكان يتنقل بين عدد من الشقق المؤجرة في مدينة السادس من أكتوبر ، خشية الملاحقة الأمنية ، وكان يلتقي به في مقهى بمدينة السادس من أكتوبر ، وكان يشاهد معه عدد من الأشخاص يحملون أجهزة لابل توب ويقومون بتجميع صور مظاهرات الإخوان وعمل برامج لتجميع آراء الناس وإرسالها إلى قناة الجزيرة ، وأضاف أنه في غضون شهر يناير ٢٠١٤ اتصل به أحمد عبده عفيفي ( المتهم الرابع ) وأعطاه رقم هاتف شخص يدعى علاء عمر ( المتهم العاشر ) وطلب منه أن يتصل به ليقابله على الطريق الدائري ليحضر منه شيئاً ، فاتصل به هاتفياً وحدد له موعداً على طريق الأوتوستراد بالقرب من مدينة صقر قريش بالمعادي حيث التقيا وكان بصحبته فتاة تدعى أسماء ( المتهمة التاسعة ) ومعها حقيبة فاصطحبهما إلى المقهى وتقابلوا مع أحمد على وتوجهوا إلى مسكن خالد حمدي حيث قاموا بفتح الحقيبة ومشاهدة ما بها من مستندات وتبين بها أوراقاً تخص القوات المسلحة ورئاسة الجمهورية وبعد ذلك طلب منه أحمد على توصيلهم والاحتفاظ لديه بالحقيبة خشية ضبطها معه فاحتفظ بها في حقيبة سيارته لمدة خمسة أيام ،

أبراهيم  
عبدالمعطي  
٢٠١٨/١٠/٢٠





(٤٨)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

ثم حضر إليه أحمد على بسيارة أجرة وأخذ منه الحقيبة وأعادها إليه بعد فترة وطلب منه المحافظة عليها لأهمية المستندات التي تحويها إذ إنها أوراق خاصة بمكتب رئيس الجمهورية ، وبعد انصرافه قام بفتح الحقيبة ومطالعة ما بها من مستندات ، وتبين أنها صادرة من أجهزة المخابرات المصرية والقوات المسلحة المصرية وتتضمن معلومات عن تسليح الجيش المصري والجيش الإسرائيلي موجهة إلى رئيس الجمهورية ( محمد مرسى المتهم الأول ) فأيقن بأهميتها وقام بنقلها من منزله إلى مسكن آخر مملوك له يستغله كمخزن كائن بـ ٦٣ ب الحي السويسري بمدينة نصر وبعد نحو يومين اتصل به أحمد على وطلب مقابلته في مقهى بمدينة السادس من أكتوبر فتوجه إليه وطلب منه مساعدته في نقل الوثائق التي بالحقيبة إلى دولة قطر بحكم عمله كمضيف بشركة مصر للطيران وحضر علاء عمر ( المتهم العاشر ) هذا اللقاء وأخبره أن علاء عمر يستطيع التنسيق مع أشخاص في قطر أو تركيا لاستلام الحقيبة منه وتسليم المستندات التي بها إلى مسئولين قطريين يعملون في قناة الجزيرة لاستخدام المستندات في فضح الانقلاب العسكري في مصر وبعد نحو أربعة أيام اتصل به أحمد على وطلب أن يلتقي به على ذات المقهى وأخبره أن علاء عمر سبلان ( المتهم العاشر ) تحدث مع الشيخ حمد بن جاسم رئيس قناة الجزيرة والتقى مع ضابط بالمخابرات القطرية واتفقوا على أن ينتظره ضابط المخابرات القطري في السوق الحرة بمطار الدوحة لتسليمه المستندات وسأله عن أكبر مبلغ يمكنه الدخول به إلى مصر عند عودته من قطر فأخبره هو مبلغ عشرة آلاف دولار فأخبره أن علاء سيعطيه ذات المبلغ لتوصيله له في مصر فوافقه على ذلك واستطرد مقررًا أنه قام بتعديل موعد رحلاته ليتوجه إلى قطر وقبل سفره إلى قطر حضر إليه أحمد على وطلب منه

الإبراهيم  
علاء سبلان  
٢٠١٨/١٠/١٨





(٤٩)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

إرجاء نقل المستندات حتى يتم تجهيز الأمور في قطر وظلت الحقيبة معه حتى تم القبض عليه فأرشد عن مكانها كما اعترف أحمد إسماعيل ثابت إسماعيل ( المتهم السابع ) بالتحقيقات أنه في غضون شهر نوفمبر ٢٠١٣ التقى بصديقه علاء عمر سيلان ( المتهم العاشر ) الذي كان يزامله في دراسة كلية العلوم الطبية بجامعة ٦ أكتوبر وأخبره بحيازته لمجموعة من المستندات الهامة وعقب ذلك تقابل مع أحمد على ( المتهم الرابع ) في مول العرب بمدينة السادس من أكتوبر وكان قد تعرف عليه من خلال علاء عمر سيلان ( المتهم العاشر ) وأخبره أن الأوراق لديه ثم تلقى اتصالاً هاتفياً من علاء الذي أخبره أنه سوف يسافر إلى تركيا لبيع الأوراق إلى قناة الجزيرة في قطر وطلب منه إعداد ملفات ( فايلات ) ولاصق لترتيب الأوراق بها وضرب له موعداً للقائه بمسكن أحمد على في أكتوبر فقام بشراء ما كلفه به وتوجه إلى أحمد على في مسكنه فوجده قد أحضر سكانر ( جهاز ماسح ضوئي ) يقوم بتصوير الأوراق عليه وشاهد بعض الأوراق تحمل شعار رئاسة الجمهورية والرقابة الإدارية ووزارة الدفاع بالإضافة إلى مستندات مكتوبة على الكمبيوتر وموقعة باسم ( باكينام الشرقاوي ) وأوراق مكتوبة لرئيس الجمهورية عن الاقتصاد ومستندات خاصة بعادل لبيب الذي كان محافظاً لقنا وعلاء عبد العزيز وزير الثقافة الأسبق فعلم حينئذ بأهمية الأوراق وأنها صادرة من مؤسسات الدولة وأضاف أنه علم أن أحمد على وعلاء عمر سيلان قاما بمساعدة أسماء الخطيب ( المتهمة التاسعة ) على الهرب إلى ماليزيا ، وأنها هي التي أحضرت المستندات وبعد ذلك اتصل به علاء عمر سيلان هاتفياً وطلب مقابلته في المساء بمسكن أحمد على فتوجه للقائه حيث أخبره أنه ترك مجموعة أخرى من الملفات ( فايلات ) لدى أحمد على وطلب منه تصويرهم

الرجوع  
أحمد على  
٢٠٨/١٠/٨





(٥٠)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

عن طريق الإسكان وإرسالهم له بعد سفره على الفيس بوك ( التواصل الاجتماعي ) وبعد سفر علاء إلى قطر كان يقوم بتصوير الأوراق وإرسالها إليه على الفيس بوك الخاص بعلاء حيث كان يقوم علاء بعرض الأوراق على المسؤولين في قناة الجزيرة بقطر لبيعها ومن بينهم شخص يدعى إبراهيم هلال ( المتهم الحادي عشر ) واستطرد مقرر أن علاء سبلان اتصل به من قطر وأخبره أن أمن الدولة سألت عليه في الجامعة هو وأحمد على وطلب منه أن يأخذ البرينتر ( جهاز الطباعة ) الذي قام بطباعة الأوراق عليه وبالفعل أخذها إلى منزله وقام بأخذ نسخة مطابقة لكل الأوراق المصورة على وحدة تخزين ( فلاشه ) واحتفظ بها في منزله واسترسل مقرر أنه في غضون شهر ديسمبر ٢٠١٣ قبل سفر علاء سبلان إلى قطر تقابل مع علاء سبلان وأحمد على في كافييه ( مقهى ) بالحي الثاني بالسادس من أكتوبر وكان معهما محمد كيلاني ( المتهم السادس ) واتفقوا على أن يقوم محمد كيلاني بنقل الحقيبة التي تحوى الأوراق إلى قطر باعتباره مضيفاً جواً ويسهل نقلها معه في أي رحلة ليقوم علاء بتسليمها إلى إبراهيم هلال في قطر ، كما أخبره علاء سبلان حال تواجده بدولة قطر بأنه أرسل حوالة مالية بقيمة عشرة آلاف دولار أمريكي إلى أحمد على وعلم منه أنه قد تم تعيينه في قناة الجزيرة القطرية مكافأة له على المستندات والأوراق التي باعها لهم وأنهى أقواله أنه لم يتقاض ثمة مبالغ ، ولكنه كان يرغب في فضح ما أسماه " الانقلاب العسكري " ، وأنه كان يعلم خطورة تلك المستندات على الأمن القومي ، واعترفت كريمة أمين عبد الحميد الصرفي ( المتهمة الثامنة ) بالتحقيقات بأن والدها أمين عبد الحميد الصرفي ( المتهم الثالث ) ينتمى إلى جماعة الإخوان المسلمين ، وكان ضمن الحملة الانتخابية للمتهم الأول ، ثم أصبح يشغل منصب سكرتير رئيس الجمهورية إبان حكم المتهم الأول للبلاد ،

علاء  
م.د. عبد الحميد  
٢٠١٨/١٠/٨





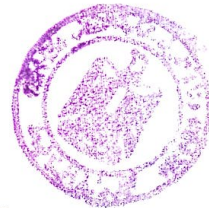
(٥١)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وأنه قبل ٢٨ يونيو ٢٠١٣ وعلى إثر الأحداث الدائرة بالبلاد أحضر إلى منزلهم بعض الأوراق في حقيبة سمسونات مغلقة بورق بيج اللون وعليه خاتم السكرتارية الخاصة برئاسة الجمهورية باللون الأحمر ، ووضعتها في مكتبه بمنزلهم الكائن بالتجمع الأول بمنطقة القاهرة الجديدة وبعد ٢٠١٣/٧/٣ انقطع الاتصال بينها وبين والدها ، وفي يوم ٢٠١٣/٧/٥ قامت بجمع الأوراق الخاصة بوالدها ووضعتهم في حقيبة سفر صغيرة زيتي اللون وأنها شاهدت في تلك الأوراق ملف خاص بمقر الفريق الرئاسي في حالة الطوارئ وورق خاص بالسكرتارية كان يقل بورق مقوى وعليه خاتم يقرأ ( سكرتارية الرئاسة ) ولم تعرف محتوى باقي الأوراق ، وبتاريخ ٢٠١٣/١٠/٤ قامت بإخفاء المستندات لدى صديقها أسماء الخطيب ( المتهمة التاسعة ) التي تعمل بشبكة رصد حتى لا تتمكن الشرطة من ضبط تلك الأوراق إذا تم تفتيش المسكن ، وكانت قد تعرفت عليها في اعتصام رابعة العدوية واشتركتا سوياً في المسيرات ، وأضافت أنه خلال إحدى الزيارات لوالدها الذي كان محتجزاً بالحرس الجمهوري سألتها عن الأوراق فأخبرته أنها أودعتها في مكان أمين وطلب منها رد بعض أجهزة الحاسب والتابلت التي كانت بعهدته للعمل وكرر مطلبه في خطاب أرسله لها فقامت برد تلك الأشياء وسلمتها للحرس الجمهوري ، وأضافت أنه بعد شهر أكتوبر ٢٠١٣ أخبرتها أسماء الخطيب بعزمها على السفر للخارج بزعم أنه تم إلقاء القبض على أحد أقاربها وهي متورطة معه وأخبرتها أن الأوراق تحتفظ بها لدى أحد أقاربها وأعطتها رقم هاتفه لتتصل به إذا ما احتاجت إلى الأوراق ، واستطردت مقررّة أنها استمرت على اتصال معها بعد سفرها إلى ماليزيا من خلال موقع التواصل الاجتماعي ( فيس بوك ) ، وفي غضون شهر مارس ٢٠١٤ اتصل بها أحمد على ( المتهم الرابع ) وأخبرها أنه من طرف أسماء

أحمد على

أحمد على  
٢٠١٨/١٠/٨



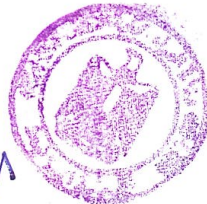


(٥٢)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الخطيب وأن لديه أمانة لها ، فأيقنت أنه يقصد الشنطة التي تحوى الأوراق واتفق معها على مقابلتها وتقابلا في مقهى بجوار ( محل التوحيد والنور ) بالدقي وأخبرها أنه شاهد الأوراق التي كانت في الحقيبة وسألها عما إذا كان لديها أوراق أخرى لأنه ومجموعة من أصدقائه الصحفيين سيقومون بحملة إعلامية على قناة الجزيرة وأن أسماء الخطيب ستكون معهم في تلك الحملة ، وأخبرها أنه يريد الأوراق على وجه السرعة وأنه أعطى الأوراق والمستندات لأسماء الخطيب حتى تتصرف فيها وتنشرها وزعمت له بأن لديها أوراق تحتفظ بها لدى أشخاص آخرين وأنها سوف تحضرها إليه ، وذلك خوفاً منه لعدم وضوح موقفه أمامها وأنهت أقوالها أنها سلمت الحقيبة التي تحوى الأوراق لأسماء الخطيب بقصد إخفائها وليس بغرض نشرها وأنكرت ما قرره المتهم أحمد على عبده عفيفي بالتحقيقات من قيامها بتسليم الأوراق والمستندات لأسماء الخطيب لتنشرها على قناة الجزيرة القطرية حسب تعليمات والدها المتهم الثالث ، كما أنكرت أنها كانت منفعة لتأخره في نشرها وحيث تم تشكيل لجنة من جهازي المخابرات العامة والحربية وقطاع الأمن الوطني قامت بفحص الوثائق المضبوطة وتبين أن بها مذكرات وتقارير صدرت عن المخابرات العامة موجهة لرئيس الجمهورية الأسبق ( المتهم الأول ) لاعتماد الموازنة العامة للمخابرات العامة عن عام ٢٠١٣ - ٢٠١٤ ، والأحداث الداخلية والخارجية عن يوم ٢٠١٢/١٢/٥ ، وأخرى صادرة أيضاً عن المخابرات العامة المصرية وموجهة إلى المتهم الثاني بصفته مدير مكتب رئيس الجمهورية بشأن ردود الفعل الدولية والحقوقية حول الإعلان الدستوري الجديد ، وبشأن موقف مصر من المصالحة الفلسطينية وطلب السيناتور الأمريكي اليهودي رونال لي ويدين زيادة الجهود المصرية لمنع تسليح حركة حماس وهدم الأنفاق والسيطرة على الحدود ، وطلب السفارة الصومالية

أبو بكر  
أحمد على عبده  
٢٠١٨/١٠/١٨



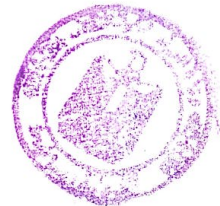


(٥٣)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

زيادة عدد المنح الدراسية للطلبة الصوماليين ، وكذا تقرير حول ندوة عقدت بالخرطوم عن الأثر الإيجابي لسد النهضة الأثيوبي على مصر والسودان ومذكرة عن تطورات الموقف الخارجي وأخرى عن ردود الأفعال الأوروبية إزاء الأوضاع السياسية بمصر واجتماعات جبهة الإنقاذ الوطني وطلب من محمد البرادعي بإبلاغ مؤسسة الرئاسة عن إجراءات الخروج من أزمة الإعلان الدستوري وتقرير بشأن أهم الأحداث الخارجية والداخلية وتقرير يتضمن إيجابيات وسلبيات زيارة خالد مشعل ( رئيس المكتب السياسي لحركة حماس ) لمصر وتقرير من رئيس قطاع الأمن الوطني موجه إلى أحمد عبد العاطي ( المتهم الثاني ) بصفته مدير مكتب رئيس الجمهورية الأسبق حول الحالة الأمنية عن يوم ٢٠١٢/١٢/٤ ، وتقارير من رئيس هيئة الرقابة الإدارية آنذاك إلى المتهم الأول بصفته رئيس الجمهورية وقتئذٍ بشأن تحريات عن بعض العاملين السابقين بمؤسسة الرئاسة ، وعن كيفية استخدام الطاقة المدعومة في الاستثمارات الصناعية كثيفة الاستخدام للطاقة والمخالفات التي شابت أوجه الصرف من صندوق دعم البحوث الزراعية بوزارة الزراعة وشركة داماك ، وكذلك تقارير بخط اليد أحدها بتاريخ ٢٠١٣/٣/٢ عن تفصيلات لقاء المتهم الأول بصفته رئيس الجمهورية - آنذاك - مع رئيس جهاز المخابرات العامة بحضور عصام الحداد ( مساعد رئيس الجمهورية للعلاقات الخارجية والتعاون الدولي ) وأحمد عبد العاطي ( مدير مكتب رئيس الجمهورية ) والثاني بتاريخ ٢٠١٣/٣/٩ عن اجتماع رئيس المخابرات العامة مع نائب رئيس المخابرات السعودي ولقاء أحد أمراء دولة الإمارات بحضور عصام الحداد ، ومذكرة محررة بخط يد محمد فتحي رفاعة الطهطاوي رئيس ديوان رئيس الجمهورية للعرض على رئيس الجمهورية الأسبق ( المتهم الأول ) بتاريخ ٢٠١٣/٢/١١ بشأن تقدير موقف العلاقات مع دولة

أحمد عبد العاطي  
٢٠١٨/١٠/١٨



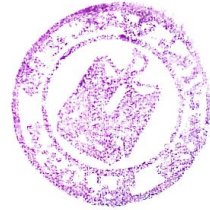


(٥٤)

تابع الطعن رقم ٢٢٦١١ لسنة ٨٦ ق

إيران وفتح علاقات معها والحصول على دعم مالي منها وكيفية مجابهة تداعيات ذلك على أجهزة الدولة والحركات السلفية والمستوى العربي والدولي وتقرير عن حسابات مكتب رئيس الجمهورية بالبنوك ومذكرة صادرة عن إدارة العلاقات الخارجية برئاسة الجمهورية حول اتصال وزير الخارجية ونظيره الأمريكي عن استخدام النظام السوري للأسلحة الكيماوية وطلب الأخير مساعدة المعارضة السورية بشتى الوسائل ، وتقرير عن التوجه المقترح إزاء العلاقات المصرية - الإيرانية ، وتقرير عن المخابرات الفلسطينية حول إعداد وتأهيل شبكة الأنفاق والاتصالات الأرضية الخاصة بكتائب القسام ، وطلب من وزير العدل بتخصيص مبنى الحزب الوطني القديم لتدريب السادة القضاة ، وخطاب من السفير السعودي لرئيس الجمهورية بطلب المملكة السعودية نقل ملكية مبنى مركز المؤتمرات بشرم الشيخ لجامعة الدول العربية ، كما تضمنت تلك المستندات أصول واثائق تحوى معلومات عن القوات المسلحة المصرية وعناصر القوة بها وكيفية استغلالها لمواجهة خطط التطوير الإسرائيلية للقوات البرية والجوية ، ومستند يتضمن جدول تشكيل القوات المسلحة وأبرز الأسلحة والمعدات وأنواع وأماكن تمرکز القوات البرية والجوية والبحرية والدفاع الجوي ، ودراسة حول الهيكل التنظيمي لوزارة الإنتاج الحربي والمصانع الحربية وإنتاجها وتخصصاتها وسبل تطويرها ، ومستند يتضمن تحديد أماكن وحجم القوات متعددة الجنسيات بالمنطقة ( ج ) بشمال سيناء وآخر للمعابر الفلسطينية الإسرائيلية والمصرية ومواقعها والمسافات بينها ، ومذكرات وتقارير للمخابرات الحربية والاستطلاع تتضمن مقترحات استعادة الأمن وتحقيق التنمية بسيناء ، ومعلومات عن شبكة الاتصالات العسكرية ( CDMA ) ، وأخرى عن التواجد الأمني والعسكري الأمريكي بالمنطقة العربية والتوازن العسكري

إبراهيم  
٢٠١٨/١٠/١٨





(٥٥)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الإسرائيلي وأعضاء الحكومة الإسرائيلية والكنيست الإسرائيلي وعناصر التأمين على الحدود الإسرائيلية وقدرات وإمكانيات جيش الدفاع الإسرائيلي وهي التي تم عرضها على محمد مرسى ( المتهم الأول ) إبان رئاسته للبلاد بناءً على طلبه بمعرفة اللواء محمد نجيب عبد السلام قائد الحرس الجمهوري آنذاك ولم تتم إعادتها ، ويفحص جهاز الكمبيوتر المحمول ( لاب توب ) ماركة ACER ووحدة تخزين البيانات المدون عليها كلمة ( ابتكار ) والمضبوطين بحوزة المتهم الرابع أحمد على عبده عفيفي تبين احتوائهما على صور منسوخة إلكترونيًا طبق الأصل لتقارير ومستندات وخطابات سرية مرسلة من الجهات الحكومية والأمنية والسيادية بالدولة - المخابرات العامة والقوات المسلحة وقطاع الأمن الوطني وهيئة الرقابة الإدارية وإدارة المخابرات الحربية وجهات أخرى بالدولة إلى المتهم الأول بصفته رئيس الجمهورية " آنذاك " وبعض العاملين بمؤسسة الرئاسة - ، وقد ثبت من الفحص أن تلك المستندات يحظر تداولها أو الاطلاع عليها لغير المختصين وتحفظ بأماكن سرية مؤمنة لتعلقها جميعاً بأمن ومصالح البلاد وما تحويه من معلومات من شأنها الإضرار بالأمن القومي المصري حال تسريبها أو اطلاع غير المختصين عليها فضلاً عن تأثيره السلبي على موقف مصر السياسي والاقتصادي والعلاقات الدبلوماسية مع العديد من الدول الأجنبية وكذا ما يربته ذلك من إضرار بأمن الجهات والهيئات السيادية والأمنية المصرية ، كما أن محتوى تلك المستندات من معلومات هو سر من أسرار الدفاع عن البلاد ، ومن تلك المستندات ما صدر عن المخابرات العامة من مذكرات وتقارير موجهة لرئيس الجمهورية الأسبق لاعتماد الموازنة العامة للمخابرات العامة عن عام ٢٠١٣-٢٠١٤ والأحداث الداخلية والخارجية عن يوم ٢٠١٢/١٢/٥ وأخرى صادرة أيضاً عن المخابرات العامة

٢٠١٨/١٠/٨



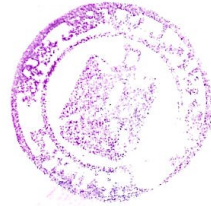


(٥٦)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

المصرية وموجهة إلى المتهم الثاني بصفته مدير مكتب رئيس الجمهورية بشأن ردود الفعل الدولية والحقوقية حول الإعلان الدستوري الجديد وبشأن موقف مصر من المصالحة الفلسطينية وطلب السيناتور الأمريكي اليهودي " رونال لي ويدين " زيادة الجهود المصرية لمنع تسليح حركة حماس وهدم الأنفاق والسيطرة على الحدود ، وطلب السفارة الصومالية زيادة عدد المنح الدراسية للطلبة الصوماليين ، وكذا تقرير حول ندوة عقدت بالخرطوم عن الأثر الإيجابي لسد النهضة الأثيوبي على مصر والسودان ومذكورة عن تطورات الموقف الخارجي وأخرى عن ردود الأفعال الأوروبية إزاء الأوضاع السياسية بمصر واجتماعات جبهة الإنقاذ الوطني وطلب من محمد البرادعي بإبلاغ مؤسسة الرئاسة عن إجراءات الخروج من أزمة الإعلان الدستوري وتقرير بشأن أهم الأحداث الخارجية والداخلية وتقرير يتضمن إيجابيات وسلبيات زيارة خالد مشعل رئيس المكتب السياسي لحركة حماس لمصر ، كما تضمنت تلك المستندات معلومات عن دراسات للقوات المسلحة المصرية وعناصر القوة بها وكيفية استغلالها لمواجهة خطط التطوير الإسرائيلية للقوات البرية والجوية ومستند يتضمن جدول تشكيل القوات المسلحة وأبرز الأسلحة والمعدات وأنواع وأماكن تمرکز القوات البرية والجوية والبحرية والدفاع الجوي ودراسة حول الهيكل التنظيمي لوزارة الإنتاج الحربي والمصانع الحربية وإنتاجها وتخصصاتها وسبل تطويرها ومستند يتضمن أماكن وحجم القوات متعددة الجنسيات بالمنطقة ( ج ) بشمال سيناء وآخر للمعابر الفلسطينية الإسرائيلية المصرية ومواقعها والمسافات بينها ، وكذا مذكرات وتقارير للمخابرات الحربية والاستطلاع تتضمن مقترحات استعادة الأمن وتحقيق التنمية بسيناء ومعلومات عن شبكة الاتصالات العسكرية ( CDMA ) وأخرى عن التواجد الأمني والعسكري الأمريكي بالمنطقة العربية والتوازن العسكري الإسرائيلي وأعضاء

أبو ك  
٢٠١٨/١٠/١٨





(٥٧)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الحكومة الإسرائيلية والكنيست الإسرائيلي وعناصر التأمين على الحدود الإسرائيلية وقدرات وإمكانيات جيش الدفاع الإسرائيلي ، وتقرير من رئيس قطاع الأمن الوطني للمتهم الثاني بصفته مدير مكتب رئيس الجمهورية السابق حول الحالة الأمنية عن يوم ٢٠١٢/١٢/٤ ومن تلك المستندات ما صدر من رئيس هيئة الرقابة الإدارية إلى رئيس الجمهورية الأسبق ( المتهم الأول ) بشأن تحريات عن بعض العاملين السابقين بمؤسسة الرئاسة وعن كيفية استخدام الطاقة المدعمة في الاستثمارات الصناعية كثيفة الاستخدام للطاقة والمخالفات التي شابت أوجه الصرف من صندوق دعم البحوث الزراعية كذلك تقارير بخط اليد أولها بتاريخ ٢٠١٣/٣/٢ عن تفاصيل لقاء المتهم الأول بصفته رئيس الجمهورية - آنذاك - مع رئيس جهاز المخابرات العامة بحضور عصام الحداد - مساعد رئيس الجمهورية للعلاقات الخارجية والتعاون الدولي - وأحمد عبد العاطي - مدير مكتب رئيس الجمهورية - ، والثاني بتاريخ ٢٠١٢/٣/٩ عن اجتماع رئيس المخابرات العامة مع نائب رئيس المخابرات السعودي ولقاء أحد أمراء دولة الإمارات بحضور عصام الحداد ، والأخير محرر بخط يد رفاعة محمد الطهطاوي للعرض على رئيس الجمهورية الأسبق ( المتهم الأول ) بتاريخ ٢٠١٢/٢/١١ بشأن تقدير موقف العلاقات مع دولة إيران وفتح علاقات معها والحصول على دعم مالي منها وكيفية مجابهة تداعيات ذلك على أجهزة الدولة والحركات السلفية والمستوى العربي والدولي ، وتقرير عن حسابات مكتب رئيس الجمهورية بالبنوك ومذكرة صادرة عن إدارة العلاقات الخارجية برئاسة الجمهورية حول اتصال وزير الخارجية ونظيره الأمريكي عن استخدام النظام السوري للأسلحة الكيماوية ، وطلب الأخير مساعدة المعارضة السورية بشتى الوسائل ، وتقرير عن التوجه المقترح إزاء العلاقات المصرية - الإيرانية ،

الإسرائيلي  
٢٠١٢/١٠/١٨





(٥٨)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وتقرير عن المخابرات الفلسطينية حول إعداد وتأهيل شبكة الأنفاق والاتصالات الأرضية الخاصة بكتائب القسام ، وطلب من وزير العدل بتخصيص مبنى الحزب الوطني القديم لتدريب السادة القضاة ، وخطاب من السفير السعودي لرئيس الجمهورية بطلب المملكة نقل ملكية مبنى مركز المؤتمرات بشرم الشيخ لجامعة الدول العربية ، وبفحص وحدتي تخزين البيانات ماركة ( LG ) والأخرى المدون عليها عبارة ( معرض ابتكار ) والمضبوطتين حوزة المتهم أحمد إسماعيل ثابت إسماعيل ( السابع ) تبين احتوائهما على ذات المستندات المبينة بالبند السابق ، بفحص الحاسب الآلي المحمول ماركة Compaq Mini والقرص الصلب ماركة توشيبا ، والأربع وحدات تخزين بيانات والمضبوطة جميعاً حوزة المتهمه كريمة أمين الصرفي ( الثامنة ) بمنزل المتهم الثالث ، تبين أنها تتضمن ملفات تنظيمية خاصة بجماعة الإخوان ودور التنظيم الدولي وارتباطه بعدد من المنظمات الدولية خارج البلاد ، وطريقة العمل للأخوات داخل التنظيم الذي تنضم له المتهمه وعدد من مقاطع الفيديو والصور لمظاهرات تلك الجماعة ولقاءات التنظيم الدولي للإخوان خارج البلاد تفصيلاً ، وقد شاهدت المحكمة - محكمة الجنايات - مقاطع فيديو مسجلة تضمنت ما يلي حوار تليفزيوني للمتهم الأول بعنوان ( حقيقة علاقة الرئيس مرسى بجماعة الإخوان المسلمين ) مع شبكة الجزيرة الإخبارية السبت ٩ جمادى الآخر ١٤٣٤ هجرياً ، ٢٠/٤/٢٠١٣ ميلادياً ، ظهر فيه المتهم الأول في لقاء تليفزيوني ويقول : " أنا نشأت في الإخوان المسلمين ، أنا أعتز بانتمائي لجماعة الإخوان المسلمين ، أنا كنت رئيس حزب الحرية والعدالة الذي أنشأته جماعة الإخوان المسلمين وهذا الانتماء وهذا الاعتزاز ورئاستي لهذا الحزب وترشيحي لرئاسة الجمهورية من قبل هذا الحزب ومن جماعة الإخوان المسلمين والسند الشعبي

٢٠٨/٢٠/١٨



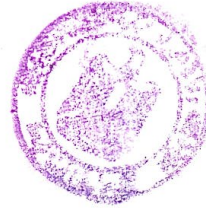


(٥٩)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

في هذه الانتخابات كان من هذا الحزب وممن تحالفوا معه وأيدوا مرشحهم وانتخبوه من الشعب المصري وهذا أمر يجب أن يكون واضحاً لدى الجميع " ، مقطع فيديو بعنوان ( محمد بديع مرشد الإخوان يخاطب احتشاداً رابعة ) ومدته ثلاث دقائق وأربعين ثانية ، وفيه يظهر محمد بديع المرشد العام لجماعة الإخوان المسلمين يخاطب في جمهور كبير بميدان واسع تعرفت عليه المحكمة أنه ميدان رابعة العدوية ويحرضهم على البقاء بالميدان حتى يرجع محمد مرسى رئيساً للجمهورية ، مقطع فيديو بعنوان ( الإرهابي محمد البلتاجي ما يحدث في سيناء ) مدته اثنين وثلاثين ثانية ، ويبدأ بتتر موسيقى لقناة سي بي سي ثم يظهر شخص تعرفت عليه المحكمة أنه المدعو محمد البلتاجي يقول : " إن هذا الذي يحدث في سيناء رداً على الانقلاب العسكري يتوقف في الثانية التي يعلن فيها عبد الفتاح السيسي أنه تراجع عن هذا الانقلاب وأنه صحح الوضع ورده إلى أهله وأن الرئيس يعود إلى سلطاته " ، ثم يظهر تتر قناة سي بي سي ، مقطع فيديو بعنوان ( البلتاجي من أمام الحرس الجمهوري لن نرحل أحياء من دون الرئيس مرسى ) مدته تسع وعشرون ثانية ويظهر فيه شخص تعرفت عليه المحكمة أنه محمد البلتاجي محمولاً على الأعناق وسط جموع من المتظاهرين ويقول : ( إننا لن نعود أحياء إلا ومعنا السيد الرئيس الشرعي نحن نضعكم أمام الله وأمام الوطن وأمام التاريخ ليس في طاعة الخائن الذي قام بالانقلاب عبد الفتاح السيسي لكن في طاعة وإرادة هذا الشعب يحملوكوا المسؤولية ) ، واستندت المحكمة في ثبوت واقعات الدعوى - على نحو ما سلف بيانه - قبل الطاعنين وباقي المحكوم عليهم إلى أدلة استقتها مما أقر به في تحقیقات النيابة العامة كل من المتهمين أحمد على عبده عفيفي ( الرابع ) وخالد حمدي عبد الوهاب رضوان ( الخامس ) ومحمد عادل حامد كيلاني

٢٠١٨/١٠/١٨



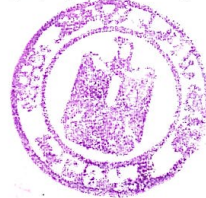


(٦٠)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

( السادس ) وأحمد إسماعيل ثابت إسماعيل ( السابع ) وكريمة أمين الصرفي ( الثامنة ) على أنفسهم وفي حق غيرهم من المتهمين ، ومما شهد به كل من الرائد طارق محمد صبري محمد ( الضابط بقطاع الأمن الوطني ) والرائد محمود محمد طلعت ( الضابط بقطاع الأمن الوطني ) وما قرره استدلالاً بالتحقيقات وشهد به أمام المحكمة المقدم / جمال محمود جمال منصور ( الضابط بأمن رئاسة الجمهورية ) وما شهد به كل من أيمن نبيه عبد الفتاح وهذان ( مدير الإدارة العامة بالبنك المركزي ) وعلاء الدين محمد عبد الله يعقوب ( كبير المضيفين بشركة مصر للطيران ) وجمال الدين عبد العزيز محمد يونس ( كبير المضيفين بشركة مصر للطيران ) ومصطفى طلعت السيد حسنين الشافعي ( المشرف على مكتب رئيس ديوان رئيس الجمهورية ) واللواء أسامة حسين متولى الجندي ( مدير الإدارة المركزية للأمن برئاسة الجمهورية ) واللواء محمد أحمد زكي محمد ( قائد قوات الحرس الجمهوري ) واللواء نجيب محمد عبد السلام رشوان ( قائد قوات الحرس الجمهوري الأسبق ) والعميد أركان حرب محمد لبيب رضوان إبراهيم ( رئيس فرع العمليات بالحرس الجمهوري السابق ) والعميد وائل أحمد فؤاد محمد نديم ( رئيس فرع الاستطلاع بقوات الحرس الجمهوري السابق ) والفريق محمود إبراهيم حجازي ( رئيس أركان حرب القوات المسلحة ) واللواء أركان حرب محمد فريد حجازي ( أمين عام وزارة الدفاع ) واللواء محمد أحمد إبراهيم محمد مصطفى ( وزير الداخلية السابق ) واللواء أحمد حلمي عزب ( مساعد وزير الداخلية ) واللواء محمد عمر وهبي هيبه ( رئيس هيئة الرقابة الإدارية ) واللواء خالد عبد الوهاب محمد ثروت ( رئيس قطاع الأمن الوطني السابق ) واللواء عماد حسين حسن عبد الله ( مساعد أول وزير الداخلية ) واللواء عبد المؤمن عبد البصير فوزي السيد ( كبير الياوران

إبراهيم  
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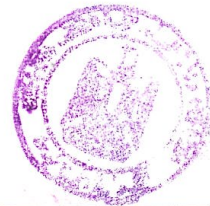


(٦١)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

برئاسة الجمهورية ) وعبد المجيد صلاح عبد المجيد ( موظف بسكرتارية مكتب رئيس الجمهورية ) وهشام عزت محمد حسين ( موظف بسكرتارية مكتب رئيس الجمهورية ) واللواء عادل حلمي محمد عزب والرائد محمد عبد الرحيم محمد ( الضابط بقطاع الأمن الوطني المختص بمتابعة ملف جماعة الإخوان ) واللواء عبد العزيز خضر ( مدير إدارة البحث الجنائي بمديرية أمن القاهرة ) واللواء مصطفى عبد الحميد شحاته ( مأمور قسم شرطة مدينة نصر أول ) وجمال مصطفى محمد ( محافظ القاهرة ) وحافظ السعيد حافظ ( رئيس مجلس إدارة الهيئة العامة لنظافة وتجميل القاهرة ) ومحمد أحمد عبد الحميد ( مدير عام إدارة شرق القاهرة التعليمية ) وفاطمة أحمد محمود ( مدير المدرسة الثانوية الفندقية ) ونجلاء سيد أحمد ( مدير مدرسة عبد العزيز جاويز للتعليم الأساسي ) والحسين على محمد ( مقيم الشعائر بمسجد رابعة العدوية ) ومنى مصطفى عبد الحميد حسين ( رئيس مجلس إدارة هيئة النقل العام بالقاهرة ) وما قرر به استدلالاً بالتحقيقات وأمام المحكمة محمد فتحي رفاعه الطهطاوي ( رئيس ديوان رئيس الجمهورية ) وما شهد به أعضاء اللجنة المشكلة بقرار من المحكمة برئاسة اللواء عباس مصطفى كامل ( مدير مكتب رئيس الجمهورية ) وعضوية كل من العميد وائل أحمد شوشة ( رئيس الإدارة المركزية للرقابة والمتابعة بمكتب رئيس الجمهورية ) ووحيد أبو النجا الحسيني أبو النجا ( موظف بسكرتارية مكتب رئيس الجمهورية ) وعضو لجنة الفحص ( ووائل سيد حسن سيد ( موظف بسكرتارية مكتب رئيس الجمهورية وعضو لجنة الفحص ) وما ثبت بتقرير وتحريات هيئة الأمن القومي وما تم ضبطه بمسكن المتهمين الثالث والرابع والسادس والسابع والثامنة وما ثبت من الاطلاع على جدول رحلات المتهم السادس الصادر من شركة مصر للطيران

٢٠١٨/١٠/١٨





(٦٢)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وتقرير لجنة الفحص المشكلة من المحكمة ومناظرة مقاطع الفيديو المسجلة على ذاكرات التخزين المضبوطة والاسطوانات المدمجة وبيان المحاضر وبلاغات المواطنين ضد المعتصمين من جماعة الإخوان والصور الفوتوغرافية المقدمة من محافظ القاهرة للمحكمة وهي أدلة سائغة من شأنها أن تؤدي إلى ما رتبته الحكم عليها وأورد الحكم مؤداها في بيان واف بما لا يخرج عما أورده في بيانه لواقعة الدعوى . لما كان ذلك ، وكانت المادة ٣١٠ من قانون الإجراءات الجنائية قد أوجبت في كل حكم بالإدانة أن يشتمل على بيان الواقعة المستوجبة للعقوبة بياناً تتحقق به أركان الجريمة التي دان الطاعن بها والظروف التي وقعت فيها والأدلة التي استخلصت منها المحكمة ثبوت وقوعها منه ، وكان يبين مما سطره الحكم أنه بين واقعة الدعوى بما تتوافر به كافة العناصر القانونية للجرائم التي دان الطاعنين بها وأورد على ثبوتها في حقهم أدلة سائغة من شأنها أن تؤدي إلى ما رتبته الحكم عليها وجاء استعراض المحكمة لأدلة الدعوى على نحو يدل على أنها محصتها التمهيد الكافي وألمت بها إلماماً شاملاً يفيد أنها قامت بما ينبغي عليها من تدقيق البحث لتعرف الحقيقة ، وكان من المقرر أن القانون لم يرسم شكلاً خاصاً أو نمطاً معيناً يصوغ فيه الحكم بيان الواقعة المستوجبة للعقوبة والظروف التي وقعت فيها ، فمتى كان مجموع ما أورده الحكم - كما هو الحال في الدعوى المطروحة - كافياً في تفهم الواقعة بأركانها وظروفها حسبما استخلصتها المحكمة فإن ذلك يكون محققاً لحكم القانون ومن ثم فإن ما ينعاه الطاعنون بأن الحكم قد شابه الغموض والإبهام وعدم الإلمام بواقعات الدعوى يكون ولا محل له . لما كان ذلك ، وكانت المادة ٨٦ من قانون العقوبات المضافة بالقانون رقم ٩٧ لسنة ١٩٩٢ قد نصت على أنه : " يقصد بالإرهاب في تطبيق أحكام هذا القانون كل استخدام

البرازيل  
٢٠١٨/١٠/٢٠



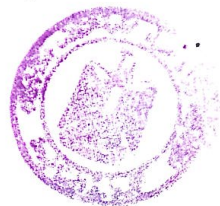


(٦٣)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

للقوة أو العنف أو التهديد أو الترويع يلجأ إليه الجاني تنفيذاً لمشروع إجرامي فردي أو جماعي بهدف الإخلال بالنظام العام أو تعريض سلامة المجتمع وأمنه للخطر إذا كان من شأن ذلك إيذاء الأشخاص أو إلقاء الرعب بينهم أو تعريض حياتهم أو حرياتهم أو أمنهم للخطر أو إلحاق الضرر بالبيئة أو بالاتصالات أو المواصلات أو بالأموال أو بالمباني أو بالأموال العامة أو الخاصة أو اختلاسها أو الاستيلاء عليها أو منع أو عرقلة ممارسة السلطات العامة أو دور العبادة أو معاهد العلم لأعمالها أو تعطيل تطبيق الدستور أو القوانين أو اللوائح . " وكان المشرع بعد أن أورد في النص السابق تعريفاً شاملاً جامعاً للإرهاب نص في المادة ٨٦ مكرر من قانون العقوبات على أن : " يعاقب بالسجن كل من أنشأ أو أسس أو نظم أو أدار على خلاف أحكام القانون جمعية أو هيئة أو منظمة أو جماعة أو عصابة يكون الغرض منها الدعوة بأية وسيلة إلى تعطيل أحكام الدستور أو القوانين أو منع إحدى مؤسسات الدولة أو إحدى السلطات العامة من ممارسة أعمالها أو الاعتداء على الحرية الشخصية للمواطن أو غيرها من الحريات والحقوق العامة التي كفلها الدستور والقانون أو الإضرار بالوحدة الوطنية أو السلام الاجتماعي . ويعاقب بالسجن المشدد كل من تولى زعامة أو قيادة فيها أو أمدّها بمعونات مادية أو مالية مع علمه بالغرض الذي تدعو إليه ويعاقب بالسجن مدة لا تزيد على خمس سنوات كل من انضم إلى إحدى الجمعيات أو الهيئات أو المنظمات أو الجماعات أو العصابات المنصوص عليها في الفقرة السابقة أو شارك فيها بأية صورة مع علمه بأغراضها .... " وشدد المشرع العقاب في المادة ( ٨٦ مكرر أ ) من قانون العقوبات إذا كانت وسيلة ارتكاب أية جريمة من الجرائم المنصوص عليها في الفقرات الثلاث من المادة السابقة هي الإرهاب بأن جعل

٣١ / ٨ / ٨٦  
٢٠ / ٨ / ٨٦





(٦٤)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

العقوبة الإعدام أو السجن المؤبد بالنسبة للجريمة المنصوص عليها في الفقرة الأولى والسجن المشدد بالنسبة للجريمة المنصوص عليها في الفقرة الثانية والسجن مدة لا تزيد على عشر سنوات بالنسبة للجريمة المنصوص عليها في الفقرة الثالثة ، ويبين من النصوص السابقة أن جريمة تولي قيادة جماعة أسست على خلاف أحكام القانون الغرض منها تعطيل أحكام الدستور والقانون ومنع مؤسسات الدولة والسلطات العامة من أداء عملها والاعتداء على الحرية الشخصية للمواطنين والحقوق العامة والإضرار بالوحدة الوطنية والسلام الاجتماعي متخذين من الإرهاب وسيلة لتحقيق تلك الأغراض والتي دان الطاعنين الثلاثة الأول بها وكذا جريمة الانضمام لتلك الجماعة لتحقيق ذات الأغراض بنفس الوسيلة التي دان باقي الطاعنين - عدا السابع - بها لا تتحقق إلا بتوافر عنصرين أولهما مادي وينطوي على مجموعة من العناصر :

١- تولي قيادة جماعة أو الانضمام إليها . ٢- أن تكون تلك الجماعة أسست على خلاف أحكام القانون والتأسيس المقصود هنا ليس هو اتخاذ إجراءات شهر الجماعة أو الإعلان عنها وإنما هو اندماجها في كيان المجتمع وفق النشاط والأغراض المشروعة والمحددة لها والتي لا تتطوي على مخالفة القانون أما إذا حادت عن الأغراض المشروعة والقانونية فهي تعد جماعة على خلاف أحكام القانون . ٣- أن تكون أغراض تلك الجماعة الفعلية هو تعطيل أحكام الدستور والقانون ومنع مؤسسات الدولة وسلطاتها العامة من ممارسة أعمالها والاعتداء على الحرية الشخصية للمواطنين والحقوق العامة والإضرار بالوحدة الوطنية والسلام الاجتماعي . وثانيهما معنوي وهو القصد الجنائي ويتمثل في اتجاه إرادة الجاني وإدراكه لما يفعله وعلمه بشروط الجريمة فيشترط أن تتجه إرادة الجاني إلى تولي قيادة الجماعة أو الانضمام إليها وأن يكون عالماً بأهداف تلك الجماعة وأغراضها

١٠٠٠٠٠٠٠  
٠١/٨/١٨



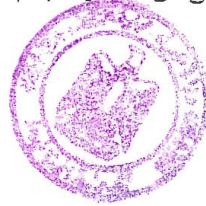


(٦٥)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

غير المشروعة ووسيلة تنفيذ تلك الأغراض . لما كان ذلك ، وكان الحكم المطعون فيه قد بين سواء فيما أورده في بيانه لواقعات الدعوى أو في إيراده لأدلة الثبوت فيها - على نحو ما تقدم - أن الطاعنين الثلاثة الأول قد تولوا قيادة في جماعة الإخوان المسلمين التي أسست على خلاف أحكام القانون وأن باقي الطاعنين - عدا السابع - قد انضموا لتلك الجماعة وأن الغرض من تلك الجماعة هو تعطيل أحكام الدستور والقانون ومنع مؤسسات الدولة والسلطات العامة من ممارسة أعمالها والاعتداء على الحرية الشخصية للمواطنين والممتلكات والمنشآت العامة والخاصة والإضرار بالوحدة الوطنية والسلام الاجتماعي وهو ما يضيفي عدم الشرعية على تلك الجماعة ويجعلها مخالفة لأحكام القانون ، كما أثبت الحكم بما ساقه من أدلة توافر القصد الجنائي لدى الطاعنين بأن اتجهت إرادة كل منهم إلى ارتكاب الفعل المسند إليه سواء بتولي قيادة في الجماعة أو الانضمام إليها مع علمهم بأغراض تلك الجماعة الغير مشروعة واتخاذها للقوة والعنف والتهديد والترويع كوسائل لتحقيق أغراض تلك الجماعة مع علمهم بذلك الأمر الذي تتوافر معه أركان تلك الجريمة في حقهم ويضحي النعي على الحكم المطعون فيه في هذا الخصوص غير سديد ، ولا ينال من ذلك ما أثاره الدفاع عن الطاعنين من أن تلك الجماعة قد وُفقت أوضاعها طبقاً لأحكام قانون الجمعيات الأهلية أو أن الطاعن الأول قد تخلى عن رئاسة حزب الحرية والعدالة التابع لتلك الجماعة منذ توليه رئاسة الجمهورية في ٢٠١٢/٦/٣٠ إذ كل ذلك لا يعدو أن يكون دفاعاً موضوعياً يتعلق بنفي الاتهام يكفي للرد عليه ما ساقته المحكمة من أدلة الثبوت السائغة التي اطمأنت إليها . لما كان ذلك ، وكان المشرع قد نص في المادة ( ٧٧ د ) من قانون العقوبات على أن : " يعاقب بالسجن إذا ارتكبت الجريمة في زمن سلم وبالسجن المشدد

١٢/١١/٢٠١٨





(٦٦)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

إذا ارتكبت في زمن حرب (١) .... (٢) كل من أُلُف عمداً أو أخفى أو اختلس أو زور أوراقاً أو وثائق وهو يعلم أنها تتعلق بأمن الدولة أو بأية مصلحة قومية أخرى . فإذا وقعت الجريمة بقصد الإضرار بمركز البلاد الحربي أو السياسي أو الدبلوماسي أو الاقتصادي أو بقصد الإضرار بمصلحة قومية لها كانت العقوبة السجن المشدد في زمن السلم والسجن المؤبد في زمن الحرب . ولا يجوز تطبيق المادة ١٧ من هذا القانون بأي حال على جريمة من هذه الجرائم إذا وقعت من موظف عام أو شخص ذي صفة نيابة عامة أو مكلف بخدمة عامة . "

ويبين من النص المتقدم أن هذه الجريمة لا تقع إلا إذا كانت الوثائق أو الأوراق محل الاختلاس مما يتعلق بأمن الدولة أو بمصلحة قومية لها ويتطلب لقيام هذه الجريمة توافر ثلاثة أركان أولها مادي ويتمثل في فعل الاختلاس أي الاستيلاء على تلك الأوراق والوثائق وثانيها معنوي ويتمثل في القصد الجنائي بشقيه العلم والإرادة أي أن يعلم الجاني بأن هذه الأوراق والوثائق مما تتعلق بأمن الدولة أو بمصلحتها القومية وأن تتجه إرادته إلى اختلاسها والاستيلاء عليها وثالثها وهو القصد الخاص ويتمثل في نية تملك تلك الوثائق والأوراق أي أن يكون اختلاس الجاني لتلك الوثائق والأوراق بنية تملكها ، وقد شدد المشرع العقاب على الجاني إذا ما كانت تلك الجريمة قد ارتكبت بقصد الإضرار بمركز البلاد الحربي أو السياسي أو الدبلوماسي أو الاقتصادي أو بقصد الإضرار بمصلحة قومية لها ، كما غل يد القاضي عن إعمال حكم المادة ١٧ من قانون العقوبات إذا ما توافرت موجبات إعمالها إذا كان من ارتكب تلك الجريمة موظفاً عاماً أو شخصاً ذي صفة نيابية عامة أو مكلفاً بخدمة عامة . لما كان ذلك ، وكان الحكم المطعون فيه قد أثبت بما ساقه من أدلة الثبوت السائغة التي اطمأنت إليها المحكمة أن الطاعن

١٨/١١/٢٠١٨





(77)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الأول وقت أن كان يتولى رئاسة الجمهورية - وهو في حكم الموظف العام - قد تسلم من قائد الحرس الجمهوري آنذاك والمخابرات العامة والحربية وهيئة الرقابة الإدارية والأمن الوطني وثائق هامة وتتعلق بالقوات المسلحة وأمن الدولة ومصالحها القومية واحتفظ بها لنفسه بنية تملكها وامتنع عن ردها لحفظها لدى المختصين بذلك بمؤسسة الرئاسة وأنه كان على علم بأهمية تلك المستندات وتعلقها بأمن الدولة ومصالحها القومية إلا أنه امتنع عن ردها للجهات المختصة بحفظها واختلسها لنفسه بنية تملكها الأمر الذي تتوافر معه في حقه الجريمة المؤثمة بالمادة ( ٧٧ د ) فقرة ( ١ ) بند ٢ من قانون العقوبات ، وإزاء ثورة الشعب ضده في ٣٠/٦/٢٠١٣ قام بتسليم تلك المستندات - السالف بيانها تفصيلاً - إلى الطاعن الثالث والذي كان يعمل سكرتيراً له بمؤسسة الرئاسة - وهو في حكم الموظف العام - الذي قام بجمعها بحقيبة خاصة وقام بإبعادها عن مكان حفظها بمؤسسة الرئاسة بأن قام بإخفائها بمسكنه رغم علمه بأهميتها وأنها تتعلق بأمن الدولة وبمصالحها القومية ، كما أثبت الحكم بما ساقه من أدلة الثبوت السانعة أن المتهم الثانية وهي ابنة الطاعن الثالث إزاء قيام ثورة الثلاثين من يونيو سنة ٢٠١٣ وانقطاع اتصالها بوالدها قامت بتسليم تلك المستندات داخل الحقيبة الحافظة لها إلى المتهم الثانية لإخفائها بمسكنها حتى تستقر الأمور ولم تقم هي أو والدها الطاعن الثالث برد تلك الوثائق والمستندات إلى الجهات المختصة الأمر الذي يوفر في حق الطاعن الثالث أركان جريمة إخفاء المستندات والوثائق المتعلقة بأمن الدولة ومصالحها القومية المؤثمة بالمادة ( ٧٧ د ) فقرة ١ بند ٢ ، كما أثبت الحكم المطعون فيه أيضاً بما ساقه من أدلة الثبوت السانعة والقرائن التي اطمأنت إليها المحكمة أن المتهم الثانية قامت بفرض الحقيبة والإطلاع على ما بها من وثائق ومستندات

Handwritten signature and a circular official stamp.

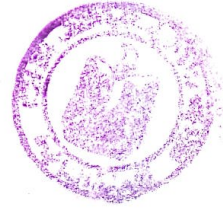


(٦٨)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وعلمت بأهميتها وخطورتها وأنها تتعلق بأمن الدولة ومصالحها القومية ثم قامت بإخفائها بمسكنها واتصلت بالمتهم العاشر والذي بعد أن علم بأهمية تلك المستندات وخطورتها وتعلقها بالأمن القومي والمصالح القومية للبلاد قام بالاتصال بالطاعن الرابع وأخبره بما لديهما من وثائق ومستندات فطلب منهما إحضارها وأرسل إليهما الطاعن السادس وتوجهوا جميعاً إلى مسكن الطاعن الخامس بمدينة السادس من أكتوبر وبعد أن اطلعوا جميعاً على تلك الوثائق والمستندات وأدركوا أهميتها وتعلقها بأمن الدولة ومصالحها القومية قاموا بإخفائها لدى الطاعن السادس بعد أن اتفق الطاعن الرابع مع المتهم العاشر على الاتصال بالمسؤولين عن قناة الجزيرة لنشر تلك الوثائق والمستندات بها بنية الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي والمصالح القومية للبلاد الأمر الذي تتوافر معه في حق الطاعنين الرابع والسادس جريمة إخفاء وثائق وأوراق تتعلق بأمن الدولة ومصالحها القومية بنية الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي ومصالحها القومية المؤثمة بالمادة ( ٧٧ د ) فقرة ١ بند ٢ وفقرة ٢ ومن ثم فإن النعي على الحكم المطعون فيه في هذا الشأن يكون غير سديد ولا ينال من ذلك ما دفع به الطاعن الثالث من أن قيامه بنقل تلك المستندات من مكان حفظها بمؤسسة الرئاسة وإخفائها بمسكنه إنما كان نفاذاً لأمر رئيسه في العمل - الطاعن الأول - وأن طاعته وإجبة عليه الأمر الذي يجعل ما قام به من عمل مباحاً ومن ثم تنتفي أركان تلك الجريمة في حقه ، لما هو مقرر من أن طاعة المرؤوس لرئيسه لا تكون في أمر من الأمور التي يجرمها القانون ولا تمتد بأي حال إلى ارتكاب الجرائم وأنه ليس على المرؤوس أن يطيع الأمر الصادر له من رئيسه بارتكاب فعل يعلم هو أن القانون يعاقب عليه وهو ما أثبتته

١٨/١٠/٨  
٢٠/٨/٨





(٦٩)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الحكم المطعون فيه في حقه ومن ثم فإن الحكم يكون بريئاً من مخالفة القانون والخطأ في تطبيقه . لما كان ذلك ، وكان المشرع قد نص في المادة ( ٧٧ د ) من قانون العقوبات على أن : " يعاقب بالسجن إذا ارتكبت الجريمة في زمن سلم وبالسجن المشدد إذا ارتكبت في زمن حرب : ١- كل من سعى لدى دولة أجنبية أو أحد ممن يعملون لمصلحتها أو تخاير معها أو معه وكان من شأن ذلك الإضرار بمركز مصر الحربى أو السياسى أو الدبلوماسى أو الاقتصادى . ٢- ..... فإذا وقعت الجريمة بقصد الإضرار بمركز البلاد الحربى أو السياسى أو الدبلوماسى أو الاقتصادى أو بقصد الإضرار بمصلحة قومية لها كانت العقوبة السجن المشدد في زمن السلم والسجن المؤبد في زمن الحرب ولا يجوز تطبيق المادة ١٧ من هذا القانون بأي حال على جريمة من هذه الجرائم إذا وقعت من موظف عام أو شخص ذي صفة نيابية عامة أو مكلف بخدمة عامة . " وكان مقتضى إعمال هذا النص وتطبيق أحكامه يتطلب توافر أولاً : ركن مادى ويتمثل في العمل المادى الذى يقوم به الجاني أما بالسعي لدى دولة أجنبية أو ممن يعملون لمصلحتها أو بالتخاير مع دولة أجنبية أو من يعمل لمصلحتها ، والسعي أو التخاير يكون بشتى الوسائل الممكنة أو المتاحة وتطلب المشرع أن يكون من شأن تلك الأفعال إلحاق الأضرار بمركز البلاد الحربى أو السياسى أو الدبلوماسى أو الاقتصادى فإذا لم تبلغ ذلك فهي بمنأى عن التأثيم وهو أمر يخضع في إثباته والتدليل عليه وتقديره لمحكمة الموضوع تحت رقابة محكمة النقض ، ثانياً : ركن معنوي وهو القصد الجنائي العام بشقيه العلم والإرادة أي أن يكون الجاني قد اتجهت إرادته إلى إتيان أفعال السعي والتخاير وهو عالماً بها وأن من شأنها الإضرار بمركز البلاد الحربى أو السياسى أو الدبلوماسى أو الاقتصادى - حتى ولو لم يقع بسببها

٢٠١٨/٨  
٢٠١٨/٨





(٧٠)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

ضرر بالفعل فالجريمة تكتمل أركانها في حق الجاني ويحق عقابه عنها حتى ولو لم تقع تلك الأضرار أو لم تتجه نيته إلى إحداثها - أما إذا اتجهت نية الجاني إلى الإضرار بمركز البلاد الحربي أو السياسي أو الدبلوماسي أو الاقتصادي أو إلى الإضرار بالمصالح القومية للبلاد فإن المشرع شدد العقاب عليه بأن جعل العقوبة السجن المشدد بدلاً من السجن إذا ارتكبت الجريمة في زمن السلم والسجن المؤبد بدلاً من السجن المشدد إذا ارتكبت الجريمة في زمن الحرب ، وغاية من المشرع في الحرص على أمن البلاد ومصالحها القومية فقد غل يد القاضي عن إعمال حكم المادة ١٧ من قانون العقوبات في حق الجاني إذا كان موظفاً عاماً أو ذي صفة نيابية عامة أو مكلفاً بخدمة عامة وتقع تلك الجريمة بكل فعل من شأنه نقل معلومات أو بيانات في أي من الأمور المتعلقة بالبلاد أو بمصالحها الحربية كتلك التي تتصل بشئون القوات المسلحة وإعدادها وتسلحها وأماكن تمرركزها وإعاشتها وخططها أو بأي أمر من الأمور المتعلقة بسياسة البلاد وإدارة كافة شئونها السياسية داخلياً أو خارجياً وعلاقاتها الدبلوماسية بكافة الأقطار وكذا أي فعل من شأنه نقل أي معلومات عن الوضع الاقتصادي للبلاد وموازنتها ومخزونها الاستراتيجي وأوجه القصور في كافة النواحي الحياتية داخل البلاد وسببها وسواء كان نقل تلك المعلومات عن طريق سعي الجاني إلى الدولة الأجنبية أو لدى من يعمل لمصلحتها أو عن طريق التخابر معهم بأي طريق من طرق التواصل وهي جميعها أفعال تتصف بعدم المشروعية والخروج على القانون . لما كان ذلك ، وكان من المقرر أن المساهمة في ارتكاب الجرائم أو الاشتراك فيها إما أن يكون الجاني فيها فاعلاً أصلياً أو شريكاً فيها ، ويعد فاعلاً أصلياً في الجريمة وفقاً لنص المادة ( ٣٩ ) من قانون العقوبات من يرتكب الجريمة

محكمة  
٢٠١٨/١٢/١٢





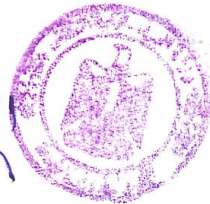
(٧١)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وحده أو مع غيره أو من يدخل في ارتكابها إذا كانت تتكون من جملة أعمال فيأتي عمداً عملاً من الأعمال المكونة لها ، أما الاشتراك في الجريمة وفقاً لنص المادة ( ٤٠ ) من قانون العقوبات أن يكون بالتحريض على ارتكاب الفعل المكون للجريمة إذا كان هذا الفعل قد وقع بناء على هذا التحريض وإما أن يكون بالاتفاق مع غيره على ارتكاب الجريمة فوقعت بناء على هذا الاتفاق وإما أن يكون بالمساعدة على ارتكابها بإعطاء الفاعل سلاحاً أو آلات أو أي شيء مما استعمل في ارتكاب الجريمة مع علمه بها أو ساعدهم بأي طريقة أخرى في الأعمال المجهزة أو المسهلة أو المتممة لارتكابها ، كما أن الاشتراك في الجريمة لا يتحقق إلا في واقعة معاقب عليها تقع من الفاعل الأصلي ، وأن الشريك لا يجوز عقابه إذا كان ما وقع من الفاعل الأصلي غير معاقب عليه إذ إن إجرام الشريك مستمد من إجرام الفاعل الأصلي ويدور معه وجوداً أو عدماً ، وكانت محكمة الموضوع عملاً بحقها المقرر بمقتضى حكم المادة ( ٣٠٨ ) من قانون الإجراءات الجنائية قد عدلت وصف الاتهام بالنسبة لجريمة التخابر بأن جعلت المتهم العاشر ( علاء عمر سيلان ) فاعلاً أصلياً فيها والمتهمين الرابع ( أحمد على عبده عفيفي ) والحادي عشر ( إبراهيم محمد هلال ) شركاء فيها وأجرت المحكمة ذلك التعديل بجلسة ٢٠١٦/٢/٣ في حضور المدافع عن المتهم الرابع ونبهته إلى هذا التعديل حيث جرت المرافعة على أساسه ، وكانت المحكمة بعد أن دللت على ثبوت جريمة التخابر في حق المتهم العاشر ساقته من أدلة الثبوت السائغة والقرائن التي اطمأنت إليها أن الطاعن الرابع ساهم في ارتكاب جريمة التخابر مع دولة أجنبية ومن يعملون لمصلحتها بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبمصلحتها القومية وأن إرادته اتجهت إلى الاشتراك في تلك الجريمة وهو عالمٌ بها وساعد في ارتكابها

الإشهاد

م. م. م. م.  
٢٠١٨ / ١٠ / ٨





(٧٢)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

بأن تلاقى إرادته مع المتهم العاشر واتفق معه على مقابلته مع المتهمة التاسعة بمدينة السادس من أكتوبر أمام مسجد الحصري بعد أن أخبره بأن معها حقيبة الوثائق والمستندات الخاصة برئاسة الجمهورية خلال فترة حكم الطاعن الأول وأن المتهمة التاسعة حصلت عليها من المتهمة الثامنة ابنة المتهم الثالث، وساعدهما الطاعن الرابع بأن أرسل لهما الطاعن السادس حيث أحضرهما بسيارته واتجهوا إلى مسكن الطاعن الخامس حيث اطلع جميعهم على تلك المستندات وأدركوا أهميتها وأنها تتعلق بأسرار الدفاع عن البلاد ومصالحها القومية واتجهت نية الطاعن الرابع والمتهم العاشر إلى نشر تلك الوثائق والمستندات عبر قناة الجزيرة القطرية ، وبعد أن سافر المتهم العاشر إلى قطر وأخبر العاملين بقناة الجزيرة القطرية عن طريق المتهم الحادي عشر بما لديه من وثائق ومستندات ومدى أهميتها وخطورتها وأرسل لهم العناوين الرئيسية لتلك الوثائق والمستندات عبر بريده الإلكتروني بمساعدة الطاعنين الرابع والسادس ، وبعد أن اطلع عليها العاملون بقناة الجزيرة طلبوا من المتهم العاشر السفر إلى قطر حيث تقابل عن طريق المتهم الحادي عشر مع رئيس قناة الجزيرة القطرية حمد بن جاسم وضابط من المخابرات القطرية واتفق معهم على أن يدفعوا لهم لقاء ذلك مبلغ مليون دولار دفعوا منها مقدماً مبلغ خمسين ألف دولار وطلبوا منه إحضار أصول تلك الوثائق والمستندات وأجلوا سداد باقي المبلغ حتى يتم إرسال أصول الوثائق والمستندات إليهم ، فقام بالاتصال بالطاعن الرابع وأخبره بما تم الاتفاق عليه وأرسل له عن طريق الطاعن الخامس مبلغ عشرة آلاف دولار الأمر الذي يوفر في حقه الاشتراك بطريقي الاتفاق والمساعدة في ارتكاب جريمة التخابر مع دولة أجنبية ومن يعمل لمصلحتها بنية الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبمصلحتها

الرجاء  
 ١٠/١٠/٨٠





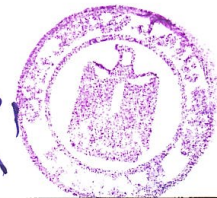
(٧٣)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

القومية ويضحي النعي على الحكم المطعون فيه بالقصور في هذا الشأن لا محل له .  
لما كان ذلك ، وكانت المادة ( ٨٠ ) من قانون العقوبات قد جرى نصها على أن :  
" يعاقب بالإعدام كل من سلم لدولة أجنبية أو لأحد ممن يعملون لمصلحتها أو أفشى  
إليها أو إليه بأية صورة وعلى أي وجه وبأية وسيلة سراً من أسرار الدفاع عن البلاد  
أو توصل بأية طريقة إلى الحصول على سر من هذه الأسرار بقصد تسليمه  
أو إفشائه لدولة أجنبية أو لأحد ممن يعملون لمصلحتها ..... " وقد عرفت المادة  
( ٨٥ ) من قانون العقوبات ما يعد من أسرار الدفاع في نصها على أنه : " يعتبر  
سراً من أسرار الدفاع : ١- المعلومات الحربية والسياسية والدبلوماسية والاقتصادية  
والصناعية التي بحكم طبيعتها لا يعلمها إلا الأشخاص الذين لهم صفة في ذلك  
ويجب لمصلحة الدفاع عن البلاد أن تبقى سراً على من عدا هؤلاء الأشخاص .  
٢- الأشياء والمكاتب والمحركات والوثائق والرسوم والخرائط والتصميمات والصور  
وغيرها من الأشياء التي يجب لمصلحة الدفاع عن البلاد ألا يعلم بها إلا من يناط  
بهم حفظها أو استعمالها والتي يجب أن تبقى سراً على من عداهم خشية أن تؤدي  
إلى إفشاء معلومات مما أشير إليه في الفقرة السابقة . ٣- الأخبار والمعلومات  
المتعلقة بالقوات المسلحة وتشكيلاتها وتحركاتها وعتادها وتموينها وأفرادها  
وبصفة عامة كل ما له مساس بالشئون العسكرية والاستراتيجية ولم يكن قد صدر  
إذن كتابي من القيادة العامة للقوات المسلحة بنشره أو إذاعته . ٤- الأخبار  
والمعلومات المتعلقة بالتدابير والإجراءات التي تتخذ لكشف الجرائم المنصوص عليها  
في هذا الباب أو تحقيقها أو محاكمة مرتكبيها ومع ذلك فيجوز للمحكمة التي تتولى  
المحاكمة أن تأذن لإذاعة ما تراه من مجرياتها . " والبين مما تقدم أن تلك الجريمة  
يتطلب تحققها توافر ركنين أحدهما مادي ويتمثل في الفعل المادي إما التسليم

١٢/٨

١٢/٨





(٧٤)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

أو الإفشاء لدولة أجنبية أو لمن يعملون لمصلحتها سراً من أسرار الدفاع عن البلاد أو التوصل بأية طريقة إلى الحصول على سر من أسرار الدفاع عن البلاد لتسليمه أو إفشائه إلى دولة أجنبية أو لمن يعملون لمصلحتها ، وثانيهما معنوي ويتمثل في القصد الجنائي العام بشقيه العلم والإرادة أي أن يكون الجاني عالماً بأن ما يحصل عليه هو سر من أسرار الدفاع عن البلاد - وفق ما أوضحتها المادة ( ٨٥ ) من قانون العقوبات السالف بيانها - وأن تتجه إرادته إلى الحصول عليه لتسليمه أو إفشائه إلى دولة أجنبية أو لمن يعملون لمصلحتها . لما كان ذلك ، وكان الحكم المطعون فيه قد دلل بما ساقه من أدلة الثبوت السائغة والقرائن التي اطمأنت إليها المحكمة أن الطاعن الرابع حصل على الوثائق والمستندات والتي تتطوي على أسرار الدفاع عن البلاد - على النحو وبالكيفية السالف بيانها - وأنه علم بمحتوى تلك الوثائق وأنها تتطوي على أسرار الدفاع عن البلاد ولا يجوز لغير المنوط بهم تداولها وحفظها الاطلاع عليها وكان الثابت أن تلك الوثائق - على نحو ما سلف بيانه - تتطوي على معلومات حربية وسياسية ودبلوماسية واقتصادية ومكاتبات وخرائط وتضمنت تقارير عن القوات المسلحة وتشكيلاتها وتحركاتها وعتادها وأماكن تركزها وأنه عن طريق المتهمين العاشر والحادي عشر تمكن من السعي والتخابر مع قناة الجزيرة القطرية والمخابرات القطرية لتسليمها تلك الوثائق والمستندات وتم ذلك بمعاونة الطاعنين السادس والسابع الأمر الذي يوفر في حقه أركان جريمة الحصول على سر من أسرار الدفاع عن البلاد لتسليمه وإفشائه إلى دولة أجنبية ومن يعملون لمصلحتها وحق عقابه عنها ومن ثم فإن منعه على الحكم المطعون فيه في هذا الشأن يكون غير سديد . لما كان ذلك ، وكانت محكمة الموضوع بما يوجبه القانون عليها من إضفاء الوصف الصحيح على واقعات الدعوى قد عدلت ووصف

أ. ب. ك.

١٨ / ١١ / ٨٦



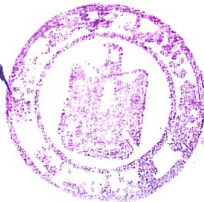


(٧٥)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الاتهام المسند للطاعنين السادس والسابع بالنسبة لجريمة الحصول على سر من أسرار الدفاع عن البلاد لتسليمه أو إفشائه إلى دولة أجنبية إلى أنهما وهما عالمان بنية المتهمين الرابع والعاشر قدما إليهما إعانة للحصول على سر من أسرار الدفاع عن البلاد لتسليمه وإفشائه إلى دولة أجنبية ومن يعملون لمصلحتها وهو الأمر المؤثم بالمادة ( ٨٢ ) فقرة ١ من قانون العقوبات والتي جرى نصها على أن : " يعاقب باعتباره شريكاً في الجرائم المنصوص عليها في هذا الباب : ١- كل من كان عالماً بنيات الجاني وقدم إليه إعانة أو وسيلة للعيش أو للسكنى أو مأوى أو مكاناً للاجتماع أو غير ذلك من التسهيلات وكذلك كل من حمل رسائله أو سهل له البحث عن موضوع الجريمة أو إخفائه أو نقله أو إبلاغه .... " ويبين من النص المتقدم أن المشرع نظراً للخطورة الشديدة للجرائم المنصوص عليها في الباب الأول من الكتاب الثاني من قانون العقوبات والمتعلقة بأمن الدولة من جهة الخارج فقد حرص على تجريم جميع الأفعال التي تؤدي أو تعين أو تساعد على ارتكاب تلك الجرائم أو تسهيل سبل ارتكابها وعد من ارتكب تلك الأفعال شريكاً في تلك الجرائم ومتى توافرت في حقه وجب عقابه بالعقوبة المقررة للفاعل الأصلي . لما كان ذلك ، وكان الحكم المطعون فيه قد أثبت بما ساقه من أدلة الثبوت السائغة والقرائن التي اطمأنت إليها المحكمة أن الطاعنين السادس ( محمد عادل كيلاي ) والسابع ( أحمد إسماعيل ثابت ) علما بنية المتهمين الرابع والعاشر في الحصول على سر من أسرار الدفاع عن البلاد لتسليمه وإفشائه إلى دولة أجنبية فاتجهت إرادتهما إلى إعانتتهما على ارتكاب تلك الجريمة بأن قام الطاعن السادس بإخفاء الحقيبة المحتوية على الوثائق والمستندات التي تعد من أسرار الدفاع عن البلاد في منزله الكائن ٦٣ ب الحي السويسري بمدينة نصر لحين نقلها عن طريق الطائفة

البركة  
٢٠٨/١٠/٨  
٢٠٨/١٠/٨





(٧٦)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

في رحلة سفره إلى قطر وتسليمها إلى ضابط المخابرات القطرية ممثل الدولة الأجنبية وقام بتغيير رحلة سفره من دبي إلى قطر تمهيداً لتنفيذ تلك المهمة ، كما قام الطاعن السابع بإرسال صور من تلك الوثائق والمستندات التي تنطوي على أسرار الدفاع عن البلاد إلى المتهم العاشر عبر البريد الإلكتروني الخاص به لاطلاع المسؤولين بقناة الجزيرة القطرية والمخابرات القطرية عليها والتفاوض بشأن تسليم أصول تلك الوثائق بما تنطوي عليه من أسرار ومعلومات إليهم ، وقد ارتكب الطاعنان السادس والسابع تلك الأفعال وهما على علم بنية المتهمين الرابع والعاشر واتجهت إرادتهما إلى ارتكابها رغم ذلك وهو ما يوفر في حقهما أنهما وهما على علم بنية المتهمين الرابع والعاشر اشتركا معهما في ارتكاب جريمة الحصول على سر من أسرار الدفاع عن البلاد لتسليمه وإفشائه إلى دولة أجنبية ومن يعملون لمصلحتها مما يوجب عقابهما عنها ومن ثم فإن النعي على الحكم المطعون فيه بالقصور في التسبب والفساد في الاستدلال في هذا الشأن لا يكون له محل . لما كان ذلك ، وكانت المادة ( ٨٢ ب ) من قانون العقوبات قد جرى نصها على أن : " يعاقب بالسجن المؤبد أو المشدد كل من اشترك في اتفاق جنائي سواء كان الغرض منه ارتكاب الجرائم المنصوص عليها في المواد ٧٧ ، ٧٧ أ ، ٧٧ ب ، ٧٧ ج ، ٧٧ هـ ، ٧٨ ، ٧٨ أ ، ٧٨ ب ، ٧٨ ج ، ٧٨ د ، ٧٨ هـ ، ٨٠ أ أو اتخاذها وسيلة للوصول إلى الغرض المقصود ..... " ويبين من هذا النص أن الاتفاق الجنائي المنصوص عليه فيه هو صورة خاصة من صور المساهمة الجنائية في ارتكاب الجرائم الوارد ذكرها في هذا النص ويتطلب لتوافر أركان تلك الجريمة تحقق أمرين الأول مادي وهو مساهمة الجاني في ارتكاب الجريمة موضوع ذلك الاتفاق بفعل من الأفعال الدالة عليه ، والثاني معنوي وهو علم الجاني بموضوع

إبراهيم

٢٠/٨ ١٨٠



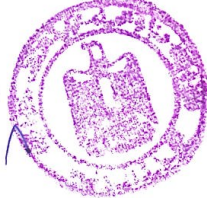


(٧٧)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

ذلك الاتفاق واتجاه إرادته إلى الدخول فيه . لما كان ذلك ، وكان من المقرر أن الاشتراك بطريق الاتفاق إنما يتحقق باتحاد نية أطرافه على ارتكاب الفعل المتفق عليه وهذه النية أمر داخلي لا يقع تحت الحواس ولا يظهر بعلامات خارجية وإذا كان القاضي حراً في أن يستمد عقيدته من أي مصدر شاء فإن له إذا لم يقد على الاشتراك دليل مباشر من اعتراف أو شهادة شهود أو غيره أن يستدل عليه بطريق الاستنتاج من القرائن التي تقوم لديه ما دام هذا الاستدلال سائغاً وله من ظروف الدعوى ما يبرره ، كما له أن يستنتج حصوله من فعل لاحق للجريمة يشهد به . لما كان ذلك ، وكان الحكم قد دلل بما ساقه من أدلة الثبوت السائغة والقرائن التي اطمأنت إليها المحكمة على اشتراك الطاعن الرابع بطريق الاتفاق مع المتهمين التاسعة والعاشر وتلاقت إرادتهم في الحصول على سر من أسرار الدفاع عن البلاد بقصد تسليمه وإفشائه إلى دولة أجنبية ومن يعملون لمصلحتها - على نحو ما سلف بيانه - كما دلل الحكم بما ساقه من أدلة سائغة على اشتراك الطاعن الرابع بطريق الاتفاق مع المتهم العاشر على ارتكاب جريمة السعي والتخابر مع دولة أجنبية ومن يعمل لمصلحتها بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبمصالحتها القومية بأن تلاقى إرادتهما قاصدين ارتكاب تلك الجريمة - على نحو ما سلف بيانه - وهو عالم بما أقدم عليه ودلل الحكم أيضاً على تلاقى إرادات الطاعنين الأول والثالث وكذا الرابع والسادس على اختلاس وإخفاء الوثائق والمستندات موضوع الدعوى والتي تنطوي على أسرار الدفاع عن البلاد وتتعلق بأمن الدولة وبمصالحتها القومية كما دلل على تلاقى إرادتي الطاعنين الرابع والسادس وإقدامهما على ارتكاب جريمة إخفاء تلك المستندات بقصد تسليمها وإفشائها إلى دولة أجنبية ومن يعمل لمصلحتها ، كما دلل الحكم بما ساقه

١٠٨  
١٠٨١٢/١٨





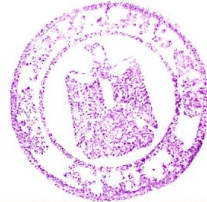
(٧٨)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

من أدلة ثبوت وقرائن اطمأنت إليها المحكمة على تلاقى إرادة الطاعن الرابع والمتهم العاشر على طلب نقود من دولة أجنبية ومن يعمل لمصلحتها بقصد ارتكاب أعمال ضاره بالمصالح القومية للبلاد ، وكان ما استخلصه الحكم المطعون فيه بشأن الاشتراك في اتفاق جنائي على النحو السالف بيانه عن طريق الاستنتاج والاستقراء مما أورده من أدلة الثبوت السائغة التي ساقتها محكمة الموضوع كافياً وسائغاً للقول بتوافره ويكون النعي عليه في هذا الشأن غير سديد ، هذا فضلاً أن الحكم المطعون فيه قد أعمل في حق الطاعنين حكم المادة ٣٢ من قانون العقوبات وأوقع عليهم عقوبة الجريمة الأشد للارتباط فليس لهم مصلحة في النعي عليه بالقصور في التتليل على الاشتراك في الاتفاق الجنائي . لما كان ذلك ، وكان من المقرر أن وزن أقوال الشهود وتقدير الظروف التي يؤدون فيها شهادتهم ، وتحويل القضاء على أقوالهم مهما وجه إليها من مطاعن وحام حولها من الشبهات كل ذلك مرجعه إلى محكمة الموضوع تنزله المنزلة التي تراها وتقدره التقدير الذي تطمئن إليه ، وهي متى أخذت بشهادة الشاهد فإن ذلك يفيد أنها اطرحت جميع الاعتبارات التي ساقتها الدفاع لحملها على عدم الأخذ بها ، كما أن تناقض الشاهد في بعض أقواله لا يعيب الحكم طالما استخلص الحقيقة منها بما لا تناقض فيه ، وكان الحكم المطعون فيه قد عول على أقوال شهود الإثبات التي اطمأن إليها وحصل مؤداها بما لا تناقض فيه ، فإن النعي عليه في هذا الشأن ينحل إلى جدل حول سلطة محكمة الموضوع في تقدير أدلة الدعوى مما لا يجوز مجادلته في أمام محكمة النقض . لما كان ذلك ، وكان البين من الحكم المطعون فيه أنه عول في قضائه على أقوال الضابط / طارق محمد صبري وحصل مؤداها في بيان كافٍ - خلافاً لما يدعيه الطاعنون بأسباب طعنهم - ، وكان من المقرر أن انفراد الضابط

١٨/١٠/٨٠

١٨/١٠/٨٠





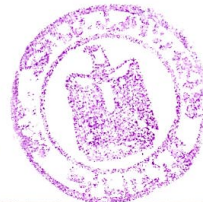
(٧٩)

تابع الطعن رقم ٢٢٦١١ لسنة ٨٦ ق

بالشهادة دون باقي أفراد القوة المرافقة له لا يمنع من الأخذ بأقواله كدليل في الدعوى يخضع لتقدير محكمة الموضوع ، ومن ثم فإن النعي على الحكم المطعون فيه في هذا الشأن يكون غير سديد . لما كان ذلك ، وكان من المقرر أن للخصوم رد الخبر إذا وجدت أسباب قوية تدعو لذلك ويقدم طلب الرد إلى قاضي التحقيق للفصل فيه ويجب أن تبين فيه أسباب الرد وعلى القاضي الفصل فيه في مدة ثلاثة أيام من يوم تقديمه ويترتب على هذا الطلب عدم استمرار الخبر في عمله إلا في حال الاستعجال بأمر من القاضي ، وكان الثابت من مطالعة محاضر جلسات المحاكمة أن المدافع عن الطاعن الثاني تقدم بجلسة ٢٠١٥/٩/١٠ بطلب إلى رئيس المحكمة لرد اللواء / عباس مصطفى كامل رئيس اللجنة المشكلة من قبل المحكمة لفحص الوثائق والمستندات المضبوطة ومطابقتها على السجلات والدفاتر بمؤسسة الرئاسة وبيان تاريخ وجهة ورود كل منها وما اتخذ بشأنها من إجراءات ومصيرها ، والمحكمة بعد أن حلفت أعضاء اللجنة اليمين القانونية قبل مباشرة مهمتها قررت استمرارها في أداء العمل المنوط بها ، وعرضت بأسباب حكمها المطعون فيه لطلب الرد وأطرحته بقولها أن العمل الذي كلفت اللجنة القيام به لا يعد من أعمال الخبرة وإنما هو مجرد الاطلاع على دفاتر الصادر والوارد بمؤسسة الرئاسة وتدوين المحتوى الموجود بها دون إبداء ملاحظات عليها أو تطبيق أساليب فنية أو علمية في هذا الشأن ، ومن ثم فإن التقرير المقدم من اللجنة لا يعد تقريراً فنياً مقدماً من خبير في الدعوى ، ولا يخضع لقاعدة رد الخبراء وهو ما يسوغ به اطراح طلب الرد المقدم من الطاعن في هذا الخصوص ، ويكون النعي على الحكم المطعون فيه بشأنه غير مقبول . لما كان ذلك ، وكان من المقرر أن من حق محكمة الموضوع أن تستخلص من أقوال الشهود وسائر العناصر المطروحة أمامها

الإبراهيم

٢٠١٥/٩/١٨



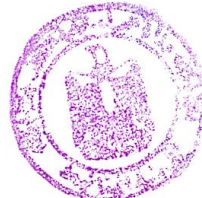


(٨٠)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

على بساط البحث الصورة الصحيحة لواقعة الدعوى حسبما يؤدي إليه اقتناعها وأن تطرح ما يخالفها من صور أخرى ما دام استخلاصها سائغاً مستنداً إلى أدلة مقبولة في العقل والمنطق ، ولها أصلها في الأوراق ، وكانت محكمة الموضوع قد أفصحت عن اطمئنانها لحدوث واقعات الدعوى وفق الصورة التي استخلصتها من جماع أدلة الثبوت السائغة التي أوردتها فإن النعي على الحكم المطعون فيه باستحالة حدوث الواقعة على هذه الصورة ويتلفيق الاتهام وكيديته لا يعدو أن يكون جدلاً حول سلطة محكمة الموضوع في استنباط معتقدها عن الواقعة وصورتها من أدلة الثبوت التي اطمأنت إليها وهو ما لا يجوز مجادلتها فيه أمام محكمة النقض . لما كان ذلك ، وكان من المقرر أن تقدير جدية التحريات ، وكفايتها لإصدار إذن الضبط والتفتيش هو من المسائل الموضوعية التي يوكل الأمر فيها إلى سلطة التحقيق تحت إشراف محكمة الموضوع ، وأنه متى كانت المحكمة قد اقتنعت بجدية الاستدلالات التي بنى عليها إذن التفتيش وكفايتها لتسوية إصداره ، وأقرت النيابة العامة على تصرفها في هذا الشأن فلا معقب عليها فيما ارتأته لتعلقه بالموضوع لا بالقانون ، ولما كانت المحكمة قد عرضت للدفع ببطلان إذن النيابة العامة بالضبط والتفتيش المبدى من الطاعنين السادس والسابع لابتنائه على تحريات غير جدية ومنعدمة وتجهيل مصدرها ، وردت على شواهد الدفع ببطلانه بأدلة منتجة لا ينزع الطاعنان في أن لها أصل ثابت بالأوراق ، فإن النعي على الحكم في هذا الشأن يكون غير سديد . لما كان ذلك ، وكان الحكم المطعون فيه قد عرض للدفع ببطلان القبض والتفتيش لوقوعه قبل صدور الإذن وأثبت بما ساقه من أدلة سائغة أن ضبط الطاعنين وتفتيشهم وتفتيش مساكنهم كان لاحقاً للإذن بالضبط والتفتيش الصادر من النيابة العامة للرائد / طارق محمد صبري بقطاع الأمن الوطني بتاريخ

٢٠١٨/١٠/٨





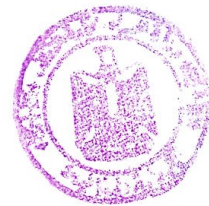
(٨١)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

٢٠١٤/٣/٢٣ وإطرح ما ساقه الطاعنون في هذا الشأن من برقيات تلغرافية ومستندات وقرائن تأييداً لدفاعهم ، وكان من المقرر أن الدفع ببطلان الضبط والتفتيش يعد دفاعاً موضوعياً يكفي للرد عليه اطمئنان المحكمة إلى وقوع الضبط والتفتيش بناءً على هذا الإذن أخذاً منها بالأدلة السانعة التي أوردتها - كما هو الحال في الدعوى المطروحة - فإن النعي على الحكم المطعون فيه في هذا الصدد يكون غير سديد . لما كان ذلك ، وكان الحكم المطعون فيه قد عرض للدفع المبدى من الطاعنين ببطلان تقرير هيئة الأمن القومي الخاص بفحص المضبوطات لانقطاع صلة المتهمين بها وتجاوز من أجراه أمر الندب من النيابة العامة في خصوص قيامه بإجراء تحرياته لم يكلف بإجرائها ، ولعدم حلفه اليمين القانونية قبل مباشرة مهمته بما مفاده أن المخابرات العامة أناط بها القانون رقم ١٠٠ لسنة ١٩٧١ بشأن المخابرات العامة المحافظة على أمن وسلامة الدولة وحفظ كيائها ونظامها ومد مؤسساتها الرئاسية والمعاونة لها بكافة احتياجاتها من المعلومات ، وكذا التحري عن كافة الجرائم الماسة بالدولة سواء من جهة الخارج أو الداخل وخول كافة العاملين بها صفة مأموري الضبط القضائي في تطبيق أحكام هذا القانون ، ومن ثم فإن كل ما يقومون به في إطار جمع الأدلة والاستدلالات عن أي جرائم متعلقة بأمن الدولة وسلامتها من جهة الخارج أو الداخل يكون وفق صحيح القانون طالما لم يكن لهم يد في خلق الجريمة أو التحريض عليها ، وقد أناطت المادة (٢٩) من قانون الإجراءات الجنائية بأعضاء النيابة العامة أثناء جمع الاستدلالات الاستعانة بأهل الخبرة وأن يطلبوا رأيهم شفاهه أو كتابة بغير حلف يمين وليس ما يمنع من الأخذ بالتقرير المقدم منه ولو لم يحلف يميناً قبل مباشرة المهمة على سبيل الاستدلال باعتباره عنصراً من عناصر الدعوى طالما كان مطروحاً

١٠/١٨/٨٠

١٠/١٨/٨٠






(٨٢)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

على بساط البحث والمناقشة ، ومن ثم فإن تكليف النيابة العامة لرئيس هيئة الأمن القومي بقرارها الصادر بتاريخ ٢٠١٣/٤/١٣ لندب أحد الفنيين المختصين بها لفحص أجهزة الحاسب الآلي ووحدات التخزين والكاميرا وماكينات الطباعة والماسح الضوئي والهواتف المحمولة المضبوطة بحوزة المتهمين من الرابع إلى الثامنة وبيان ما إذا كانت متصلة بأية حسابات على شبكة المعلومات الدولية وتفرغ كافة محتوياتها ليس فيه ما يخالف القانون في شيء وهو ما يسوغ به اطراح دفاع الطاعنين في هذا الشأن ولا يمنع المحكمة من الأخذ به باعتباره دليلاً مادياً مطروحاً على المحكمة لها أن تأخذ به أو تطرحه حسبما يستقر في عقديتها طالما كان مطروحاً على بساط البحث والمناقشة ، لما هو مقرر من أن تقدير آراء الخبراء والفصل فيما يوجه إلى تقاريرهم من مطاعن مرجعه إلى محكمة الموضوع التي لها كامل الحرية في تقدير القوة التدليلية لتقرير الخبير شأنه في ذلك شأن سائر الأدلة في الدعوى والفصل فيما يوجه إليها من اعتراضات ، وكانت المحكمة قد عرضت لما أثاره الطاعنون بشأن تقرير هيئة الأمن القومي الخاص بفحص المضبوطات من اعتراضات ، واطرحتها برد سائغ وأفصحت عن اطمئنانها إلى ما انتهى إليه ، فإن النعي على الحكم المطعون فيه في هذا الخصوص لا يعدو أن يكون جدلاً حول سلطة محكمة الموضوع في تقدير أدلة الدعوى مما لا يجوز مجادلته فيها أمام محكمة النقض . لما كان ذلك ، وكان الحكم المطعون فيه قد عرض للدفع المبداء من الطاعنين الرابع والخامس والسادس والسابع كونها وليدة إكراه مادي ومعنوي وحجز بدون وجه حق وإطالة أمد التحقيق واطرحها بعد أن قام بتحقيق تلك الدفع تحقيقاً مستفيضاً بعرضهم جميعاً على الطب الشرعي استبياناً لما إذا كان قد وقع على أي منهم ثمة تعذيبات بدنية

المراد  
٢٠١٨/١٠/٨  
٢٠١٨/١٠/٨





(٨٣)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

في تاريخ معاصر لإدلائهم بتلك الاعتراضات من عدمه وبعد أن تم توقيع الكشف الطبي عليهم وإثبات حالة كل منهم قامت المحكمة باستدعاء الطبيب الشرعي ومناقشته في التقرير الذي أعده عن حالة كل منهم وبيان ما به من إصابات كما قامت باستدعاء الضابط المنسوب له التعذيب أو الإكراه وسألته عما نسب إليه ، وبعد أن حققت المحكمة دفاع المتهمين في هذا الشأن وثبت لها عدم وقوع أي تعذيب أو إكراه بدني على الطاعنين ، وأن الإصابات التي وجدت ببعضهم راجعة لأسباب أخرى لا علاقة لها بالاعترافات المنسوبة إليهم ، كما ثبت للمحكمة مما أجرته من تحقيقات عدم حجز أي منهم بدون وجه حق وأن جلسات التحقيق معهم كانت تتم في أجال مناسبة لم تسفر عن وقوع أي ضغط أو تهديد لأي منهم وبعد أن نفت المحكمة بيقين شواهد الدفوع المبدأة من الطاعنين الرابع والخامس والسادس والسابع ببطلان اعترافاتهم بالتحقيقات خلصت إلى أن تلك الاعترافات الصادرة منهم جاءت تفصيلية واشتملت على وقائع وأحداث أحاطت بها وتساندت مع أدلة الدعوى الأخرى ولم تتنافر معها ، وأنها قد صدرت منهم عن طوعية واختيار وبغير إكراه ، وكان من المقرر أن الاعتراف في المسائل الجنائية من العناصر التي تملك محكمة الموضوع كامل الحرية في تقدير صحتها وقيمتها في الإثبات ولها دون غيرها البحث في صحة ما يدعيه المتهم من أن الاعتراف المعزوم إليه قد انتزع منه بطريق الإكراه ، كما أن لها تقدير ما إذا كان الاعتراف قد صدر من المتهم أثر إجراء باطل وتحديد مدى صلة الاعتراف بهذا الإجراء ، ومتى تحققت من أن الاعتراف كان دليلاً مستقلاً منبث الصلة عن الإجراءات السابقة وأنه سليم مما يشوبه واطمأنت إليه كان لها أن تأخذ به بلا معقب عليها فيه ، وكانت المحكمة على نحو ما سلف بيانه قد أفصحت عن اطمئنانها إلى اعترافات

أ. ح. ط. م. م. م.  
٢٠١٨/١٠/٨






(٨٤)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الطاعنين باعتبارها دليلاً مستقلاً عن الإجراءات السابقة عليها ومنبئة الصلة عنها وأنها صدرت منهم طواعيةً واختياراً ولم تكن نتيجة أي إكراه أو إجراءات باطلة واقتنعت بسلامتها وصحتها ، فإن منعاهم على الحكم المطعون فيه في هذا الخصوص لا يعدو أن يكون محاولة لإعادة الجدل في تقدير الدليل مما لا يجوز إثارته أمام محكمة النقض . لما كان ذلك ، وكانت المادة (١٢٤) من قانون الإجراءات الجنائية قد نصت على أنه : " لا يجوز للمحقق في الجنايات وفي الجناح المعاقب عليها بالحبس وجوباً أن يستجوب المتهم أو يواجهه بغيره من المتهمين أو الشهود إلا بعد دعوة محاميه للحضور عدا حالة التلبس وحالة السرعة بسبب الخوف من ضياع الأدلة على النحو الذي يثبتته المحقق في المحضر وعلى المتهم أن يعلن اسم محاميه بتقرير لدى قلم كتاب المحكمة أو إلى مأمور السجن أو يخطر به المحقق كما يجوز لمحاميه أن يتولى هذا الإعلان أو الإخطار وإذا لم يكن للمتهم محام أو لم يحضر محاميه بعد دعوته وجب على المحقق من تلقاء نفسه أن يندب له محامياً ... " ويبين من النص أن المشرع قد حظر استجواب المتهم أو مواجهته بغيره من المتهمين أو الشهود في الجنايات وفي الجناح المعاقب عليها بالحبس وجوباً إلا إذا حضر معه محاميه وأوجب على المتهم أن يعلن اسم محاميه إما في قلم الكتاب أو إلى مأمور السجن أو إلى المحقق وأجاز للمحامي أن يقوم بذلك الإخطار ، وفي حالة عدم حضور المحامي بعد دعوته أو إذا لم يكن للمتهم محام أو وجب المشرع على المحقق أن يندب له محامياً ، واستثنى المشرع من هذا الحظر حالتي التلبس بالجريمة ، والسرعة بسبب الخوف من ضياع الأدلة وذلك على النحو الذي يثبتته المحقق في المحضر فأجاز إجراء الاستجواب في هاتين الحالتين دون حضور محام ، وكان الحكم المطعون فيه قد عرض للدفع المبدى من الطاعنين

١٨/٢٠/٨٠  
محامي  
١٨/٢٠/٨٠





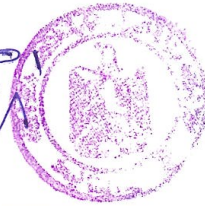
(٨٥)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

الرابع والخامس والسابع ببطلان استجواباتهم بالتحقيقات لعدم حضور محام مع كل منهم آنذاك واطرحها بما أثبتته من أن المحقق سأل كل منهم لدى استجوابه عما إذا كان لديه محامياً يحضر معه إجراءات التحقيق فأجابوا جميعاً سلباً ونظراً للسرعة وخشية ضياع الأدلة قام باستجوابهم واعترفوا جميعاً بالاتهامات المسندة إليهم وفي جلسات التحقيق التالية حضر محام مع كل من الطاعنين الرابع والسابع وأصر كل منهما في حضور محاميه على اعترافه ، وهو ما يسوغ به اطراح الدفع المبدى منهم في هذا الشأن وتكون استجواباتهم بالتحقيقات قد تمت بمنأى عن البطلان . لما كان ذلك ، وكان من المقرر أنه بحسب الحكم كيما يستقيم قضاؤه أن يورد الأدلة المنتجة التي صحت لديه على ما استخلصه من وقوع الجريمة المسندة إلى المتهمين ولا عليه أن يتعقبهما في كل جزئية من جزئيات دفاعهما لأن مفاد التفاته عنها أن اطرحها ، وأن للمحكمة أن تلتفت عن دليل النفي ولو حملته أوراق رسمية ما دام يصح في العقل أن يكون غير ملتئم مع الحقيقة التي اطمأنت إليها المحكمة ، كما أنه من المقرر أيضاً أن أوجه الدفاع التي تتعلق بنفي التهمة هي من أوجه الدفاع الموضوعية التي لا تستأهل رداً طالما كان الرد مستفاداً من أدلة الثبوت التي أوردها الحكم ، ومن ثم فإن ما ينعاه الطاعنون على الحكم المطعون فيه بشأن التفاته عن طلبات ضم دفاتر الأحوال الخاصة بالأمن الوطني خلال الفترة من ٢٠١٤/٣/٢٣ حتى ٢٠١٤/٣/٣٠ وقسمي مدينة نصر أول وثاني إثباتاً لاحتجاز الطاعن السادس وخضوعه للتعذيب خلال تلك الفترة ، والاستعلام من شركتي فودافون واتصالات عن رقمي هاتفي ونطاقهما الجغرافي ، وإجراء معاينة للشقة الخاصة به والكائنة بالحي السويسري بمدينة نصر استبياناً لكيفية ضبط حقيبة الوثائق والمستندات بها وضم كاميرات المراقبة بناية أمن الدولة

المرجع  
٢٠١٨/١٠/٨

٢٠١٨/١٠/٨



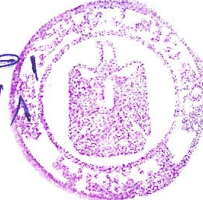


(٨٦)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

عن يومي ١٧ ، ٢٠١٣/١٢/١٨ والأشرطة التي تم تسجيلها وأوراق القضية رقم ٣٤١٥٠ لسنة ٢٠١٥ جنابات قسم أول مدينة نصر تدليلاً على عدم مشاركتهم في اعتصام رابعة العدوية والاستعلام من فندق شيراتون الدوحة عن تاريخ وصول وخروج المتهم العاشر خلال الفترة من ٢٠١٣/١٢/١٣ حتى ٢٠١٤/٣/٢٣ وسماع شهادة المستشار / عدلي منصور رئيس الجمهورية المؤقت وصفوه حجازي والضابط محمد حازم بقطاع الأمن الوطني عن معلوماتهم بشأن اعتصام رابعة العدوية والاستعلام عن اللجنة المشكلة بمعرفة الشاهد الأول لاستلام المضبوطات وضم صورة رسمية من قرار الاستلام وطلب الطاعن السابع بجلسة ٢٠١٥/٧/٧ الاطلاع على الإيميل الخاص به تحقيقاً لدفاعه بعدم إرساله أي وثائق أو مستندات عبر بريده الإلكتروني وإنما هي مجرد عناوين لا تنطوي على أية أسرار عن الدفاع عن البلاد مردوداً بأن هذه الطلبات جميعها إنما هي طلبات موضوعية تتعلق بنفي الاتهامات المنسوبة إليهم لا يعيب الحكم إعراضه عن إجابتها بحسبانها لا تستأهل رداً أو تحقيقاً اكتفاءً بأدلة الثبوت السانغة والمنتجة التي اطمأنت إليها المحكمة واستدلّت منها على ثبوت ارتكابهم للجرائم المسندة إليهم والتي دانهم الحكم عنها . لما كان ذلك ، وكانت المادة (٤٥٤) من قانون الإجراءات الجنائية قد نصت على أن : " تنقضي الدعوى الجنائية بالنسبة للمتهم المرفوعة عليه والوقائع المسندة فيها إليه بصور حكم نهائي فيها بالبراءة أو بالإدانة وإذا صدر حكم في موضوع الدعوى الجنائية فلا يجوز إعادة نظرها إلا بالطعن في هذا الحكم بالطرق المقررة في القانون " ويبين من هذا النص أنه يشترط لصحة الدفع بقوة الشيء المحكوم فيه في المسائل الجنائية بما يتعين معه الامتناع عن إعادة نظر الدعوى أولاً : أن يكون هناك حكم جنائي نهائي سبق صدوره في محاكمة جنائية معينة والحكم النهائي له مدلولان

٢٠١٨/١٠/١٨





(٨٧)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

أحدهما ضيق وهو الذي لا يقبل الطعن بالاستئناف وهذا هو المقصود بعبارة الحكم النهائي كلما أريد منه الإشارة إلى قابليته للتنفيذ - ومدلول واسع - وهو ما يشار إليه في محيط الحجية وانقضاء الدعوى الجنائية وعلى ذلك إذا كانت قوة الشيء المقضي به تحول دون الرجوع إلى الدعوى فهي لا تتصرف إلا إلى الحكم النهائي في المعنى الواسع أي الذي لا يجوز الطعن فيه بالطرق العادية أو طريق النقض أي الحكم البات وعليه فالشرط الأول للدفع هو أن يكون الحكم باتاً أي غير قابل للطعن بالطرق العادية والنقض ، ثانياً : وحدة الموضوع والسبب وأشخاص المتهمين بين الدعويين ، ثالثاً : أن يكون الحكم صادراً في موضوع الدعوى الأولى سواء قضى بالإدانة وتوقيع العقوبة أو بالبراءة ورفض توقيعها أما إذا صدر في مسألة غير فاصلة في الموضوع فإنه لا يحوز حجية الشيء المقضي فيه . لما كان ذلك ، وكان الحكم المطعون فيه قد عرض للدفع المبدى من الطاعنين بعدم جواز نظر الدعوى لسابقة الفصل فيها في القضية رقم ٥٦٤٥٨ لسنة ٢٠١٣ جنابات قسم أول مدينة نصر المقيمة برقم ٢٥٢٩ لسنة ٢٠١٥ كلي شرق القاهرة بجلسة ٢٠١٥/٦/١٥ وذلك بالنسبة للاتهام المسند إليهم بالبندين تاسعاً وعاشراً بشأن جريمة تولى قيادة جماعة أسست على خلاف أحكام القانون الغرض منها تعطيل أحكام الدستور ومنع مؤسسات الدولة من أداء عملها والانضمام إليها مع العلم بغرضها ، وخلص في تدليل سائغ إلى عدم انطباق شروط أعمال قوة الأمر المقضي لعدم نهائية الحكم الصادر في الدعوى المرفوع بها وانتهى إلى رفض الدفع ، ومن ثم فإن النعي عليه في هذا الخصوص يكون غير مقبول . لما كان ذلك ، وكان الحكم المطعون فيه قد عرض للدفع المبدى من الطاعن السادس بعدم جواز نظر الدعوى الجنائية لسابقة الفصل فيها لصدور أمر ضمني من نيابة أمن الدولة

أ. ك. ك.  
أ. ك. ك.  
٢٠١٨/١٠/١٨





(٨٨)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

العليا بأن لا وجه لإقامة الدعوى الجنائية قبل الشيخ حمد بن جاسم رئيس قناة الجزيرة واطرحه بما مفاده أن التحقيقات لم تشملته ولم يتم استدعاؤه ولم يصدر أمر ضمني بالألا وجه لإقامة الدعوى الجنائية بالنسبة له صراحة أو استنتاجاً .

لما كان ذلك ، وكان من المقرر أنه إذا كان تصرف النيابة العامة لا يفيد على وجه القطع استقرار الرأي على عدم رفع الدعوى الجنائية ، فإنه لا يصح اعتبار تصرفها أمراً بالألا وجه لإقامة الدعوى لأن الأصل في هذا الأمر أن يكون صريحاً ومدوناً بالكتابة فلا يصح استنتاجه من تصرف أو استنتاج آخر إلا إذا كان هذا التصرف أو الإجراء يترتب عليه حتماً وبطريق اللزوم العقلي أن ثمة أمر بالألا وجه لإقامة الدعوى الجنائية قد صدر ضمناً ، وإذ كانت النيابة العامة بعد أن حققت الدعوى واستجوبت الطاعنين وباقي المتهمين قيدتها جنائية ضدهم وأسندت إليهم الاتهامات الواردة بصدر الحكم فإن ذلك بمجرده لا يفيد على وجه القطع واللزوم أن النيابة العامة قد ارتأت إصدار أمر بالألا وجه لإقامة الدعوى الجنائية ضد حمد بن جاسم رئيس قناة الجزيرة القضائية بشأن أي من تلك الاتهامات ويكون ما انتهى إليه الحكم من اطراح دفاع الطاعن في هذا الشأن سديداً ولا محل للنعي عليه في هذا الخصوص . لما كان ذلك ، وكانت المادة (١٥) من قانون السلطة القضائية رقم ٤٦ لسنة ١٩٧٢ قد نصت على أنه : " فيما عدا المنازعات الإدارية التي يختص بها مجلس الدولة تختص المحاكم بالفصل في كافة المنازعات والجرائم إلا ما استثنى بنص خاص وتبين قواعد اختصاص المحاكم في قانون المرافعات وقانون الإجراءات الجنائية " ويبين من هذا النص أن محاكم القضاء العادي هي المختصة بالنظر في جميع الدعاوي الناشئة عن أفعال مكونة لجريمة وفقاً لقانون العقوبات العامة أيأ كان شخص مرتكبها ، وأن ما نصت عليه المادة

أبو بكر  
 عبد الصمد  
 ٢٠١٨/١٠/٨



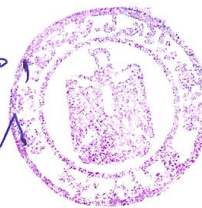


(٨٩)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

(١٥٩) من دستور جمهورية مصر العربية لسنة ٢٠١٤ من أن : " يكون اتهام رئيس الجمهورية بانتهاك أحكام الدستور أو بالخيانة العظمى أو أية جنابة أخرى بناء على طلب موقع من أغلبية أعضاء مجلس النواب على الأقل ولا يصدر قرار الاتهام إلا بأغلبية ثلثي أعضاء المجلس وبعد تحقيق يجريه معه النائب العام ، وإذا كان به مانع يحل محله أحد مساعديه وبمجرد صدور هذا القرار يوقف رئيس الجمهورية عن عمله ويعتبر ذلك مانعاً مؤقتاً يحول دون مباشرته لاختصاصاته حتى صدور حكم في الدعوى ويحاكم رئيس الجمهورية أمام محكمة خاصة يرأسها رئيس مجلس القضاء الأعلى .... " . لما كان ذلك ، وكانت الاتهامات المسندة إلى الطاعن الأول عن جرائم وأفعال نسب إليه ارتكابها أبان أن كان يشغل منصب رئيس الجمهورية وقد اتخذت إجراءات التحقيق معه وأقيمت عليه وآخرين الدعوى عقب زوال ذلك المنصب عنه ، ومن ثم فإن الاختصاص بمحاكمة الطاعن الأول عما أسند إليه من جرائم موضوع الدعوى ينعقد للقضاء الجنائي العادي ، ومن ثم فإن النعي على الحكم المطعون فيه بالبطلان لعدم اختصاص المحكمة ولأنياً بنظر الدعوى بالنسبة للطاعن الأول يكون بعيداً عن الصواب . لما كان ذلك ، وكان البين من الاطلاع على محضر جلسة المحاكمة بتاريخ ٢٠١٦/٣/٦ أنه خلا من بيان اسم ممثل النيابة العامة أمام هيئة المحكمة بيد أنه لما كان الثابت بمحضر تلك الجلسة أن النيابة العامة قدمت للمحكمة صورة ضوئية من اللائحة العالمية لجماعة الإخوان المسلمين والنظام العام للإخوان المسلمين أشرت عليها المحكمة ، بما مفاده أن ممثل النيابة العامة كان حاضراً بتلك الجلسة - خلافاً لما يدعيه الطاعن - وأن إغفال ذكر اسمه ضمن هيئة المحكمة بمحضر جلسة المحاكمة لا يعدو أن يكون مجرد سهواً لا يغير من حقيقة الواقع ، ولا يترتب عليه بطلان . لما كان ذلك ، وكان الثابت

الإبراهيم  
عبد السلام  
٢٠١٨/١٠/١٨






(٩٠)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

من محاضر جلسات المحاكمة ، ومن الحكم المطعون فيه أن الأستاذ / علاء علم الدين المحامي تولى الدفاع عن الطاعنين الثاني والسابع وكان واقع الحال في الدعوى وظروف الواقعة - على نحو ما استخلصه الحكم - لا يؤدي للقول بوجود تعارض حقيقي بين مصلحتيهما ، وكان المحامي المذكور قد حضر وترافع عنهما في الدعوى وأبدى ما عُنَّ له من دفاع بالنسبة لكل منهما طالباً القضاء لهما بالبراءة ، ومن ثم فإن النعي على الحكم المطعون فيه في هذا الشأن يكون غير سديد ، لما هو مقرر من أن القانون لا يمنع من أن يتولى محام واحد واجب الدفاع عن متهمين متعددين في جريمة واحدة ما دامت ظروف الواقعة لا تؤدي للقول بقيام تعارض حقيقي بين مصالحهم . لما كان ذلك ، وكان القانون رقم ٤٨ لسنة ١٩٧٩ بإصدار قانون المحكمة الدستورية العليا المعمول به وقت نظر الدعوى نص في المادة ٢٩ منه على أن : " تتولى المحكمة الرقابة القضائية على دستورية القوانين واللوائح على الوجه التالي .... (ب) إذا دفع أحد الخصوم أثناء نظر الدعوى أمام إحدى المحاكم أو الهيئات ذات الاختصاص القضائي بعدم دستورية نص في قانون أو لائحة ورأت المحكمة أو الهيئة أن الدفع جدي أجلت نظر الدعوى وحددت لمن أثار الدفع ميعاداً لا يجاوز ثلاثة شهور لرفع الدعوى بذلك أمام المحكمة الدستورية العليا ، فإذا لم ترفع الدعوى في الميعاد اعتبر الدفع كأن لم يكن ، وكان مفاد هذا النص أن محكمة الموضوع وحدها هي الجهة المختصة بتقدير جدية الدفع بعدم الدستورية وأن الأمر بوقف الدعوى المنظورة أمامها وتحديد ميعاد لرفع الدعوى بعدم الدستورية جوازي لها ومترك لمطلق تقديرها ، وكان يبين من الحكم المطعون فيه أنه عرض للدفع المبدى من الطاعنين الثاني والثالث والسادس بعدم دستورية أحكام المواد ( ٧٧ د ، ٨٢ ، ٨٨ مكرر ج ) من قانون العقوبات

أ. ج. ك.  
عبدالمجيد  
٢٠١٨/١٠/٨





(٩١)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

لمخالفتها أحكام المواد ٥٤ ، ٩٤ ، ٩٥ ، ٩٦ ، ٩٩ ، ١٨٤ ، ١٨٦ من الدستور وخلص إلى انتفاء مصلحتهم في التمسك بهذا الدفع لتعديل الاتهام المسند إليهم وعدم إعمال حكم المواد المدفوع بعدم دستوريتهما في حقهم ، وكذا إعمال حكم المادة ٣٢ من قانون العقوبات وتوقيع عقوبة الجريمة الأشد بالنسبة للطاعن السادس ورأت المحكمة - بحق - أنه لا محل لوقف الدعوى المنظورة أمامها لرفع الدعوى بعدم دستورية تلك المواد أمام المحكمة الدستورية العليا فإن النعي على الحكم المطعون فيه في هذا الخصوص يكون غير مقبول . لما كان ذلك ، وكانت المادة (٣٨١) من قانون الإجراءات الجنائية قد نصت على أنه : " .... ولا يجوز لمحكمة الجنايات أن تصدر حكماً بالإعدام إلا بإجماع آراء أعضائها ويجب عليها قبل أن تصدر هذا الحكم أن تأخذ رأي مفتي الجمهورية ..... " ويبين من هذا النص أن المشرع أوجب على محكمة الجنايات بعد سماع الدعوى إذا ما رأت الحكم فيها بالإعدام أن تستطلع الرأي الشرعي في هذا الشأن عن طريق عرض الأوراق على مفتي الجمهورية إلا أن هذا الرأي غير ملزم لها فلها بعد وروده أن تأخذ به أو تطرحه كما أن لها أن تقضي في الدعوى إذا لم يرد إليها خلال العشرة أيام التالية لإرسال الأوراق إليه ، ذلك أن توقيع العقوبة المقررة عن الجريمة وتقديرها من إطلاقات قاضي الموضوع دون معقب عليها ودون أن تسأل عن الأسباب التي من أجلها أوقعت العقوبة بالقدر الذي ارتأته ، هذا إلى أن المحكمة غير ملزمة بعرض ما خلص إليه مفتي الجمهورية في رأيه على الخصوم للبحث والمناقشة إذ القانون لم يوجب عليها ذلك ، فضلاً عن أن أخذ رأي المفتي لا يكون إلا بعد تمام المرافعة وتهيئة الدعوى للفصل فيها بما يمنع من العودة إلى فتح باب المرافعة فيها إلا إذا رأت المحكمة ذلك . لما كان ذلك ، فإن النعي على الحكم

الحكم

أ. ب. الم. س. د.  
٢٠١٨ / ١٠ / ٨



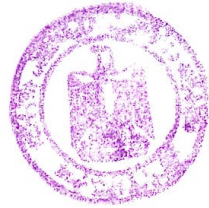


(٩٢)

تابع الطعن رقم ٢٢٦١١ لسنة ٨٦ ق

المطعون فيه بشأن تجاوز مفتي الجمهورية في إبداء رأيه الشرعي بالنسبة لتوقيع عقوبة الإعدام على متهمين لم تطلب المحكمة منه إبداء الرأي بالنسبة لهم - يفرض صحته - غير مؤثر طالما لم يكن لذلك أثر في منطق الحكم ، فضلاً عن أن النعي عليه بعدم عرض تقرير المفتي على بساط البحث والمناقشة على الخصوم وأن إحالة الأوراق للمفتي يفصح عن اتجاه المحكمة لتوقيع عقوبة الإعدام ويجعلها غير صالحة للفصل في الدعوى يكون غير مقبول ويتعارض مع ما أوجبه القانون . لما كان ذلك . وكانت المادة ( ٢٤٧ ) من قانون الإجراءات الجنائية قد أوضحت الحالات التي يتمتع فيها على القاضي أن يشترك في نظر الدعوى والفصل فيها على سبيل الحصر ، وكان النعي على المحكمة خوضها في أمور سياسية - في صدر حكمها - بشأن نشأة جماعة الإخوان المسلمين وقوامها ونظامها الأساس وأنها استقت تلك المعلومات من العلم العام وأنه ليس له سند بالأوراق فضلاً عن أنه لا يعد سبباً لفقد المحكمة صلاحيتها للفصل في الدعوى فهو تزيد غير مؤثر في منطق الحكم وما خلصت إليه المحكمة ، ومن ثم فإن النعي المبدى من الطاعنين في هذا الشأن يكون غير سديد . لما كان ذلك ، وكان من المقرر أن التناقض الذي يعيب الحكم ويبطله هو الذي يقع بين أسبابه بحيث ينفي بعضها ما أثبتته البعض الآخر ولا يعرف أي الأمرين قصدته المحكمة وكان النعي على الحكم تعويله على أقوال الضابط بالأمن الوطني محمد عبد الرحمن على الرغم من أنه قرر عدم إجرائه تحريات عن جماعة الإخوان المسلمين خلال الفترة من ٢٠١٣/٦/١ حتى ٢٠١٣/٦/٣٠ لا يعد من قبيل التناقض ، كما أن استدلال الحكم على ثبوت جريمة التخابر في حق الطاعنين من حصولهم على مبالغ مالية من العاملين بالمخابرات القطرية لا يتناقض مع ما ثبت من عدم حصول الطاعن السادس على ثمة مبالغ لنفسه ،

أبو  
أحمد  
٢٠١٨/١٠/٨



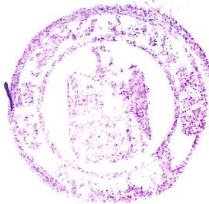


(٩٣)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

ومن ثم فإن النعي على الحكم المطعون فيه بالتناقض في هذا الخصوص لا يكون له محل . لما كان ذلك ، وكان من المقرر أن الأصل في المحاكمات الجنائية هو اقتناع القاضي بناء على الأدلة المطروحة عليه فله أن يكون عقيدته من أي دليل أو قرينه يرياح إليها إلا إذ قيده القانون بدليل معين ينص عليه وكان لا يشترط أن تكون الأدلة التي اعتمد عليها الحكم بحيث ينبئ كل دليل ويقطع في كل جزئية من جزئيات الدعوى إذا الأدلة في المواد الجنائية متساندة يكمل بعضها بعضاً ومنها مجتمعة تتكون عقيدة المحكمة ، وكان من المقرر أن تقدير الأدلة بالنسبة إلى كل متهم هو من اختصاص محكمة الموضوع وهي حرة في تكوين اعتقادها حسب تقديرها لتلك الأدلة واطمئنانها إليها بالنسبة إلى متهم وعدم اطمئنانها إلى ذات الأدلة بالنسبة إلى متهم آخر ، ومن ثم فإن النعي على الحكم المطعون فيه تعويله على أقوال الشهود وتحريات هيئة الأمن القومي والأمن الوطني وتقارير لجان الفحص لدى القضاء بإدانة بعض المتهمين واطراحها لدى القضاء ببراءة متهمين آخرين لا يعدو أن يكون جدلاً حول سلطة محكمة الموضوع في تقدير أدلة الدعوى واستنباط معتقدها منها مما لا يجوز مجادلتها فيه أو مصادرة عقيدتها بشأنه أمام محكمة النقض . لما كان ذلك ، وكان الحكم المطعون فيه قد أعمل في حق الطاعنين حكم المادة ( ٨٢ ب فقرة ١ ) من قانون العقوبات بشأن اشتراكهم في اتفاق جنائي الغرض منه ارتكاب الجرائم المنصوص عليها في المواد ( ٧٧ د ، ٧٨ / ١ ، ٢ ، ٨٠ ) من قانون العقوبات - والتي لم يقض بعدم دستوريته - ولم يعمل في حقهم حكم المادة ٤٨ من قانون العقوبات - المقضي بعدم دستوريته في الدعوى رقم ١١٤ لسنة ٢١ ق دستورية فإن النعي عليه في هذا الخصوص يكون غير مقبول . لما كان ذلك ، وكان البين

أ. ب. ج.  
١٨ / ١٠ / ١٨٨٠





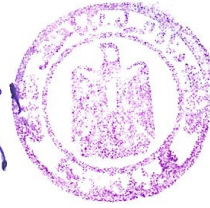
(٩٤)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

من الحكم المطعون فيه أن عدل وصف الاتهام المسند للمتهمين بأن أسند للطاعنين الأول والثالث والرابع والسادس وللمحكوم عليهم من الثامن إلى الأخير اشتراكهم في اتفاق جنائي الغرض منه ارتكابهم الجرائم المسندة إليهم في بنود الاتهام السالف بيانها بصدر الحكم والمسندة إليهم ودانهم عن تلك الجريمة بعد أن أعمل في حقهم حكم المادة ٣٢ من قانون العقوبات فإن النعي على الحكم بشأن تحدّثه عن اشتراك باقي الطاعنين في ذلك الاتفاق الجنائي - بفرض صحته - ليس له من أثر طالما لم يعاقب أيّ منهم بشيء عن تلك الجريمة . لما كان ذلك ، وكان الثابت من مدونات الحكم المطعون فيه ومحاضر جلسات المحاكمة أن المحكمة بجلسة ٢٠١٦/٣/٦ عدلت وصف الاتهام المسند إلى الطاعن الخامس بشأن التخابر مع دولة أجنبية ومن يعملون لمصلحتها بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي إلى أنه قدم إعانة للمتهمين الرابع والعاشر لارتكاب عمل ضار بالمصلحة القومية للبلاد وهي الجريمة المؤثمة بالمادة ١/٨٢ من قانون العقوبات وذلك بعد أن ثبت للمحكمة أن ما أتاه الطاعن المذكور من أفعال لا يجعله فاعلاً أصلياً في جريمة التخابر المسندة للمتهمين الرابع والعاشر وإنما اقتصر ما قدمه لهما على إعانتها على ارتكاب تلك الجريمة وهو ما يجعله شريكاً فيها ، وقد أجرت المحكمة ذلك التعديل في حضور الخصوم ومحامي الطاعن الخامس ونبهته إلى هذا التعديل - حيث جرت مرافعته على أساسه - كما قامت المحكمة بذات الجلسة بتعديل وصف الاتهام المسند للطاعنين السادس والسابع بشأن جريمة الحصول على سر من إسرار الدفاع عن البلاد لتسليمه وإفشائه إلى دولة أجنبية إلى أنهما أعانا المتهمين الرابع والعاشر على ارتكاب تلك الجريمة وهي الجريمة المؤثمة بالمادة ١/٨٢ من قانون العقوبات وذلك بعد أن ثبت للمحكمة

أشركي

٢٠١٦/٣/٨





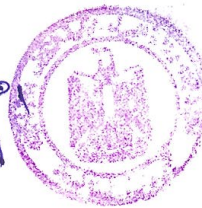
(٩٥)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

أن ما أتاه كل منهما من أفعال لا يجعل أي منهما فاعلاً أصلياً وإنما هي مساعدة لاحقه على وقوع الجريمة تجعل كل منهما شريكاً فيها عملاً بحكم المادة ١/٨٢ من قانون العقوبات وقد أجرت المحكمة ذلك التعديل في حضور الطاعنين ومحامييهما ونبتهما إلى ما أجرته من تعديل على وصف الاتهام وجرت مرافعتها على أساسه . لما كان ذلك ، وكان الأصل أن المحكمة لا تنقيد بالوصف القانوني الذي تسبغه النيابة العامة على الفعل المسند إلى المتهم لأن هذا الوصف ليس نهائياً بطبيعته وليس من شأنه أن يمنع المحكمة من تعديله متى رأت أن ترد الواقعة بعد تمحيصها إلى الوصف السليم الذي ترى انطباقه عليها وإذ كانت الواقعة المبينة بأمر الإحالة والتي كانت مطروحة بالجلسة هي ذاتها الواقعة التي اتخذها الحكم المطعون فيه أساساً للوصف الجديد الذي دان الطاعنين به ، وكان مرد التعديل هو إضفاء الوصف الصحيح على الفعل أو الدور الذي ارتكبه الطاعنون الخامس والسادس والسابع بالنسبة لهاتين الجريمتين دون أن يتضمن إسناد وقائع مادية جديدة أو عناصر جديدة تختلف عن الأولى وكانت المحكمة فوق ذلك قد أجرت ذلك التعديل في حضور الطاعنين ومحاميهم ونبتهم إلى هذا التعديل حيث جرت مرافعاتهم على أساسه ، فإن ما قامت به المحكمة لا يجافى التطبيق القانوني السليم ولا يعد تصدياً من المحكمة لوقائع جديدة لم ترفع بها الدعوى بالمخالفة لحكم المادة (١١) من قانون الإجراءات الجنائية ومن ثم فإن النعي على الحكم المطعون فيه في هذا الشأن يكون غير سديد . لما كان ذلك ، وكان من المقرر أنه وإن كان تقدير توافر الشروط المقررة في المادة ٣٢ من قانون العقوبات أو عدم توافرها هو من شأن محكمة الموضوع وحدها لها أن تقرر فيه ما تراه استناداً إلى الأسباب التي من شأنها أن تؤدي إلى ما انتهت إليها غير أنه لما كانت المحكمة قد أعملت المادة ٣٢

الإشراك

عوض المصمم  
٢٠١٨/١٠/١٨






(٩٦)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

من قانون العقوبات في حق الطاعنين بالنسبة لبعض الجرائم التي خلصت المحكمة إلى إدانتهم عنها بعقوبة الجريمة الأشد وأوقعت عقوبة مستقلة على كل متهم بالنسبة لجريمة تولي قيادة جماعة أسست على خلاف أحكام القانون الغرض منها تعطيل أحكام الدستور ومنع مؤسسات الدولة من أداء عملها والانضمام إليها مع العلم بالغرض منها الواردتين بالبند تاسعاً وعاشراً ، وكان البين من وإقاعات الدعوى كما أثبتتها الحكم المطعون فيه أن تلك الجريمة حدثت في فترة زمنية محددة وانتظمها فكر إجرامي واحد ووقعت في مكان واحد ولسبب واحد وارتبطت مع باقي الجرائم ارتباطاً لا يقبل التجزئة مما يوجب اعتبارها جريمة واحدة عملاً بالفقرة الثانية من المادة (٣٢) من قانون العقوبات والحكم بالعقوبة المقررة لأشدها بالنسبة للعقوبات الأصلية دون التكميلية ، وإذ كان الحكم المطعون فيه قد خالف هذا النظر فإنه يتعين نقضه جزئياً وتصحيحه بالنسبة للطاعنين الأول والثالث والرابع والخامس والسادس وذلك على النحو التالي :- أولاً : بإلغاء عقوبة السجن لمدة خمسة عشر عاماً المقضي بها على المحكوم عليه محمد محمد مرسى عيسى العياط عن الجريمتين المسندتين إليه بالبندين رابعاً وثامناً والاكتفاء بعقوبة السجن المؤبد المقضي بها عليه عن الجريمة المسندة إليه بالبند تاسعاً من الحكم المطعون فيه ، ثانياً : بإلغاء عقوبة السجن خمسة عشر عاماً المقضي بها على المحكوم عليه أمين عبد الحميد أمين الصرفي عن الجريمتين المسندتين إليه بالبندين خامساً وثامناً والاكتفاء بعقوبة السجن المؤبد المقضي بها عليه عن الجريمة المسندة إليه بالبند تاسعاً من الحكم المطعون فيه ، ثالثاً : بإلغاء عقوبة السجن المشدد لمدة خمسة عشر عاماً المقضي بها على المحكوم عليه أحمد على عبده عفيفي عن الجريمة المسندة إليه بالبند عاشراً والاكتفاء بعقوبة الإعدام المقضي بها عليه

الموافق  
٢٠١٨/١٠/٨  
٢٠١٨/١٠/٨






(٩٧)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

عن الجرائم المسندة إليه بالبنود أولاً أ ، ثالثاً أ ، خامساً أ ، سادساً أ ، ثامناً  
من الحكم المطعون فيه ، رابعاً : بإلغاء عقوبة السجن المشدد المقضي بها  
على المحكوم عليه خالد حمدي عبد الوهاب أحمد رضوان عن الجريمة المسندة إليه  
بالبند عاشراً والاكتفاء بالعقوبة المقضي بها عليه بالسجن المشدد لمدة خمسة عشر عاماً  
وتغريمه عشرة آلاف دولار عن الجريمة المسندة إليه بالبند سادساً من الحكم  
المطعون فيه ، خامساً : بإلغاء عقوبة السجن المشدد لمدة خمسة عشر عاماً  
المقضي بها على المحكوم عليه محمد عادل حامد كيلاني عن الجريمة المسندة إليه  
بالبند عاشراً والاكتفاء بعقوبة الإعدام المقضي بها عليه عن الجرائم المسندة إليه  
بالبنود أولاً ب ، ثالثاً ب ، خامساً أ ، ثامناً من الحكم المطعون فيه ورفض الطعن  
فيما عدا ذلك .

لما كان قد تبين للمحكمة من مطالعتها موضوع الدعوى ومستنداتها  
أنها انطوت واقعات منسوبة للمدعو حمد بن جاسم رئيس قناة الجزيرة القطرية  
تتطوي على جرائم جنائية مؤتمة قانوناً بشأن التخابر لصالح دولة أجنبية ومن يعمل  
لمصلحتها إضراراً بمصلحة البلاد القومية ومركز البلاد الحربي والسياسي والدبلوماسي  
والاقتصادي وإعطاء مبالغ مالية كرشوة بقصد ارتكابه عمل ضار بمصلحة قومية  
للبلاد وأنه لم يتم التحقيق معه بشأن تلك الجرائم فإن المحكمة وعملاً بالحق المخول  
لها بمقتضى أحكام المواد ( ١١ ، ١٢ ) من قانون الإجراءات الجنائية المعدل  
بالقانون رقم ١١ لسنة ٢٠١٧ والمادة (٤٦) من قانون حالات وإجراءات الطعن  
أمام محكمة النقض رقم ٥٧ لسنة ١٩٥٩ قررت المحكمة إحالة الأوراق للسيد  
المستشار / النائب العام لاتخاذ اللازم نحو التحقيق والتصرف فيما نسب له  
في هذا الشأن .

أ.ع.الشيخ  
عبدالمعطي  
٢٠١٨/١٠/٢٨





(٩٨)

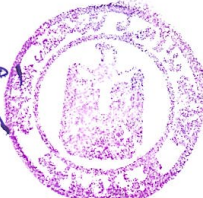
تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

ثانياً : بالنسبة لعرض النيابة العامة للقضية على محكمة النقض بشأن  
المحكوم عليهم حضورياً بالإعدام ( ١- أحمد على عبده عفيفي ، ٢ - محمد  
عادل حامد كيلاني ، ٣- أحمد إسماعيل ثابت إسماعيل ) .

ومن حيث إن النيابة العامة وإن كانت قد عرضت القضية المطروحة  
على هذه المحكمة عملاً بنص المادة ٤٦ من قانون حالات وإجراءات الطعن أمام  
محكمة النقض الصادر بالقانون رقم ٥٧ لسنة ١٩٥٩ بمذكرة برأيها انتهت فيها  
إلى طلب إقرار الحكم الصادر حضورياً بإعدام المحكوم عليهم ( أحمد على عبده  
عفيفي ومحمد عادل حامد كيلاني وأحمد إسماعيل ثابت إسماعيل ) دون إثبات  
تاريخ تقديمها ليستبين منه أنه قد روعي عرض القضية في ميعاد الستين يوماً المبين  
بالمادة ٣٤ من القانون رقم ٥٧ لسنة ١٩٥٩ المعدل بالقانون رقم ٢٣ لسنة ١٩٩٢  
إلا أنه لما كان تجاوز هذا الميعاد وعلى ما جرى به قضاء هذه المحكمة لا يترتب  
عليه عدم قبول عرض النيابة العامة بل إن محكمة النقض تتصل بالدعوى  
بمجرد عرضها عليها لتفصل فيها وتستبين من تلقاء نفسها دون أن تتقيد بمبنى الرأي  
الذي تضمنه النيابة العامة مذكرتها ما عسى أن يكون قد شاب الحكم من عيوب  
يستوى في ذلك أن يكون عرض النيابة العامة في الميعاد أو بعد فواته ،  
ومن ثم يتعين قبول عرض النيابة العامة لهذه القضية .

وحيث إن الحكم المطعون فيه حصل واقعات الدعوى بما تتوافر به كافة  
الأركان القانونية للجرائم التي دان المحكوم عليهم بالإعدام بها وأورد على ثبوتها  
في حقهم أدلة مستمدة من الاعترافات المنسوبة إليهم بتحقيقات النيابة العامة  
وأقوال شهود الإثبات وتقارير لجان فحص المضبوطات وتحريات هيئة الأمن القومي  
والأمن الوطني ، وهي أدلة سائغة من شأنها أن تؤدي إلى ما رتبته الحكم عليها

أحمد السعيد  
٢٠١٨/١٠/٢٨





(٩٩)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

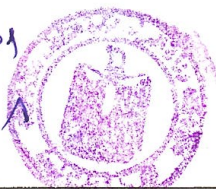
لها أصولها الثابتة في الأوراق ، أورد الحكم مؤداها في بيان كاف وبما لا تتناقض فيما بينها مما ينبئ عن أن المحكمة أحاطت بواقعات الدعوى بصورة كافية ومحصلتها التحصيل الكافي بما يجعلها ملزمة بها إماماً شاملاً ودلت تدليلاً سائغاً على توافر أركان الجرائم التي دان المحكوم عليهم بها ، كما أن إجراءات المحاكمة قد تمت وفقاً لأحكام القانون وإعمالاً لما تقضى به الفقرة الثانية من المادة ٣٨١ من قانون الإجراءات الجنائية المعدل بالقانون رقم ١٠٧ لسنة ١٩٦٢ من استطلاع رأي مفتي الجمهورية قبل إصدار الحكم بالإعدام - والذي تطابق مع ما انتهى إليه الحكم - وصدور هذا الحكم بإجماع آراء أعضاء هيئة المحكمة وقد خلا من عيب مخالفة القانون والخطأ في تطبيقه أو في تأويله وصدور من محكمة مشككة وفقاً للقانون ولها ولاية الفصل في الدعوى ولم يصدر بعده قانون يسرى على واقعة الدعوى يصح أن يستفيد منه المحكوم عليه نحو ما نصت عليه المادة الخامسة من قانون العقوبات فإنه يتعين مع قبول عرض النيابة العامة للفضية إقرار الحكم الصادر بإعدام المحكوم عليهم ( ١ - أحمد على عبده عفيفي ، ٢ - محمد عادل حامد كيلاني ، ٣ - أحمد إسماعيل ثابت إسماعيل ) .

#### ثالثاً : بالنسبة للطعن المقدم من النيابة العامة :-

وحيث إن الحكم المطعون فيه وإن صدر في غيبة المطعون ضدهما الثامنة والتاسعة إلا أنه لم يدنهما بشيء بل قضى ببراءتهما من الجرائم المسندة إليهما ( محل طعن النيابة العامة ) ومن ثم فليس لأي منهما مصلحة في الطعن فيه بطريق النقض ومن ثم فإن طعن النيابة العامة فيه بطريق النقض بالنسبة لهما من تاريخ صدوره يكون جائزاً .

وحيث إن الطعن استوفى الشكل المقرر قانوناً .

أحمد على عبده عفيفي  
٢٠١٨/١٠/٨



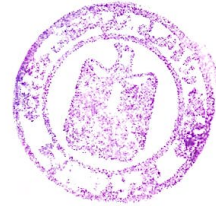


(١٠٠)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

من حيث إن ما تنعاه الطاعنة على الحكم المطعون فيه بالقصور في التسبيب ، والفساد في الاستدلال ، والتناقض ، والخطأ في تطبيق القانون ؛ ذلك أنه قضى ببراءة المطعون ضدهم الأول والثاني والثالث والخامس والثامنة من جريمة الحصول على سر من أسرار الدفاع عن البلاد بقصد تسليمه وإفشائه إلى دولة أجنبية وبراءة المطعون ضده الثاني من جرمي اختلاس أوراق ووثائق تتعلق بأمن الدولة ومصالحها القومية والاشتراك في اتفاق جنائي الغرض من ارتكاب الجرائم التي دان باقي المتهمين بها وبراءة المطعون ضده الخامس من جرمي التخابر مع دولة أجنبية ومن يعمل لمصلحتها بقصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي ومصالحها القومية وبراءة المطعون ضدها التاسعة أسماء محمد الخطيب من جريمة الرشوة ممن يعمل لمصلحة دولة أجنبية بقصد ارتكاب عمل ضار بمصلحة قومية للبلاد استناداً إلى انتفاء أركان تلك الجرائم في حقهم وخلو الأوراق من ثمة دليل قبلهم على ارتكابها وأغفل في هذا الشأن دلالة إقرار المطعون ضدهما الرابع والسادس من أن إقدامهم على ارتكاب تلك الجرائم كان تنفيذاً لتعليمات قيادات جماعة الإخوان المسلمين وبمساعدة قناة الجزيرة القطرية إضراراً بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبمصالحتها القومية ، كما أغفل دلالة تحريات هيئة الأمن القومي في هذا الخصوص وهي من بين الأدلة التي استند إليها الحكم في إدانة باقي المتهمين ، هذا إلى أن الحكم استبعد الظرف المشدد من جرمي اختلاس الوثائق والمستندات التي تتعلق بأمن الدولة وبمصالحتها القومية المسندة إلى المطعون ضده الأول وإخفاء تلك الوثائق والمستندات المسندة للمطعون ضدهما الثالث والثامنة استناداً إلى انتفاء قصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي لديهم ، وكذا نية الإضرار بالمصالح

١٨/١٠/٨٩





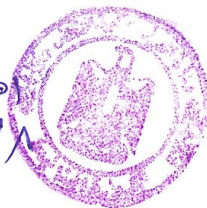
(١٠١)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

القومية للبلاد وخلو الأوراق من ثمة دليل قبلهم وأغفل في هذا الشأن دلالة ما أقر به المطعون ضده السادس من أنه وباقي المتهمين قد أقدموا على ارتكاب تلك الجرائم نفاذاً لتعليمات جماعة الإخوان المسلمين وبمساعدة قناة الجزيرة القطرية ، وكذا ما أفادت به تحريات هيئة الأمن القومي وذلك إضراراً بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي ومصالحها القومية ، هذا إلى أن الحكم عدل وصف الاتهام المسند للمطعون ضده الخامس في شأن جريمة تلقى رشوة ممن يعملون لمصلحة دولة أجنبية للإضرار بمصلحة قومية للبلاد وكذا بالنسبة إلى جريمة الحصول على سر من أسرار الدفاع عن البلاد المسندة إلى المطعون ضدهما السادس والسابع إلى إعانة باقي المتهمين ومساعدتهما على ارتكاب تلك الجرائم استناداً إلى أن ما أقدموا عليه لا يدخل في عداد الأفعال المكونة لتلك الجرائم وإنما تعد مساعدة لاحقة على ارتكابها وهو استخلاص غير صحيح لا سند له من القانون إذ إن ما أقدم عليه كل منهم لا يدخل ضمن الأفعال المكونة لتلك الجرائم ، وأخيراً فإن الحكم عدل وصف الاتهام المسند إلى المطعون ضدهم الرابع والخامس والسادس والسابع والتاسعة بشأن جريمة السعي والتخابر مع دولة أجنبية بأن قصر ارتكاب ذلك الفعل على المطعون ضده العاشر كفاعل أصلي بينما باقي المتهمين بتلك الجريمة اعتبرهم الحكم شركاء فيها على الرغم من أن ما أتاه كل منهم في هذا الشأن من أفعال يوفر في حقه أركان تلك الجريمة كفاعل أصلي فيها ، مما يعيب الحكم بما يستوجب نقضه .

وحيث إن الحكم المطعون فيه بعد أن عرض لواقعات الدعوى وأدلتها خلص إلى تبرئة المطعون ضدهم الأول والثاني والثالث والخامس والثامنة من جريمة الحصول على سر من أسرار الدفاع عن البلاد بقصد تسليم وإفشائه إلى دولة أجنبية

الإبراهيم  
١٠/١١/٨٦



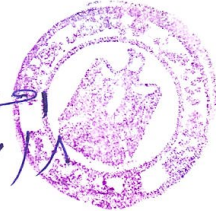


(١٠٣)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

وكان من المقرر أن يكفى في المحاكمة الجنائية أن يتشكك القاضي في صحة إسناد التهمة إلى المتهم كي يقضي بالبراءة إذ مرجع الأمر في ذلك إلى ما يطمئن إليه في تقدير الدليل ما دام الظاهر من الحكم أنه أحاط بالدعوى عن بصر وبصيرة ولا يصح مطالبته بالأخذ بدليل معين دون آخر وكان الحكم المطعون فيه قد بين واقعة الدعوى على نحو يبين منه أن المحكمة محصت الدعوى وأحاطت بظروفها وبأدلة الثبوت فيها التي قام عليها الاتهام ووازنت بينها وبين أدلة النفي ثم أفصحت من بعد عن عدم اطمئنانها إلى أدلة الثبوت التي ساققتها النيابة العامة تدليلاً على ثبوت الجرائم السالف بيانها والمسندة إلى المطعون ضدهم وذلك للأسباب السائغة التي أوردتها والتي تكفى لحمل النتيجة التي خلصت إليها فإن النعي على الحكم المطعون فيه عدم تمحيص أدلة الثبوت الأخرى أو القرائن التي قام عليها الاتهام لا يكون له محل ، لما هو مقرر كذلك من أن محكمة الموضوع لا تلتزم في حالة القضاء بالبراءة بالرد على كل دليل من أدلة الثبوت ما دام أنها قد رجحت دفاع المتهم أو داخلتها الريبة والشك في عناصر الإثبات ولأن في إغفال التحدث عنها ما يفيد أنها اطرحتها ولم تر فيها ما تطمئن معه إلى إدانة المطعون ضدهم . لما كان ذلك ، وكان الحكم المطعون فيه بعد أن عرض لواقعات الدعوى وأدلتها وفي سياق تدليله على ثبوت جريمة اختلاس الوثائق والمستندات المتعلقة بأمن الدولة وبمصالحتها القومية المسندة إلى المطعون ضده الأول وكذا جريمة إخفاء تلك الوثائق والمستندات المسندة إلى المطعون ضدهما الثالث والثامنة خلص إلى انتفاء نية الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي لديهم واستبعد الفقرة الثانية من المادة ٧٧ د ولم يعملها في حقهم ، كما خلص الحكم إلى تعديل الاتهام المسند للمطعون ضده الخامس بشأن جريمة التخابر مع دولة

أ. ب. ك.  
٢٠١٨/١٠/٢٨  
٢٠١٨/١٠/٢٨

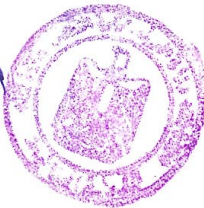




(١٠٢)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

استناداً إلى انتفاء القصد الجنائي لديهم وخلو الأوراق من ثمة دليل على اتجاه إرادة أي منهم إلى الحصول على أية وثائق أو مستندات تتطوي على أي سر من أسرار الدفاع عن البلاد بقصد تسليمه أو إفشائه إلى دولة أجنبية ، كما خلص الحكم إلى تبرئة المطعون ضده الثاني من جريمة اختلاس وثائق ومستندات تتعلق بأمن الدولة ومصالحتها القومية استناداً إلى أن أوراق الدعوى قد جاءت خالية من ثمة دليل على قيامه باستلام أية وثائق أو مستندات واستيلائه عليها بنية تملكها أو تصرفه فيها تصرف المالك ، كما أنه لم يضبط بحوزته أي مستند من تلك المستندات ، كما قضى الحكم ببراءته من جريمة الاشتراك في اتفاق جنائي مع باقي المتهمين في ارتكاب الجرائم المسندة إليهم لما ثبت للمحكمة من عدم مساهمته بأي فعل من أفعال المساعدة أو الاتفاق أو التحريض على ارتكاب أي من هذه الجرائم وقضى الحكم ببراءة المطعون ضده الخامس من جريمة التخابر مع دولة أجنبية ومن يعمل لمصلحتها تأسيساً على خلو أوراق الدعوى مما يفيد سعيه أو اتصاله بالدولة الأجنبية أو من يعمل لمصلحتها بقصد التخابر وعدم ارتكابه أي فعل من الأفعال الدالة على ذلك وأن ما نسب إليه من أفعال تتطوي على جريمة أخرى وهي تقديم إعانة للمتهمين الرابع والعاشر ، كما قضى ببراءة المطعون ضدها التاسعة من جريمة طلب نقود ممن يعمل لمصلحة دولة أجنبية بقصد الإضرار بمصلحة قومية للبلاد تأسيساً على أن أوراق الدعوى قد خلت من ثمة دليل يفيد طلب المطعون ضدها التاسعة ثمة مبالغ لنفسها أو للغير أو حصولها على ثمة مبالغ بقصد الإضرار بمصالح البلاد القومية ، كما اطرح الحكم في هذا السياق ما أفادت به تحريات الأمن الوطني استناداً إلى أنها لا تعدو أن تكون مجرد قرينة لا ترقى إلى مرتبة الدليل ولا تكفي وحدها سنداً للإدانة . لما كان ذلك ،

أ. ك. ك.  
 ٢٠/٨/١٠/٨١  




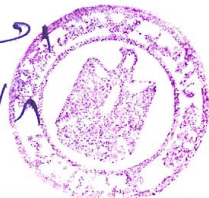
(١٠٤)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

أجنبية بعد ما خلصت المحكمة إلى إضفاء الوصف الصحيح على ما أتاه من أفعال وأنها تشكل جريمة إعانة للمتهمين الرابع والعاشر على ارتكاب عمل ضار بمصلحة قومية للبلاد مع العلم بنيتهما ، كما عدلت المحكمة وصف الاتهام المسند للمطعون ضدهما السادس والسابع بالنسبة لجريمة الحصول على سر من أسرار الدفاع بقصد تسليمه وإفشائه إلى دولة أجنبية تأسيساً على أن ما ارتكبه من أفعال لا يندرج ضمن الأفعال المادية المكونة لتلك الجريمة وإنما تعد مساعدة لاحقه على تمامها وأسندت المحكمة إليهما جريمة إعانة المتهمين الرابع والعاشر على الحصول على سر من أسرار الدفاع بقصد تسليمه أو إفشائه إلى دولة أجنبية وخلصت المحكمة أيضاً إلى قصر الاتهام بالتخابر مع دولة أجنبية على المتهم العاشر كففاعل أصلى بينما المتهمين الرابع والسادس والتاسعة والحادي عشر شركاء معه في ارتكاب تلك الجريمة . لما كان ذلك ، وكان من المقرر أن المحكمة لا تتقيد بالوصف القانوني الذي تسبغه النيابة العامة على الفعل المسند إلى المتهم بل هي مكلفة بتحديد الواقعة المطروحة أمامها بجميع كيوفها وأوصافها وأن تطبق عليها نصوص القانون تطبيقاً صحيحاً دون حاجة إلى أن تلفت نظر الدفاع إلى ذلك ما دام أن الواقعة المادية المبينة بأمر الإحالة والتي كانت مطروحة بالجلسة هي بذاتها الواقعة التي اتخذها الحكم أساساً للوصف الذي دان المتهم به دون أن تضيف المحكمة إليها شيئاً ، وكان ما أجرته المحكمة من تعديل على وصف جريمة الاختلاس المسندة إلى المطعون ضده الأول وجريمة الإخفاء المسندة إلى المطعون ضدهما الثالث والثامنة باستبعاد قصد الإضرار بمركز البلاد الحربي والسياسي والدبلوماسي والاقتصادي وبمضالحتها القومية لخلو الأوراق من ثمة دليل على توافر ذلك القصد ، كما أن ما أجرته من إضفاء الوصف الصحيح

أ. ب. ك.

٢٠١٨/١٠/١٨





(١٠٥)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

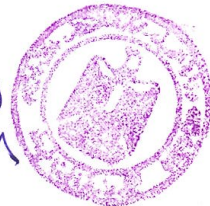
على ما اقترفه المطعون ضده الخامس من أفعال بالنسبة لجريمة التخابر وكذا ما أجرته من إضفاء الوصف الصحيح على ما اقترفه المطعون ضدهما السادس والسابع بالنسبة لجريمة الحصول على سر من أسرار الدفاع ، وما أجرته من تعديل على وصف الاتهام بالتخابر من اعتبار المطعون ضده العاشر فاعل أصلي وباقي المتهمين بتلك الجريمة شركاء إنما هو جميعه إضفاء للوصف الصحيح على واقعات الدعوى مما تملك المحكمة إجرائه وكانت المحكمة قد لفتت نظر الدفاع عن المطعون ضدهم إلى ما أجرته من تعديلات على وصف الاتهام وتمت مرافعة الدفاع على أساس الوصف المعدل ، وأن ما قامت به المحكمة لا ينطوي على إضافة وقائع جديدة ولا يعد تصدياً من المحكمة لواقعات أو جرائم لم ترفع بها الدعوى كما لا يعد استبعاد لظروف مشددة قائمة بالأوراق بل إن ما قامت به المحكمة كان متفقاً وصحيح القانون ، ومن ثم فإن النعي على الحكم المطعون فيه في هذا الشأن يكون غير سديد . لما كان ما تقدم ، فإن الطعن المقدم من النيابة العامة يكون قائماً على غير سند متعيناً رفضه موضوعاً .

#### فلهذه الأسباب

**حكمت المحكمة : ١-** بقبول عرض النيابة العامة للقضية شكلاً وباقرار الحكم الصادر بإعدام المحكوم عليهم أحمد على عبده عفيفي ومحمد عادل حامد كيلاني وأحمد إسماعيل ثابت إسماعيل .

**٢-** قبول طعن المحكوم عليهم شكلاً وفي الموضوع بنقض الحكم المطعون فيه جزئياً وتصحيحه على النحو التالي : أولاً :- بإلغاء عقوبة السجن لمدة خمسة عشر عاماً المقضي بها على المحكوم عليه محمد محمد مرسى عيسى العياط عن الجريمتين المسندتين إليه بالبندين رابعاً وثامناً والاكتفاء بعقوبة السجن المؤبد

١٠/٨  
٢٠١٨/١٠/٨





(١٠٦)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

المقضي بها عليه عن الجريمة المسندة إليه بالبند تاسعاً من الحكم المطعون فيه .  
 ثانياً :- بإلغاء عقوبة السجن خمسة عشر عاماً المقضي بها على المحكوم عليه  
 أمين عبد الحميد أمين الصرفي عن الجريمتين المسندتين إليه بالبندين خامساً وثماناً  
 والاكتفاء بعقوبة السجن المؤبد المقضي بها عليه عن الجريمة المسندة إليه بالبند  
 تاسعاً من الحكم المطعون فيه . ثالثاً :- بإلغاء عقوبة السجن المشدد لمدة خمسة  
 عشر عاماً المقضي بها على المحكوم عليه أحمد على عبده عفيفي عن الجريمة  
 المسندة إليه بالبند عاشراً والاكتفاء بعقوبة الإعدام المقضي بها عليه عن الجرائم  
 المسندة إليه بالبند أولاً وثالثاً وأخامساً وسادساً وثماناً من الحكم المطعون فيه .  
 رابعاً :- بإلغاء عقوبة السجن المشدد المقضي بها على المحكوم عليه خالد حمدي  
 عبد الوهاب أحمد رضوان عن الجريمة المسندة إليه بالبند عاشراً والاكتفاء بالعقوبة  
 المقضي بها عليه بالسجن لمدة خمسة عشر عاماً وتغريمه عشرة آلاف دولار  
 عن الجريمة المسندة إليه بالبند سادساً ب من الحكم المطعون فيه .  
 خامساً :- بإلغاء عقوبة السجن المشدد لمدة خمسة عشر عاماً المقضي بها  
 على المحكوم عليه محمد عادل حامد كيلاني عن الجريمة المسندة إليه بالبند عاشراً  
 والاكتفاء بعقوبة الإعدام المقضي بها عليه عن الجرائم المسندة إليه بالبند أولاً ب  
 وثالثاً ب وخامساً أ وثماناً من الحكم المطعون فيه ورفض الطعن فيما عدا ذلك .

٣- قبول طعن النيابة العامة شكلاً وفي الموضوع برفضه .

٤- قررت المحكمة إحالة الأوراق إلى السيد المستشار النائب العام لاتخاذ اللازم  
 نحو التحقيق والتصرف فيما نسب إلى رئيس قناة الجزيرة القطرية حمد بن جاسم  
 من أفعال وواقعات تنطوي على جرائم جنائية مؤثمة قانوناً بشأن التخابر لصالح دولة  
 أجنبية ومن يعملون لمصلحتهما إضراراً بمصلحة البلاد القومية ومركزها الحربي

١٠/١٢/٨٦

محكمة





(١٠٧)

تابع الطعن رقم ٣٢٦١١ لسنة ٨٦ ق

والسياسي والدبلوماسي والاقتصادي وإعطاء مبالغ مالية كرشوة بقصد ارتكاب عمل  
ضار بمصلحة قومية للبلاد .

رئيس الدائرة



أمين السر



صورة أصل  
مستند القطر  
أحمد بن  
٢٠١٨/١٠/٨









## **Annex 103**

Australia, Migration Act (Cth), s. 42





## Migration Act 1958

### Act No. 62 of 1958 as amended

This compilation was prepared on 1 November 2010  
taking into account amendments up to Act No. 51 of 2010

**Volume 1** includes: Table of Contents  
Sections 1–261K

The text of any of those amendments not in force  
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

**Volume 2** includes: Table of Contents  
Sections 262–507  
Schedule  
Note 1  
Table of Acts  
Act Notes  
Table of Amendments  
Repeal Table 1  
Repeal Table 2  
Table A  
Renumbering Table 1  
Renumbering Table 2

Prepared by the Office of Legislative Drafting and Publishing,  
Attorney-General's Department, Canberra



**Part 2** Control of arrival and presence of non-citizens**Division 3** Visas for non-citizens**Section 42**

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**42 Visa essential for travel**

- (1) Subject to subsections (2), (2A) and (3), a non-citizen must not travel to Australia without a visa that is in effect.

Note: A maritime crew visa is generally permission to travel to Australia only by sea (see section 38B).

- (2) Subsection (1) does not apply to an allowed inhabitant of the Protected Zone travelling to a protected area in connection with traditional activities.

- (2A) Subsection (1) does not apply to a non-citizen in relation to travel to Australia:

- (a) if the travel is by a New Zealand citizen who holds and produces a New Zealand passport that is in force; or
- (b) if the travel is by a non-citizen who holds and produces a passport that is in force and is endorsed with an authority to reside indefinitely on Norfolk Island; or
- (c) if:
  - (i) the non-citizen is brought to the migration zone under subsection 245F(9) of this Act or 185(3A) of the *Customs Act 1901*; and
  - (ii) the non-citizen is a person who would, if in the migration zone, be an unlawful non-citizen; or
- (ca) the non-citizen is brought to Australia under section 198B; or
- (d) if:
  - (i) the non-citizen has been removed under section 198 to another country but has been refused entry by that country; and
  - (ii) the non-citizen travels to Australia as a direct result of that refusal; and
  - (iii) the non-citizen is a person who would, if in the migration zone, be an unlawful non-citizen; or
- (e) if:
  - (i) the non-citizen has been removed under section 198; and
  - (ii) before the removal the High Court, the Federal Court or the Federal Magistrates Court had made an order in relation to the non-citizen, or the Minister had given an undertaking to the High Court, the Federal Court or the



Federal Magistrates Court in relation to the non-citizen;  
and

- (iii) the non-citizen's travel to Australia is required in order to give effect to the order or undertaking; and
  - (iv) the Minister has made a declaration that this paragraph is to apply in relation to the non-citizen's travel; and
  - (v) the non-citizen is a person who would, if in the migration zone, be an unlawful non-citizen; or
- (f) if:
- (i) the travel is from Norfolk Island to Australia; and
  - (ii) the Minister has made a declaration that this paragraph is to apply in relation to the non-citizen's travel; and
  - (iii) the non-citizen is a person who would, if in the migration zone, be an unlawful non-citizen.
- (3) The regulations may permit a specified non-citizen or a non-citizen in a specified class to travel to Australia without a visa that is in effect.
- (4) Nothing in subsection (2A) or (3) is to be taken to affect the non-citizen's status in the migration zone as an unlawful non-citizen.

Note: Section 189 provides that an unlawful non-citizen in the migration zone must be detained.

### **43 Visa holders must usually enter at a port**

- (1) Subject to subsections (1A) and (3) and the regulations, a visa to travel to and enter Australia that is in effect is permission for the holder to enter Australia:
  - (a) at a port; or
  - (b) on a pre-cleared flight; or
  - (c) if the holder travels to Australia on a vessel and the health or safety of a person or a prescribed reason, make it necessary to enter in another way, that way; or
  - (d) in a way authorised in writing by an authorised officer.
- (1A) Subject to the regulations, a maritime crew visa that is in effect is permission for the holder to enter Australia:
  - (a) at a proclaimed port; or



## **Annex 104**

Barbados, Ministry of Foreign Affairs and Foreign Trade of Barbados,  
“Visas required by Barbadians for other countries”



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
AFGHANISTAN	❖ Visa required ❖ *Visa obtained through C-G/N.Y	❖ Visa required	No Visa Abolition Agreement established
ALBANIA	❖ Visa required ❖ Visa can be obtained through Embassy of the Republic of Albania in London	❖ No visa required	Albanians can stay twenty-eight (28) days without a visa
ALGERIA	❖ Visa required ❖ Visa obtained through Algerian Embassy in Washington D.C.	❖ Visa required	No Visa Abolition Agreement established
ANDORRA	❖ No visa regulations exist.	❖ Visa required	Andorra is situated between France & Spain. Although no visa requirements exist, apply the relevant regulations of France or Spain, whichever must be transited to reach Andorra
ANGOLA	❖ Visa required ❖ Visa obtained through C-G/N.Y	❖ Visa required	No Visa Abolition Agreement established
ANTIGUA & BARBUDA	❖ No visa required Maximum stay six (6) months	❖ No visa required	CARICOM country
ARGENTINA	❖ No visa required ❖ Maximum stay ninety (90) days	❖ No visa required	Visa Abolition Agreement established on September 28, 1984 for all valid passports.
ARMENIA	❖ Visa required ❖ Visa can be obtained through the Embassy of Armenia in London	❖ No visa required	Armenians can stay twenty-eight (28) days without a visa



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
<b>AUSTRALIA</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through H.C. in Ottawa</li> <li>❖ CAN\$75.00 – <b>Bank Draft to Australian High Commission</b></li> <li>❖ 1 photograph necessary</li> <li>❖ 1 application form</li> </ul>	❖ No visa required	Australians can stay for a maximum six (6) months without a visa
Norfolk Island	❖ Visa required	❖ No Visa required	Norfolk Island is a self-governing Australian territory.
<b>AUSTRIA</b>	❖ No visa required	❖ No visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
<b>AZERBAIJAN</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa can be obtained from the Embassy of the Republic of Azerbaijan in Washington, D.C.</li> <li>❖ Sing. Entry Fee US\$ 40.00 (<b>Draft</b>)</li> <li>❖ 2 Application Forms</li> <li>❖ 2 Photos</li> <li>❖ Invitation Letter/Itinerary</li> </ul>	❖ No visa required	Nationals of Azerbaijan can stay twenty-eight (28) days without a visa
<b>BAHAMAS</b>	<ul style="list-style-type: none"> <li>❖ No visa required</li> <li>❖ Maximum stay eight (8) months</li> </ul>	❖ No visa required	CARICOM country



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
<b>BAHRAIN</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa can be obtained from the Embassy of the State of Bahrain in Washington, D.C.</li> <li>❖ 1 application form</li> <li>❖ 1 photo</li> <li>❖ US \$30. Bank draft- The Embassy of Bahrain</li> <li>❖ Invitation letter/ Letter stating the purpose of the visit</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
<b>BANGLADESH</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa can be obtained from the High Commission of the People's Republic of Bangladesh in Ottawa, C'da</li> </ul>	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul>	Bangladeshi can stay for a maximum of six (6) months without a visa
<b>BELARUS</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa can be obtained from the Consulate General of Belarus in New York</li> <li>❖ Visa fee US\$50.-bank draft to Consulate General of the Republic of Belarus</li> <li>❖ One photograph</li> </ul>	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul>	Nationals of Belarus can stay twenty-eight (28) days without a visa
<b>BELGIUM</b>	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul>	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
<b>BELIZE</b>	<ul style="list-style-type: none"> <li>❖ No visa required</li> <li>❖ Maximum stay of six (6) months</li> </ul>	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul>	CARICOM Country Nationals of Belize can stay for a maximum of six (6) months without a visa



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
<b>BENIN</b>	❖ Visa required Visa obtained from the Embassy of Benin in London	❖ Visa required	No Visa Abolition Agreement established
<b>BHUTAN</b>	❖ Visa required Visa obtained from the Embassy of the Kingdom of Bhutan in N.Y.	❖ Visa required	No Visa Abolition Agreement established
<b>BOLIVIA</b>	❖ Visa required ❖ Visa obtained through C.G.-Miami ❖ One photograph ❖ US\$25.00 (Int'l Money Order in the name of Consulate General of Bolivia)	❖ Visa required	No Visa Abolition Agreement established
<b>BOSNIA HERZEGOVINA</b>	❖ Visa required ❖ Visa obtained from the Consulate General of Bosnia in New York ❖ 1 application forms ❖ 1 photograph ❖ Visa fee US\$45 ( <b>Bank Draft</b> )-Consulate General of Bosnia and Herzegovina	❖ Visa required	No Visa Abolition Agreement established
<b>BOTSWANA</b>	❖ No visa required ❖ Maximum of ninety (90) days	❖ No visa required	COMMONWEALTH Country Nationals of Botswana can stay for a maximum of sixty (60) days without a visa



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
<b>BRAZIL</b>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> <li>❖ Visa required for persons travelling on Ordinary Passports for <b>commercial</b> business.</li> <li>❖ Visas <b>NOT</b> necessary for Tourist, Educational &amp; Scientific Conferences.</li> <li>❖ Visa obtained through the Brazilian Embassy here</li> <li>❖ One photograph</li> <li>❖ Application Form</li> <li>❖ Diplomatic &amp; Official Passports <b>ONLY</b> exempted from Visas up Until (90) days.</li> </ul>	No visa required	Nationals of Brazil can stay for a maximum of six (6) months without a visa
<b>BRUNEI DARUSSALAM</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through the British High Commission</li> </ul>	❖ No visa required	Nationals of Brunei can stay for a maximum six (6) months without a visa
<b>BULGARIA</b>	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul>	❖ No visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
<b>BURKINA FASO</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa can be obtained from the Embassy of the Republic of Burkina in Washington, D.C.</li> <li>❖ Visa fee US\$50, bank draft</li> <li>❖ 2 photographs</li> <li>❖ 2 application forms</li> </ul>	❖ Visa required	No Visa Abolition Agreement established



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
BURUNDI	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa can be obtained from the Embassy of the Republic of Burundi in Washington</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
CAMBODIA	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through Washington D.C.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
CAMEROON	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ 2 application Forms</li> <li>❖ 2 photographs</li> <li>❖ Visa fee US\$65.22 for three (3) months (bank draft)</li> <li>❖ Business: letter bearing financial responsibility</li> <li>❖ Visitor: airline ticket, bank statement</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established Requirements at Embassy in W'ton Official or Diplomatic Passport 2 Application Forms 2 Photos Travel Itinerary Invitation Letter Diplomatic Note
CANADA	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul> <p><b>Diplomats on transfer - one Entry Application Form &amp; One (1) photo</b></p>	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul> <p>Valid passports with effect March, 2004</p>	COMMONWEALTH Country Canadians can stay for a maximum of six (6) without a visa
CAPE VERDE	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
CENTRAL AFRICAN REPUBLIC	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
CHAD	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
CHILE	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ No visa required</li> <li>❖ Chileans can stay for a maximum of ninety (90) days without a visa</li> </ul>	Visa Abolition Agreement established on February 15, 1996 for Ordinary passports and November 07, 2005 for Diplomatic and Official passports. Barbadians can stay for a maximum of ninety (90) days without a visa



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
<b>CHINA (People's Republic, including Macau, Hong Kong and Taiwan)</b>	<ul style="list-style-type: none"> <li>❖ No Visa required for Ordinary, Official or Diplomatic passports</li> <li>❖ Visa are required for travel Taiwan</li> </ul>	<ul style="list-style-type: none"> <li>❖ No Visa required for Ordinary, Official of Diplomatic passports</li> <li>❖ Visa are required for travel to Taiwan</li> </ul>	A mutual visa abolition agreement established for diplomatic, official, ordinary and service passports. Barbadians do not require a visa to travel to Hong Kong and may stay for a maximum of three (3) months.
<b>COLOMBIA</b>	<ul style="list-style-type: none"> <li>❖ No visa required</li> <li>❖ Maximum stay ninety (90) days</li> <li>❖ Diplomatic &amp; Official passports require visas</li> </ul>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	Visa Abolition Agreement established on July 5, 1971 for Ordinary passports. Colombians can stay for a maximum ninety (90) days without a visa. Consular matters will be handled from the Consulate General of Colombia in Caracas
<b>COMOROS</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No visa abolition agreement established
<b>CONGO (Republic of the)</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No visa abolition agreement established
<b>CONGO (Democratic Republic of the)</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No visa abolition agreement established
<b>COOK ISLANDS</b>	<ul style="list-style-type: none"> <li>❖ Visa req'd after 30 days</li> <li>❖ Visa obtained through HC-Ottawa</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No visa abolition agreement established
<b>COSTA RICA</b>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> <li>❖ Maximum stay thirty (30) days</li> </ul>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	Visa Abolition Agreement established on February 19, 1993. Costa Ricans can stay for a maximum thirty (30) days without a visa
<b>COTE d'IVOIRE</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No visa abolition agreement established
<b>CROATIA</b>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	Croatians can stay for a maximum ninety days without a visa



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
CUBA	<ul style="list-style-type: none"> <li>❖ No Visa required</li> <li>❖ Maximum stay of twenty-eight (28) days</li> <li>❖ May be required to pay US\$20 for entry</li> </ul>	❖ No Visa required	Visa Abolition Agreement established on February 19, 1996 for all valid national passports for a maximum twenty-eight (28) days without a visa
CYPRUS	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
CZECH REPUBLIC	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
DENMARK	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
DJIBOUTI	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
DOMINICA	❖ No Visa required	❖ No Visa required	CARICOM Country



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
DOMINICAN REPUBLIC	❖ No Visa required ❖ Maximum stay of ninety (90) days	❖ Visa required	
ECUADOR	❖ No Visa required	❖ Visa required	No Visa Abolition Agreement established Effective June 20, 2008 No visa required for B'dians travelling on Ordinary P'ports.
EGYPT (Arab Rep. of)	❖ Visa required ❖ Visa obtained through our Misson in London/W'ton ❖ Cuba? ❖ Visa fee is £...../ or US\$20.00 single / US\$25.00 multiple (Draft) ❖ 1 photograph ❖ 1 application form ❖ Itinerary	❖ Visa required	No Visa Abolition Agreement established
EL SALVADOR	❖ No Visa required for diplomatic, official and ordinary passports	❖ No Visa required for diplomatic, official and ordinary passports	Mutual Visa Abolition Agreement established * See letter and Mission's (Miami) fax dd 06.11.07 on File No. 1044 Vol. II
EQUATORIAL GUINEA	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
ERITREA	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
ESTONIA	❖ No visa required	❖ No visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
ETHIOPIA	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through Embassy in W'ton, D.C</li> <li>❖ 1 application form</li> <li>❖ 1 photograph</li> <li>❖ Single Entry/Transit Visa- US\$20.00</li> <li>❖ Business Visa US\$20.00.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
FIJI	<ul style="list-style-type: none"> <li>❖ No visa required</li> <li>❖ Maximum stay of four (4) months</li> </ul>	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul>	COMMONWEALTH country Nationals of Fiji can stay for a Maximum of six (6) months
FINLAND	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul>	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
FRANCE	❖ No visa required	❖ No visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period. Nationals of France can stay for a maximum of six (6) months
French Guiana	❖ No Visa Required	❖ No visa required	French Overseas Department
French Polynesia	❖ No Visa Required	❖ No visa required	French Overseas Department
New Caledonia	❖ No Visa required	❖ No visa required	French Overseas territory
Reunion	❖ No Visa required	❖ No Visa required	Reunion is a French Overseas Department
French West Indies	❖ No Visa required		The French West Indies refers to Martinique, Guadeloupe, St. Martin, La Desirade, Marie Galante, Isles des Saintes and St. Barthélemy.
GABON	❖ Visa required	❖ Visa required	No Visa Abolition Agreement



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
GAMBIA	❖ Visa required	❖ No Visa required	Nationals of Gambia can stay for a maximum of six (6) months
GEORGIA	❖ Visa required	❖ No Visa required	Nationals of Georgia can stay for a maximum of twenty-eight (28) days
GERMANY (Federal Republic of)	❖ No visa required	❖ No visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
GHANA	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained from Hon. Consul in B'dos</li> <li>❖ Single Visa fee is US\$55/ B'dos \$100</li> <li>❖ Multiple US\$100/ BDS\$200</li> <li>❖ 4 photographs</li> <li>❖ 1 original application form</li> <li>❖ 427-2732 Madam Veronica Bishop</li> </ul>	❖ No visa required	Nationals of Ghana can stay for a maximum of six (6) months
GREECE	❖ No visa required	❖ No visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
GRENADA	❖ No visa required	❖ No visa required	CARICOM Country



	❖ Unlimited stay		Grenadians can stay for a maximum of six (6) months
COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
GUATEMALA	❖ No Visa required	❖ Visa required	No Visa Abolition Agreement established
GUINEA	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
GUINEA-BISSAU	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
GUYANA	❖ No Visa required ❖ Maximum stay is three (3) months	❖ No visa required	CARICOM Country
HAITI	❖ No Visa required for ordinary, diplomatic and official passports.	❖ No Visa required for ordinary, diplomatic and official passports.	Visa Abolition Agreement established by CARICOM
HONDURAS	❖ No Visa required	❖ Visa required	No Visa Abolition Agreement established
HUNGARY	❖ No visa required	❖ No visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
ICELAND	❖ Visa required (Schengen) ❖ Maximum stay of three (3) months ❖ Acceptance/Invitation letter ❖ Travel Itinerary ❖ Medical Insurance	❖ No Visa required	Nationals of Iceland can stay for a maximum of six (6) months



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
INDIA	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through Embassy in Suriname</li> <li>❖ Visa fee is USD\$40</li> <li>❖ Bank draft is US\$45.</li> <li>❖ 2 photographs</li> <li>❖ 1 application form</li> <li>❖</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
INDONESIA	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through C-G/N.Y.</li> <li>❖ Visa fee is <b>USD\$45.00 for Ordinary Passports</b></li> <li>❖ 2 photographs</li> <li>❖ 2 application forms</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
IRAN (Islamic Rep. of)	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through HC/U.K.</li> <li>❖ Visa fee is £10 for single entry and £15 for multiple entry</li> <li>❖ 2 photographs</li> <li>❖ 2 application forms R1-1 and R1-2 in duplicate</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
IRAQ	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through HC/U.K.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
IRELAND (Rep. of )	<ul style="list-style-type: none"> <li>❖ No Visa required</li> <li>❖ Maximum stay of six (6) months</li> </ul>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	Nationals of Ireland can stay for a maximum of six (6) months
ISRAEL	<ul style="list-style-type: none"> <li>❖ No Visa required</li> <li>❖ Maximum stay of three (3) months</li> </ul>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	Visa Abolition Agreement established on Sept.18, 1969 Nationals of Israel can stay for a maximum of six (6) months



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
ITALY	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.  Same rules apply for Vatican City
JAMAICA	❖ No Visa required ❖ Maximum stay of six (6) months	❖ No Visa required	CARICOM Country Nationals of Jamaica can stay for a maximum of six (6) months
JAPAN	❖ <b>Single Entry</b> - No Visa required <b>for All Passports</b> ❖ Max. stay is ninety (90) days. ❖ <b>Multiple Entry – Visa required</b> ❖ Visa obtained through Embassy in Trinidad ❖ <b>One application form</b> (2) Photos 45mm X 45mm	❖ No Visa required	Nationals of Japan can stay for a maximum of ninety (90) days
JORDAN	❖ Visa required ❖ Visa obtained thro. our Emb. in Washington <b>Visa Fee US\$44.00 (Draft)</b> ❖ Invitation Letter ❖ 2 Photos ❖ 2 Application Forms	❖ Visa required	No Visa Abolition Agreement established
KAZAKHSTAN	❖ Visa required	❖ No Visa required	Nationals of Kazakhstan can stay for a maximum of twenty-eight (28) days
KENYA	❖ No visa required	❖ No visa required	COMMONWEALTH Country



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
KIRIBATI	❖ No visa required ❖ Maximum stay is twenty-eight (28) days	❖ No visa required	COMMONWEALTH Country Nationals of Kiribati can stay for a maximum of six (6) months
KOREA (North) (Democratic People's Republic of Korea )	❖ Visa required	❖ Visa required	
KOREA (South) (The Republic of Korea)	❖ No Visa required	❖ No visa required	
KUWAIT	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
KYRGYZSTAN	❖ Visa required	❖ No Visa required	Max. stay for nationals of Kyrgystan - 28 days
LAOS ( PEOPLE'S DEMOCRATIC REPUBLIC)	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
LATVIA	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
LEBANON	❖ Visa required ...	❖ Visa required	No Visa Abolition Agreement established
LESOTHO	❖ No Visa required ❖ Unlimited stay	❖ No Visa required	COMMONWEALTH Country National of Lesotho can stay for a maximum of six (6) months
LIBERIA	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
LIBYA	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
LIECHTENSTEIN	❖ No Visa required ❖ Maximum stay is ninety (90) days	❖ No Visa required	The regulations for Switzerland also apply to Liechtenstein. Nationals of Liechtenstein can stay for a period of six (6) months
LITHUANIA	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
LUXEMBOURG	❖ No visa required	No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
MACEDONIA (former Yugoslav Republic of)	❖ No Visa required	❖ Visa required	No Visa Abolition Agreement
MADAGASCAR (Democratic Republic)	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
MALAWI	❖ No Visa required ❖ Maximum stay of ninety (90) days	❖ No Visa required	COMMONWEALTH Country Nationals of Malawi can stay for a maximum of six (6) months
MALAYSIA	❖ No Visa required ❖ Maximum stay of two (2) months and an Extension of one (1) month is applied	❖ No Visa required	COMMONWEALTH Country Nationals of Malaysia can stay for a maximum of six (6) months



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
<b>MALI</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ 2 Application forms</li> <li>❖ 2 Photographs</li> <li>❖ An invitation letter from Mali</li> <li>❖ Visa obtained thro' W'ton</li> <li>❖ Visa Fee US \$80 S. Entry</li> <li>❖ Multiple US \$110 (DRAFTS)</li> <li>❖ Drafts to be made out to Embassy of Mali</li> <li>❖ Yellow Fever Vac.</li> </ul>	❖ No Visa required	Nationals of Mali can stay for a maximum of six (6) months
<b>MALTA</b>	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
<b>MARSHALL ISLANDS</b>	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
<b>MAURITANIA</b>	❖ Visa required	❖ No Visa required	Nationals of Mauritania can stay for a maximum of six (6) months
<b>MAURITIUS</b>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> <li>❖ Maximum stay of three (3) months</li> </ul>	❖ No Visa required	COMMONWEALTH Country Nationals of Mauritius can stay for a maximum of six (6) months
<b>MEXICO</b>	❖ No Visa required	❖ No Visa required	Effective Dec. 01, 2008 (Note 526/2008 of Nov. 12, 2008. Nationals of Mexico can stay for a maximum of twenty-eight (28) days
<b>MICRONESIA (Federated States of)</b>	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
<b>MOLDOVA (Rep. of)</b>	❖ Visa required	❖ No Visa required	Nationals of Moldova can stay for a maximum of twenty-eight (28) days



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
MONACO	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through Emb. of France</li> <li>❖ Visa fee is TTD\$150 (DRAFT)</li> <li>❖ 1 photograph</li> <li>❖ Application Form</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
MONGOLIA	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
MONTENEGRO	<ul style="list-style-type: none"> <li>❖ Visa req'd &amp; obtained through Embassy in W'ton</li> <li>❖ Invitation Letter</li> <li>❖ Itinerary</li> <li>❖ Proof Medical Ins.</li> <li>❖ Proof of Funds</li> </ul> <p>Visa fees must be paid in <b>Cash</b></p>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
MOROCCO	<ul style="list-style-type: none"> <li>❖ Visa obtained from New York</li> <li>❖ Job Letter, Itinerary, Cert. of Character (Optional)</li> <li>❖ Bank Reference</li> <li>❖ Letter of invitation or Hotel Reservation</li> <li>❖ 1 photograph in colour (Full name at back)</li> <li>❖ 1 application form</li> <li>❖ Visa fee is <b>US\$24.00 S.Entry/US\$34.00 M.E. (Bank Draft)</b></li> </ul> <p><b>Official/Gov't. B'ness No Fee</b></p>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
MOZAMBIQUE	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	COMMONWEALTH Country No Visa Abolition Agreement established
MYANMAR	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
NAMIBIA	❖ Visa required	❖ Visa required	COMMONWEALTH Country No Visa Abolition Agreement established
NAURU	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
NEPAL	❖ Visa required ❖ Visa obtained through C-G/N.Y ❖ 1 photograph ❖ 1 application form Visa fee is USD\$20	❖ Visa required	No Visa Abolition Agreement established
NETHERLANDS	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
Netherlands Antilles	❖ No Visa required ❖ Maximum stay of Three (3) Months	❖ No Visa required	Aruba, Bonaire, Curaçao, Saba, St. Eustatius, St. Maarten
NEW ZEALAND	❖ Visa required ❖ Visa obtained through HC/Ottawa ❖ Visa fee is CAN \$ 110.00 for all passports <b>except</b> for Official& Diplomatic on gov't. to gov't b'ness ❖ 1 photograph ❖ 1 application form Visa required	❖ No Visa required	Nationals of New Zealand can stay for a maximum of six (6) months  visa process in 3 weeks
Niue		❖ No Visa required	Niue is a self-governing Island in full association with New Zealand
NICARAGUA	❖ No visa required	❖ No visa required	Nationals of Nicaragua can stay for a maximum of twenty-eight (28) days



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
NIGER	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
NIGERIA	❖ Visa required ❖ Visa obtained through our Honorary Consul in Trinidad ❖ 2 photographs ❖ Original application form filed out in duplicate ❖ USD\$31. (single entry) ❖ USD\$41. (mult. Entry)  <b>No Fee attached for Ord., Official or Dip.P'ports for Barbadians</b>	❖ No Visa required	Barbados accommodates for tourism. Nationals of Nigeria can stay for a maximum of six (6) months  <b>Information given by Mr. Erick Jerome on 06.12.19</b>
NORWAY	❖ No Visa required	❖ No Visa required	Visa Abolition Agreement established on January 1, 1969 and <b>terminated in March 2001</b> . Nationals of Norway can stay for a maximum of six (6) months
OMAN	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
PAKISTAN	❖ Visa required ❖ Visa obtained through HC/London (or Washington, D.C) ❖ 2 photographs ❖ 1 application form ❖ Visa fee is £20.	❖ Visa required	No Visa Abolition Agreement established
PALAU Islands.	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
PANAMA	❖ No Visa required ❖ Maximum stay of ninety(90) days	❖ No Visa required	Visa Abolition Agreement established April 02, 2003. Max. stay for Panamanians (90) days.



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
PAPUA NEW GUINEA	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Valid Passport</li> <li>❖ 1 Completed app.</li> <li>❖ 1 photo</li> </ul> Diplomatic Note from Embassy	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
PARAGUAY	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through the Embassy of Paraguay in Brazil or</li> <li>❖ Through our Mission at Caracas</li> <li>❖ Single entry - \$45.00</li> <li>❖ Multiple entry- \$65.00</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
PERU	<ul style="list-style-type: none"> <li>❖ Visa required for <b>commercial b'ness</b> only</li> <li>❖ Visa obtained through C-G/Miami</li> <li>❖ 1 application form</li> <li>❖ Visa fee is USD\$30.00.<b>Cash/Draft</b></li> <li>❖ Two (2) Photos</li> </ul> <b>* Visas For Official &amp; Diplomatic Passports</b>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	Barbadian nationals exempted from tourist visa by Decree 103-2003-RE Nationals of Peru can stay for a period of twenty-eight (28) days
PHILIPPINES	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through CG/N.Y</li> <li>❖ 1 photograph (signed on front left-hand corner)</li> <li>❖ 1 Application</li> <li>❖ US\$35.<b>S.Entry</b></li> <li>❖ US\$65.<b>M.Entry</b></li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established
POLAND	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
PORTUGAL	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
QATAR	❖ Visa required ❖ 2 visa forms ❖ 2 Photographs ❖ Letter from the traveller's employer if travel is official ❖ Hotel confirmation or a letter from the host in Qatar if travel is pleasure ❖ Visa is gratis	❖ Visa required	No Visa Abolition Agreement established
ROMANIA	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
RUSSIAN FEDERATION	❖ Visa required for <u>ALL</u> Passports ❖ 1 Application Form ❖ 1 Passport size Photo ❖ A standard tourist confirmation, a Voucher, and a Cover letter ❖ Visa thro' Emb in W'ton ❖ Visa fee (S)US\$100-\$300 ❖ (M)US\$100-\$350 <b>Bank Draft</b>	❖ No Visa required	Nationals of Russian Federation can stay for a period of twenty-eight (28) days
RWANDA	❖ Visa required-thro' W'ton ❖ 2 Forms -signed by applicant ❖ 2 Photos ❖ Letter of invitation ❖ S. Entry - US \$60. 00 M.EntryUS\$90.00 (Drafts) Yellow Fever Vac.	❖ Visa required	No Visa Abolition Agreement established



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
SAMOA	❖ No Visa required	❖ No Visa required	Nationals of Samoa can stay for a maximum of six (6) mths
SAN MARINO	❖ Visa required	❖ No Visa required	
SAO TOME & PRINCIPE	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
SAUDI ARABIA	❖ Visa required ❖ 2 photos -white background ❖ One Application Form ❖ P'port valid 6 mnths Visa obtained through our Embassy in Caracas <b>No Visa Fee(All Passports) on official business</b>	❖ Visa required	No Visa Abolition Agreement established
SENEGAL	❖ Visa required Visa obtained through the Embassy of France in T'dad	❖ Visa required	No Visa Abolition Agreement established
SERBIA	❖ Visa req'd & obtained through Embassy in W'ton ❖ Invitation Letter ❖ Itinerary ❖ Proof Medical Ins. ❖ Proof of Funds Visa fees must be paid in <b>Cash</b>	❖ Visa required	No Visa Abolition Agreement established
SEYCHELLES	❖ No Visa required ❖ Maximum stay of six (6) months	❖ No Visa required	COMMONWEALTH Country Nationals of Seychelles can stay for a maximum of six (6) months
SIERRA LEONE	❖ No visa required	❖ No visa required	COMMONWEALTH Country Nationals of Sierra Leone can stay for a maximum of six (6) months
SINGAPORE	❖ No Visa required ❖ Maximum stay of thirty (30) days with extensions up to three (3) months	❖ No Visa required	COMMONWEALTH Country Nationals of Singapore can stay for a maximum of six (6) months



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
SLOVAK Rep.	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
SLOVENIA Rep. of	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
SOLOMON ISLANDS	❖ No Visa required ❖ Maximum stay of three (3) months	❖ No Visa required	COMMONWEALTH Country Nationals of Solomon Islands can stay for a maximum of six (6) months
SOMALIA	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
SOUTH AFRICA	❖ No Visa required Max. stay Thirty (30) days Over Thirty (30) days Visa Fee is <b>US\$47.00 (Draft)</b>	❖ No Visa required	Nationals of Barbados can stay for a maximum of thirty (30) days Nationals of South Africa can stay for a maximum of six (6) months
SPAIN	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.  Information also applies for Canary Islands
SRI LANKA	❖ Visa required as a Tourist ❖ 2 Photos ❖ Invitation letter from Sri Lanka ❖ Completed visa form Visa Fee US \$6.00 ( <b>Int'l money order</b> )	❖ No Visa required	COMMONWEALTH Country Nationals of Sri Lanka can stay for a maximum of six (6) months



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
ST. KITTS-NEVIS	❖ No Visa required ❖ Maximum stay of six (6) months	❖ No Visa required	CARICOM Country Nationals of St. Kitts-Nevis can stay for a maximum of six (6) months
ST. LUCIA	❖ No Visa required ❖ Maximum stay of six (6) months	❖ No Visa required	CARICOM Country Nationals of St. Lucia can stay for a maximum of six (6) months
ST. VINCENT & THE GRENADINES	❖ No Visa required ❖ Maximum stay of six (6) months	❖ No Visa required	CARICOM Country Nationals of St. Vincent & The Grenadines can stay for a maximum of six (6) months
SUDAN	❖ Visa required ❖ Obtained thro' W'ton ❖ Completed app. form ❖ Photograph Valid passport	❖ Visa required	No Visa Abolition Agreement established
SURINAME	❖ No Visa required ❖ Maximum stay of ninety (90) days	❖ No Visa required	Nationals of Suriname can stay for a maximum of six (6) months
SWAZILAND	❖ No Visa required ❖ Maximum stay of two (2) months	❖ No Visa required	COMMONWEALTH Country Nationals of Swaziland can stay for a maximum of six (6) months
SWEDEN	❖ No visa required	❖ No Visa required	Short-stay visa waiver signed between Barbados and the European Community on May 28, 2009. Nationals of both countries may visit the other country for a stay of up to three (3) months in any six month period.
SWITZERLAND	❖ No Visa required ❖ Maximum stay of ninety (90) days	❖ No Visa required	Visa abolition Agreement established on January 6, 1971 Nationals of Switzerland can stay for a maximum of six (6) months
SYRIA	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
<b>TAJIKISTAN</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ 2 Application Forms</li> <li>❖ 3 passport photographs</li> <li>❖ Visa Fee</li> </ul>	❖ No Visa required	No Visa Abolition Agreement established
<b>TANZANIA (United Rep. of)</b>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> <li>❖ On arrival a visitor's pass is issued</li> </ul>	❖ No Visa required	COMMONWEALTH Country Nationals of Tanzania can stay for a maximum of six (6) months
<b>THAILAND</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> <li>❖ Visa obtained through Embassy at Washington</li> <li>❖ 2 photographs</li> <li>❖ 1 application form</li> <li>❖ <b>USD\$65.-single entry</b></li> <li>❖ <b>USD\$175 - Mult. Entry (Bank Draft)</b></li> <li>Acceptance Letter</li> <li>Itinerary</li> </ul>	❖ Visa required	No Visa Abolition Agreement established
<b>TOGO</b>	<ul style="list-style-type: none"> <li>❖ Visa required through Embassy at Washington</li> <li>❖ 2 application forms</li> <li>❖ 2 photographs</li> <li>❖ US\$100 (Diplomatic, Official and Regular Passports)</li> </ul>	❖ Visa required	No Visa Abolition Agreement established
<b>TONGA</b>	❖ Visa required	❖ No Visa required	Nationals of Tonga can stay for six (6) mths.
<b>TRINIDAD &amp; TOBAGO</b>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> <li>❖ Maximum stay of six (6) months</li> </ul>	❖ No Visa Required	CARICOM Country Nationals of Trinidad and Tobago can stay for a maximum of Six (6) months



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
TUNISIA	❖ No Visa required ❖ Maximum stay of two (2) months	❖ No Visa required	Visa Abolition Agreement established on May 1, 1970 Nationals of Tunisia can stay for a maximum of six (6) months
TURKEY	❖ Multiple-Entry sticker visas for 90 days obtained at the Turkish border gates i.r.o. Ordinary Passports <u>only</u> .	❖ No Visa required	Visa Abolition Agreement established on November 9, 1970 terminated w.e.f. July 25, 2003. Nationals of Turkey can stay for a maximum of six (6) months
TURKMENISTAN	❖ Visa required	❖ No Visa required	Nationals of Turkmenistan can stay for twenty-eight (28) days
TUVALU	❖ No Visa required	❖ No Visa required	Nationals of Tuvalu can stay for a period of six (6) months
UGANDA	❖ No Visa required ❖ Maximum stay of six (6) months	❖ No Visa required	COMMONWEALTH Country Nationals of Uganda can stay for a period of six (6) months
UKRAINE	❖ Visa required ❖ Visa obtained through our Embassy in Washington	❖ No Visa required	Nationals of Ukraine can stay for twenty-eight (28) days
UNITED ARAB EMIRATES (Abu Dhabi, Ajman, Dubai, Fujairah, Ras Al Khaimah, Sharjah, Umm Al Qawain)	❖ No Visa required	❖ No Visa required	Visa Abolition Agreement established in 2018
UNITED KINGDOM and British dependencies	❖ No Visa required ❖ Maximum stay of six (6) mths ❖ Diplomats on transfer - 2 Entry forms and 2 photos	❖ No Visa required	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Turks & Caicos



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
<b>UNITED STATES OF AMERICA US Dependencies</b>	<ul style="list-style-type: none"> <li>❖ Visa obtained from the US Consulate in B'dos</li> <li>❖ 1 Photograph</li> <li>❖ 1 Standard application form</li> <li>❖ 1 supplemental form for males 16-45 yrs</li> <li>❖ Visa fee is USD\$131.00 or BDS\$265.00 (cash)</li> </ul>	<ul style="list-style-type: none"> <li>❖ No visa required</li> </ul> <p>Require valid p'ports with effect from March, 2004</p>	<p>Nationals of the USA can stay for a maximum of six (6) months Visa fees increased from November 1, 2002</p> <p>The supplemental form is absolutely mandatory for all males 16-45, regardless of status All questions must be answered on both forms</p>
Nothern Mariana Islands	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Required	A commonwealth in political union with the USA
Puerto Rico	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul> <p>Visa Obtained through US Embassy</p>	No visa required	Puerto Rico is a Commonwealth associated with the USA
Samoa (American)	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No visa required	Territory of the USA
US Virgin Islands	<ul style="list-style-type: none"> <li>❖ Visa Required</li> </ul>	No visa required	St. Croix, St. Thomas, St. John
<b>URUGUAY</b>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> <li>❖ Max stay of six (6) mths</li> </ul>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	Visa Abolition Agreement est. on April 25, 1997. Nationals of Uruguay can stay max. 6 mths.
<b>UZBEKISTAN</b>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	Nationals of the Uzbekistan can stay for a maximum of twenty-eight days
<b>VANUATU</b>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> <li>❖ Maximum stay of thirty (30)days</li> </ul>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	COMMONWEALTH Country Nationals of Vanuatu can stay for a maximum of six (6) months
<b>VENEZUELA</b>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> <li>❖ Maximum stay of ninety (90) days</li> </ul>	<ul style="list-style-type: none"> <li>❖ No Visa required</li> </ul>	Visa Abolition Agreement established on July 17, 1987 Nationals of Venezuela can stay for a period of twenty-eight days
<b>VIETNAM</b>	<ul style="list-style-type: none"> <li>❖ Visa required &amp; obtained through Washington</li> <li>❖ Visa Fee US\$ 65.00(Draft)</li> <li>❖ 1 Application Form</li> <li>1 Photo</li> </ul>	<ul style="list-style-type: none"> <li>❖ Visa required</li> </ul>	No Visa Abolition Agreement established



COUNTRY	VISA REQUIREMENTS FOR BARBADIAN NATIONALS TRAVELLING ABROAD	VISA REQUIREMENTS FOR FOREIGN NATIONALS ENTERING BARBADOS	REMARKS
YEMEN	❖ Visa required	❖ Visa required	No Visa Abolition Agreement established
ZAMBIA	❖ No Visa required	❖ No Visa required	COMMONWEALTH Country Nationals of Zambia can stay for a maximum of six (6) months
ZIMBABWE	❖ * Visa required & obtained Through Washington <b>For Diplomatic and Official Passports</b> ❖ 2 Application Forms ❖ 2 Photos	❖ No Visa required	COMMONWEALTH Country Nationals of Zimbabwe can stay for a maximum of six (6) months

**Consular Section**  
**June 3, 2009**







## **Annex 105**

Bolivia, Supreme Decree No 1923, 13 March 2014, Article 8

Spanish with English translation (extract)



*Bolivia: Reglamento de la Ley de migración, DS N° 1923, 13 de marzo de 2014*



## **Bolivia: Reglamento de la Ley de migración, DS N° 1923, 13 de marzo de 2014**

Decreto Supremo N° 1923

EVO MORALES AYMA

PRESIDENTE CONSTITUCIONAL DEL ESTADO PLURINACIONAL DE  
BOLIVIA

### **CONSIDERANDO:**

- Que el Parágrafo V del Artículo 14 de la Constitución Política del Estado, determina que las leyes bolivianas se aplican a todas las personas, naturales o jurídicas, bolivianas o extranjeras, en el territorio boliviano.
- Que el Parágrafo VI del Artículo 14 del Texto Constitucional, establece que las extranjeras y los extranjeros en el territorio boliviano tienen los derechos y deben cumplir los deberes establecidos en la Constitución, salvo las restricciones que ésta contenga.
- Que la Ley N° 370, de 8 de mayo de 2013, de Migración, regula el ingreso, tránsito, permanencia y salida de personas en el territorio del Estado Plurinacional de Bolivia, y establece espacios institucionales de coordinación que garanticen los derechos de las personas migrantes bolivianas y extranjeras.
- Que la Disposición Transitoria Tercera de la Ley N° 370, dispone que una vez promulgada la Ley la Dirección General de Migración, en coordinación con el Consejo Nacional de Migración, en un plazo de noventa (90) días, elaborará el respectivo reglamento.

EN CONSEJO DE MINISTROS,

DECRETA:

### **Título I** **Objeto y marco institucional**



*Título II Pasaportes y visas*

**Capítulo II  
Tasas y aranceles**

**Artículo 6º.- (Tasas y aranceles por servicios migratorios)**

- I. La Dirección General de Migración, en coordinación con la Dirección General de Recaudaciones del Ministerio de Gobierno, establecerá las tasas y aranceles por servicios migratorios en Unidades de Fomento a la Vivienda - UFV, las cuales serán aprobadas mediante Resolución Ministerial.
- II. El pago de las tasas y aranceles se hará efectivo en su equivalente en bolivianos a la fecha del cobro.

**Título II  
Pasaportes y visas**

**Capítulo I  
Pasaportes**

**Artículo 7º.- (Emisión de pasaportes)**

- I. La Dirección General de Migración es la encargada de controlar y autorizar la emisión de pasaportes corrientes para personas bolivianas en el país, para dicho efecto debe verificar que el solicitante no tenga impedimentos de viaje, de acuerdo a normativa vigente.
- II. La Dirección General de Migración es la encargada de controlar y autorizar la emisión de pasaportes corrientes para personas bolivianas en el exterior, a través de los centros emisores habilitados por el Ministerio de Relaciones Exteriores, los cuales deben estar interconectados con el Centro Emisor Central del Sistema de Pasaportes.
- III. El Ministerio de Relaciones Exteriores, en el marco de la normativa vigente, previa emisión de pasaportes diplomáticos, oficiales o de servicio, debe verificar con la Dirección General de Migración, que el solicitante no tenga impedimentos de viaje.

**Capítulo II  
Exoneración, extensión, definición, vigencia y requisitos de visas  
consulares**

**Artículo 8º.- (Exoneración y extensión de visas)**



*Bolivia: Reglamento de la Ley de migración, DS N° 1923, 13 de marzo de 2014*

- I. Para la exoneración y extensión de visas de ingreso de personas extranjeras al territorio boliviano, se establecen los siguientes criterios de clasificación, de acuerdo a los Grupos de Países estipulados en normativa vigente:
  - a) Países del Grupo I: Las personas extranjeras pertenecientes al Grupo I de países, no requieren visa de ingreso por turismo o visita, para su entrada a territorio boliviano;
  - b) Países Grupo II: Las personas extranjeras pertenecientes al Grupo II de países, requieren visa de ingreso por turismo o visita, para su entrada a territorio boliviano;
  - c) Países Grupo III: Las personas extranjeras pertenecientes al Grupo III de países, requieren visa de ingreso por turismo o visita previa verificación de requisitos por la Dirección General de Migración, para su entrada a territorio boliviano.
- II. Las personas extranjeras pertenecientes al Grupo I, podrán ser admitidas e ingresar al territorio boliviano en calidad de turistas o visita sin ánimo de residencia, previa presentación del documento nacional de identidad o el pasaporte válido y vigente, según corresponda sin el requisito de la visa de turismo.

**Artículo 9°.- (Definición y vigencia de visas)**

- I. La visa es la autorización de ingreso a territorio boliviano a personas extranjeras y se clasifican en:
  - a) Visa en tránsito: Es otorgada por quince (15) días calendario, con el propósito de transitar a un tercer país;
  - b) Visa de cortesía: Es otorgada hasta por sesenta (60) días calendario y está dirigida a personas extranjeras invitadas por instituciones públicas, a través del Ministerio de Relaciones Exteriores, con la finalidad de realizar actividades de interés para el Estado Plurinacional de Bolivia;
  - c) Visa de estudiante: Es otorgada por sesenta (60) días calendario, con el propósito de cursar estudios a nivel primario, secundario y en instituciones de educación superior de formación profesional, habilita a tramitar la permanencia temporal de estudiante hasta por tres (3) años, prorrogable por periodos de hasta tres (3) años, hasta la culminación de sus estudios ante la Dirección General de Migración;
    1. Visa de estudiante de intercambio con convenio estatal: Es otorgada por ciento ochenta (180) días calendario, con la finalidad de cursar estudios en virtud de acuerdos académicos estatales, tiene carácter gratuito y habilita a tramitar la permanencia temporal de estudiante ante la Dirección General de Migración por un periodo similar;
    2. Visa de estudiante de intercambio sin convenio estatal: Es otorgada hasta por ciento ochenta (180) días calendario, con la finalidad de



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

**Bolivia: Migration Act Regulations, DS No. 1923, 13 March 2014**

**Supreme Decree No. 1923**

[...]

**Chapter II**

**Exoneration, extension, definition, validity and consular visa requirements**

**Article 8.- (Exoneration and extension of visas)**

- I. For the exoneration and extension of entry visas for foreigners into Bolivian territory, the following classification criteria are established, according to the Groups of Countries provided in the current legislation:
  - a) Group I countries: Foreign nationals belonging to Group I of countries do not require an entry visa for tourism or visits to enter Bolivian territory;
  - b) Group II countries: Foreign nationals belonging to Group II of countries require an entry visa for tourism or visits to enter Bolivian territory;
  - c) Group III countries: Foreign nationals belonging to Group III of countries require an entry visa for tourism or visits, subject to verification of requirements by the National Migration Direction, in order to enter Bolivian territory.
- II. Foreign nationals belonging to Group I may be admitted and enter Bolivian territory as tourists or visitors without the intention of residence, upon presentation of the national identity document or the current and valid passport, as appropriate without the tourist visa requirement.

[...]







## **Annex 106**

Newsletter of the National Migration Direction, Requirements  
to enter Bolivia

Spanish with English translation

<http://www.migracion.gob.bo/upload/emergente.pdf>





**DIGEMIG**  
Dirección General de Migración

## REQUISITOS PARA INGRESAR A BOLIVIA

- Si eres ciudadano o ciudadana de algún país de Sudamérica, debes portar el pasaporte y/o documento de identidad vigentes.
- Si eres ciudadano o ciudadana de algún país del **Grupo I(1)** que no pertenece a Sudamérica, debes portar el pasaporte con una vigencia no menor a 6 meses.
- Si eres ciudadano o ciudadana de algún país perteneciente al **Grupo II(2)**, debes portar el pasaporte con una vigencia mínima de 6 meses, visa consular de turista obtenida en una representación consular de Bolivia en el exterior. Si no pudiste obtener tu visa consular, puedes obtener la visa de ingreso en un punto de control migratorio aeroportuario o terrestre habilitado.
- Si perteneces al **Grupo III(3)**, deberás solicitar la extensión de la Visa de Ingreso ante la Representación Consular correspondiente boliviana. La Dirección General de Migración podrá otorgar excepcionalmente en casos fortuitos o de fuerza mayor debidamente comprobados.

### (3) Países del GRUPO III

AFGANISTAN  
ANGOLA  
BHUTAN  
CAMBOYA  
CHAD  
CONGO  
COREA DEL NORTE  
ESTADOS UNIDOS

INDONESIA  
IRAQ  
ISRAEL  
LAOS  
LIBIA  
NIGERIA  
PAKISTAN  
PUERTO RICO

RUANDA  
SIRIA  
SOMALIA  
SUDAN  
TIMOR LESTE  
YEMEN

### (1) Países del GRUPO I & Sudamérica (Mercosur & Can)

ALEMANIA  
ANDORRA  
ARGENTINA (MERCOSUR)  
AUSTRALIA  
AUSTRIA  
BELGICA  
BRASIL (MERCOSUR)  
CANADA  
COLOMBIA (CAN)  
COSTA RICA  
CHECA  
CHILE (MERCOSUR)  
CROACIA  
DINAMARCA  
ECUADOR (CAN)  
ESPAÑA  
ESLOVENIA

ESLOVAQUIA  
ESTONIA  
FILIPINAS  
FINLANDIA  
FRANCIA  
HUNGRÍA  
GRECIA  
ISLANDIA  
IRLANDA DEL NORTE  
ITALIA  
JAPÓN  
LIECHTENSTEIN  
LITUANIA  
LETONIA  
LUXEMBURGO  
MEXICO  
MONACO

NORUEGA  
NUEVA ZELANDIA  
PAISES BAJOS  
PALESTINA  
PANAMA  
PARAGUAY (MERCOSUR)  
PERU (CAN)  
POLONIA  
PORTUGAL  
GRAN BRETAÑA  
SUIZA  
SUECIA  
TURQUIA  
URUGUAY (MERCOSUR)  
VATICANO  
VENEZUELA (MERCOSUR)

### (2) Países del GRUPO II

ALBANIA  
ANTIGUA Y BARBUDA  
ARABIA SAUDITA  
ARMENIA  
ARGELIA  
AZERBAIYAN  
BAHAMAS  
BAHREIN  
BANGLADESH  
BARBADOS  
BELICE  
BENIN  
BELARUS  
BOSNIA-HERZEGOVINA  
BOTSWANA  
BRUNEI  
BULGARIA  
BURKINA FASO  
BURUNDI  
CABO VERDE  
CAMERUN  
CENTRO AFRICANA  
CHINA  
CHILE  
COMORES  
COREA DEL SUR  
CÔTE D'IVOIRE  
CUBA  
DJIBOUTI  
DOMINICANA  
DOMINICA  
EGIPTO  
EL SALVADOR  
EMIRATOS ARABES U.  
ETIOPIA  
ERITREA  
FIJI  
GABÓN  
GAMBIA  
GEORGIA

GRANADA  
GUATEMALA  
GUYANA  
GHANA  
GUINEA'S  
HAITI  
HONDURAS  
INDIA  
IRAN  
ISLAS MARSHALL  
ISLAS SALOMON  
JAMAICA  
JORDANIA  
KAZAJSTAN  
KENYA  
KIRIBATI  
KUWAIT  
KYRGUISTAN  
LESOTHO  
LIBANO  
LIBERIA  
MACEDONIA  
MADAGASCAR  
MALASIA  
MALAWI  
MALTA  
MALDIVAS  
MALI  
MARRUECOS  
MAURICIO  
MAURITANIA  
MICRONESIA  
MOLDOVIA  
MONGOLIA  
MOZAMBIQUE  
MYANMAR  
NAMIBIA  
NAURU  
NEPAL  
NICARAGUA

NIGER  
OMAN  
PALAU  
PAPUA NUEVA GUINEA  
QATAR  
RUANDA  
RUMANIA  
RUSIA  
SINGAPUR  
SIERRA LEONA  
SRI LANKA  
SAMOA OCCIDENTAL  
SAN CRISTOBAL Y NEVIS  
SAN MARINO  
SANTA LUCIA  
SAN VICENTE  
SERBIA  
SENEGAL  
SEYCHELLES  
SOMALIA  
STO. TOME  
SUD AFRICA  
SURINAM  
SWAZILANDIA  
TAILANDIA  
TANZANIA  
TAYIKISTAN  
TOGO  
TONGA  
TRINIDAD Y TOBAGO  
TUNEZ  
TURKEMENISTAN  
TUVALU  
UCRANIA  
UGANDA  
UZBEKISTAN  
VANUATU  
VIETNAM  
ZAMBIA  
ZIMBABWE



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

**DIGEMIG**  
**National Migration Direction**

**Requirements to enter Bolivia**

- If you are a citizen of a South American country, you shall carry a valid passport and/or identity card.
- If you are a citizen of a Group I(1) country that does not belong to South America, you shall carry your passport with a validity of not less than 6 months.
- If you are a citizen of a country belonging to Group II(2), you shall carry the passport with a minimum validity of 6 months, tourist consular visa obtained in a consular representation of Bolivia abroad. If you were not able to obtain your consular visa, you can obtain the entry visa at an authorized airport or land immigration control point.
- If you belong to Group III(3), you shall request the extension of the Entry Visa before the corresponding Bolivian Consular Representation. The National Migration Direction may grant exceptions in fortuitous cases or force majeure duly proven.

**(1) GROUP I Countries and South America (Mercosur & Can)**

GERMANY	CZECH REPUBLIC	FINLAND	LATVIA
ANDORRA	CHILE (MERCOSUR)	FRANCE	LUXEMBOURG
ARGENTINA (MERCOSUR)	CROATIA	HUNGARY	MEXICO
AUSTRALIA	DENMARK	GREECE	MONACO
AUSTRIA	ECUADOR (CAN)	ICELAND	NORWAY
BELGIUM	SPAIN	NORTHERN IRELAND	NEW ZEALAND
BRAZIL (MERCOSUR)	SLOVENIA	ITALY	NETHERLANDS
CANADA	SLOVAKIA	JAPAN	PALESTINE
COLOMBIA	ESTONIA	LIECHTENSTEIN	PANAMA
COSTA RICA	PHILIPPINES	LITHUANIA	PARAGUAY (MERCOSUR)
PERU	POLAND	PORTUGAL	GREAT BRITAIN
SWITZERLAND	SWEDEN	TURKEY	URUGUAY (MERCOSUR)
VATICAN	VENEZUELA (MERCOSUR)		

**(2) GROUP II Countries**

ALBANIA	BOSNIA-HERZEGOVINA	CÔTE D'IVOIRE	GEORGIA
ANTIGUA AND BARBUDA	BOTSWANA	CUBA	GRANADA
SAUDI ARABIA	BRUNEI	DJIBOUTI	GUATEMALA
ARMENIA	BULGARIA	DOMINICAN REPUBLIC	GUYANA



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

ARGELIA	BURKINA FASO	DOMINICA	GHANA
AZERBAIJAN	BURUNDI	EGYPT	GUINEAS
BAHAMAS	CAPE VERDE	EL SALVADOR	HAITI
BAHREIN	CAMEROON	UNITED ARAB EMIRATES	HONDURAS
BANGLADESH	CENTRAL AFRICAN	ETHIOPIA	INDIA
BARBADOS	CHINA	ERITREA	IRAN
BELIZE	CYPRUS	FIJI	MARSHALL ISLANDS
BENIN	COMOROS	GABON	SALOMON ISLANDS
BELARUS	SOUTH KOREA	GAMBIA	JAMAICA
JORDAN	KAZAKHSTAN	KENYA	KIRIBATI
KUWAIT	KIRGIZSTAN	LESOTHO	LEBANON
LIBERIA	MACEDONIA	MADAGASCAR	MALAYSIA
MALAWI	MALTA	MALDIVES	MALI
MOROCCO	MAURITIUS	MAURITANIA	MICRONESIA
MOLDOVIA	MONGOLIA	MOZAMBIQUE	MYANMAR
NAMIBIA	NAURU	NEPAL	NICARAGUA
NIGER	OMAN	PALAU	PAPUA NEW GUINEA
QATAR	RWANDA	ROMANIA	RUSSIA
SINGAPORE	SIERRA LEONE	SRI LANKA	SAMOA
SAINT KITTS AND NEVIS	SAN MARINO	SAINT LUCIA	SAINT VINCENT AND THE GRENADINES
SERBIA	SENEGAL	SEYCHELLES	SOMALIA
SAINT TOME	SOUTH AFRICA	SURINAME	SWAZILAND
THAILAND	TANZANIA	TAJIKISTAN	TOGO
TONGA	TRINITY AND TOBAGO	TUNISIA	TURKMENISTAN
TUVALU	UKRAINE	UGANDA	UZBEKISTAN
VANUATU	VIETNAM	ZAMBIA	ZIMBABWE

**(3) GROUP III COUNTRIES**

AFGHANISTAN	LIBYA
ANGOLA	NIGERIA
BHUTAN	PAKISTAN
CAMBODIA	PUERTO RICO
CHAD	RWANDA
CONGO	SYRIA
NORTH KOREA	SOMALIA
UNITED STATES OF AMERICA	SUDAN
IRAQ	EAST TIMOR
ISRAEL	YEMEN
LAOS	



## **Annex 107**

China, List of Agreements on Mutual Visa Exemption Between  
the People's Republic of China and Foreign Countries  
(as of 24 December 2018)



**List of Agreements on Mutual Visa Exemption**  
**Between the People's Republic of China and Foreign Countries**  
(In alphabetical order of foreign countries )

Up to now, the People's Republic of China and the following foreign countries have concluded agreements on mutual visa exemption below. Citizens of the People's Republic of China who are holders of valid specified passports are usually exempted from visa requirements for a short visit to the following foreign countries.

<b>No.</b>	<b>Foreign Country</b>	<b>Passport Categories Covered by Agreement on Visa Exemption</b>	<b>Date of Entry into Force YYYY.MM.DD</b>	<b>Note</b>
1	Afghanistan	Diplomatic passports	2015.07.16	
2	Albania	Diplomatic,service passports	1956.08.25	
3	Angola	Diplomatic,service passports	2015.04.11	
4	Argentina	Diplomatic,service passports of China;diplomatic, official passports of Argentine	1993.08.14	
5	Armenia	Diplomatic,service passports,passports for public affairs of China;diplomatic,service passports, passports for public affairs and ordinary passports marked with "For Public Affairs" of Armenia	1994.08.03	
6	Austria	Diplomatic passports,EU laissez-passer	2016.03.03	*3
7	Azerbaijan	Diplomatic,service passports and passports for public affairs	1994.02.10	
		Ordinary passports/international travel documents (when traveling in tour groups organized by authorized travel agencies of both countries)	1994.05.01	
8	The Bahamas	Diplomatic,service passports,passports for public affairs and ordinary passports of China;diplomatic, official and ordinary passports of the Bahamas	2014.02.12	
9	Bangladesh	Diplomatic,service passports,passports for public affairs of China;diplomatic,official passports and ordinary passports marked with "For Government Affairs" or "Free of Charge" of Bangladesh	1989.12.18	
10	Barbados	Diplomatic,service passports,passports for public affairs of China;diplomatic,official passports of Barbados	2014.08.02	



11	Belarus	Diplomatic, service passports;ordinary passports or international travel documents (when traveling in tour groups organized by authorized travel agencies of both countries)	1993.03.01	
12	Belgium	Diplomatic passports,EU laissez-passer	2016.03.03	*3
13	Benin	Diplomatic,service passports,passports for public affairs of China;diplomatic,service passports and ordinary passports with “public affairs certificate” attached of Benin	1993.11.06	
14	Bolivia	Diplomatic,service passports of China;diplomatic, official passports of Bolivia	1987.11.15	
		Passports for public affairs	2008.01.18	
15	Bosnia and Herzegovina	Diplomatic,service passports,passports for public affairs of China;diplomatic,service passports and ordinary passports marked with “For Public Affairs” of Bosnia and Herzegovina	1980.01.09	*1
16	Brazil	Diplomatic,service passports of China;diplomatic, official passports of Brazil	2004.08.10	
17	Brunei	Diplomatic, service passports of China;diplomatic, official passports of Brunei	2005.06.18	
18	Burundi	Diplomatic,service passports,passports for public affairs	2014.11.25	
19	Bulgaria	Diplomatic,service passports	2012.04.04	
		EU laissez-passer	2016.03.03	*3
20	Cambodia	Diplomatic,service passports	2006.09.14	
21	Cape Verde	Diplomatic,service passports	2015.07.11	
22	Chile	Diplomatic,service passports of China;diplomatic, official passports of Chile	1986.05.07	
23	Colombia	Diplomatic passports	1987.11.14	
		Service passports of China;official passports of Colombia	1991.11.14	
24	Comoros	Diplomatic,service passports,passports for public affairs	2016.02.26	
25	Congo, Rep	Diplomatic,service passports,passports for public affairs	2014.08.07	
26	Costa Rica	Diplomatic,service passports	2008.01.15	
27	Côte d'Ivoire	Diplomatic,service passports,passports for public affairs	2015.12.19	



28	Croatia	Diplomatic,service passports of China;diplomatic, official passports of Croatia	1995.04.09	
		EU laissez-passer	2016.03.03	*3
29	Cuba	Diplomatic,service passports and passports for public affairs of China;diplomatic,service and official passports of Cuba	1988.12.23	
30	Cyprus	Diplomatic,service passports	1991.10.02	
		EU laissez-passer	2016.03.03	*3
31	Czech	Diplomatic passports,EU laissez-passer	2016.03.03	*3
32	Denmark	Diplomatic passports,EU laissez-passer	2016.03.03	*3
33	Djibouti	Diplomatic,service passports and passports for public affairs	2014.12.04	
34	Dominica	Diplomatic,service passports and passports for public affairs of China;diplomatic,official passports of Dominica	2014.03.29	
35	D.P.R. Korea	Diplomatic,service passports	1956.10.01	
		Passports for public affairs of China;collective passports for public affairs of D.P.R. Korea	1965.01.01	
36	Ecuador	Diplomatic,service passports of China;diplomatic, official passports of Ecuador	1987.07.11	
		Passports for public affairs of China;special passports of Ecuador	1988.12.25	
		Ordinary passports	2016.08.18	
37	Egypt	Diplomatic,service passports of China;diplomatic, special passports of Egypt	2007.01.27	
38	Equatorial Guinea	Diplomatic,service passports of China;diplomatic, official passports of Equatorial Guinea	2006.01.01	
39	Eritrea	Diplomatic,service passports,passports for public affairs	2015.04.15	
40	Estonia	Diplomatic passports,EU laissez-passer	2016.03.03	*3
41	Ethiopia	Diplomatic,service passports,passports for public affairs	2015.12.07	
42	Fiji	Diplomatic,service passports,passports for public affairs,ordinary passports	2015.03.14	
43	Finland	Diplomatic passports,EU laissez-passer	2016.03.03	*3
44	France	Diplomatic passports,EU laissez-passer	2016.03.03	*3
45	Gabon	Diplomatic,service passports,passports for public affairs	2016.02.05	



46	Georgia	Diplomatic,service passports and passports for public affairs;ordinary passports/international travel documents ( when traveling in tour groups organized by authorized travel agencies of both countries)	1994.02.03	
47	Germany	Diplomatic passports,EU laissez-passer	2016.03.03	*3
48	Greece	Diplomatic passports,EU laissez-passer	2016.03.03	*3
49	Grenada	Diplomatic,service passports of China; diplomatic, official passports of Grenada	2010.01.17	
		passports for public affairs,ordinary passports	2015.06.10	
50	Guyana	Diplomatic,service passports and passports for public affairs of China; diplomatic,official passports of Guyana	1998.08.19	
51	Hungary	Diplomatic,service passports	1992.05.28	
		EU laissez-passer	2016.03.03	*3
52	Indonesia	Diplomatic,service passports (for temporary visits only)	2005.11.14	
53	Iran	Diplomatic,service passports	1989.07.12	
54	Iraq	Diplomatic	2016.11.02	
55	Ireland	Diplomatic passports holders,holders of service passports or passports for public affairs of China accompanying a Minister or above for the purpose of an official visit ;diplomatic passports holders,official passports holders of Ireland accompanying a Minister or above on the purpose of an official visit	2015.09.23	
		EU laissez-passer	2016.03.03	
56	Israel	Diplomatic,service passports	2016.01.17	
57	Italy	Diplomatic passports,EU laissez-passer	2016.03.03	*3
58	Jamaica	Diplomatic,service passports of China; diplomatic, official passports of Jamaica	1995.06.08	
59	Jordan	Diplomatic,service passports of China; diplomatic, service,special passports of Jordan	1993.03.11	
60	Kazakhstan	Diplomatic,service passports	1994.02.01	
61	Kenya	Diplomatic,service passports of China;diplomatic, official passports of Kenya	2014.08.17	
62	Kuwait	Diplomatic,service passports and passports for public affairs of China;diplomatic,special passports of Kuwait	2014.10.17	
63	Kyrgyzstan	Diplomatic,service passports	2003.06.14	
64	Laos	Diplomatic,service passports,passports for public affairs of China; diplomatic,service passports and ordinary passports with effective visas for public affairs of Laos	1989.11.06	



65	Latvia	Diplomatic passports,EU laissez-passer	2016.03.03	*3
66	Lesotho	Diplomatic,service passports of China; diplomatic, official passports of Lesotho	2016.08.24	
67	Liberia	Diplomatic passports	2016.02.10	
68	Lithuania	Diplomatic,service passport,seafarer's passports (only when entering the contracting country onboard a ship)	1992.09.14	
		EU laissez-passer	2016.03.03	*3
69	Luxembourg	Diplomatic passports,EU laissez-passer	2016.03.03	*3
70	Macedonia	Diplomatic,service passports,passports for public affairs of China; diplomatic, service passports and ordinary passports marked with "For Public Affairs" of Macedonia	1994.07.19	
71	Malaysia	Diplomatic,service passports of China;diplomatic, official passports of Malaysia	2011.05.18	
72	Maldives	Diplomatic,service passports	1984.11.27	
73	Mali	Diplomatic,service passports,passports for public affairs	2015.05.09	
74	Malta	Diplomatic,service passports	2008.03.06	
		EU laissez-passer	2016.03.03	*3
75	Mauritius	Diplomatic,service passports,passports for public affairs and ordinary passports	2013.10.31	
76	Mexico	Diplomatic,service passports of China; diplomatic, official passports of Mexico	1998.01.01	
77	Moldova	Diplomatic,service passports,passports for public affairs of China;diplomatic,service passports and ordinary passports marked with "For Public Affairs" of Moldova;ordinary passports/international travel documents (when traveling in tour groups organized by authorized travel agencies of both countries)	1993.01.01	
78	Mongolia	Diplomatic,service passports and passports for public affairs	1989.04.30	
79	Montenegro	Diplomatic,service passports	2013.03.01	
80	Morocco	Diplomatic,service passports	2014.03.06	
81	Mozambique	Diplomatic,service passports	2016.05.14	
82	Myanmar	Diplomatic,service passports of China; diplomatic, official passports of Myanmar	1998.03.05	



83	Nepal	Diplomatic,service passports of China;diplomatic, official passports of Nepal	2006.10.16	
84	Netherlands	Diplomatic passports,EU laissez-passer	2016.03.03	*3
85	Nigeria	Diplomatic,service passports and passports for public affairs	2014.02.01	
86	Oman	Diplomatic,service passports of China;diplomatic, service and special passports of Oman	2010.04.16	
87	Pakistan	Diplomatic,service passports of China;diplomatic, official passports of Pakistan	1987.08.16	
		Passports for public affairs	1988.04.30	
88	Peru	Diplomatic,service passports of China;diplomatic, special passports of Peru	2004.05.12	
89	Poland	Diplomatic,service passports,seafarer's passports, crew member certificates	1992.07.27	
		EU laissez-passer	2016.03.03	*3
90	Portugal	Diplomatic passports,EU laissez-passer	2016.03.03	*3
91	R.O.Korea	Diplomatic passports	2013.08.18	
		Service passports of China;official passports of R.O.Korea	2014.12.25	
92	Romania	Diplomatic,service passports	1981.09.16	
		EU laissez-passer	2016.03.03	*3
93	Russia	Ordinary passports/international travel documents (when traveling in tour groups organized by authorized travel agencies of both countries)	2000.12.01	
		Diplomatic and service passports;trainmen/aircrew/ seafarers (travelling with seafarer's passports) onboard for public affairs	2014.04.26	
94	Samoa	Diplomatic,service passports of China; diplomatic, official passports of Samoa	2011.02.18	
95	San Marino	Diplomatic,service passports and ordinary passports	1985.07.22	
96	Senegal	Diplomatic,service passports and passports for public affairs	2014.05.03	
97	Serbia	Diplomatic,service passports,passports for public affairs of China;diplomatic,service passports and ordinary passports marked with "For Public Affairs" of Serbia	1980.01.09	*1
98	Seychelles	Diplomatic,service passports,passports for public affairs and ordinary passports	2013.06.26	
99	Slovakia	Diplomatic,service passports of China; diplomatic, service,special passports of Slovakia	1956.06.01	*2



		EU laissez-passer	2016.03.03	*3
100	Singapore	Diplomatic,service passports and passports for public affairs	2011.04.17	
101	Slovenia	Diplomatic,service passports	1994.07.01	
		EU laissez-passer	2016.03.03	*3
102	Spain	Diplomatic passports,EU laissez-passer	2016.03.03	*3
103	Sri Lanka	Diplomatic,service passports,passports for public affairs of China; diplomatic,official passports of Sri Lanka	2013.04.18	
104	South Africa	Diplomatic passports	2010.11.27	
		Service passports	2016.03.01	
105	South Sudan	Diplomatic,service passports of China; diplomatic, special passports of South Sudan	2011.07.09	
106	Sudan	Diplomatic,service passports of China; diplomatic, special,official passports of Sudan	1995.10.26	
107	Suriname	Diplomatic,service passports	2014.05.06	
108	Sweden	Diplomatic passports,EU laissez-passer	2016.03.03	*3
109	Switzerland	Diplomatic passports	2016.01.29	
110	Tajikistan	Diplomatic,service passports,passports for public affairs of China; diplomatic,service passports and ordinary passports marked with “For Public Affairs” of Tajikistan	1993.06.01	
111	Tanzania	Diplomatic,service passports	2005.07.11	
112	Timor-Leste	Diplomatic,service passports and passports for public affairs	2015.06.24	
113	Thailand	Diplomatic,service passports of China; diplomatic, official passports of Thailand	2003.10.18	
114	The Philippines	Diplomatic,service passports of China (for temporary visits only);diplomatic,official passports of the Philippines (for temporary visits only)	2005.02.28	
115	The United Kingdom	Diplomatic passports holders,holders of service passports or passports for public affairs of China accompanying a Minister or above for the purpose of an official visit;diplomatic passports holders,official passports holders of the United Kingdom accompanying a Minister or above on the purpose of an official visit	2007.10.25	
		EU laissez-passer	2016.03.03	
116	Togo	Diplomatic,service passports,passports for public affairs	2015.05.07	



117	Tonga	Diplomatic,service passports and passports for public affairs of China;diplomatic,official passports of Tonga	2012.11.10	
		Ordinary passports	2016.08.19	
118	Trinidad and Tobago	Diplomatic,service passports of China; diplomatic, official passports of Trinidad and Tobago	2006.11.23	
119	Tunisia	Diplomatic,service passports of China; diplomatic, special passports of Tunisia	2006.09.29	
120	Turkey	Diplomatic, service passports and passports for public affairs of China; diplomatic,service,special passports of Turkey	1989.12.24	
121	Turkmenistan	Diplomatic,service passports,passports for public affairs of China;diplomatic,service passports and ordinary passports marked with “For Public Affairs” of Turkmenistan;ordinary passports/international travel documents (when traveling in tour groups organized by authorized travel agencies of both countries)	1993.02.01	
122	Ukraine	Diplomatic,service passports,seafarer’s passports	2002.03.31	
123	United Arab Emirates	Diplomatic passports	2012.03.21	
		Service passports,passports for public affairs	2016.01.11	
124	Uruguay	Diplomatic,service passports held by members of diplomatic or consular missions of China in Uruguay; diplomatic,official passports held by members of diplomatic or consular missions of Uruguay in China	1988.11.07	
		Diplomatic passports	1994.01.01	
125	Uzbekistan	Diplomatic passports	2010.07.09	
126	Venezuela	Diplomatic,service passports,passports for public affairs	2014.01.08	
127	Vietnam	Diplomatic,service passports and passports for public affairs	1992.03.15	
128	Zimbabwe	Diplomatic,service passports	2014.11.12	

**Note:**

- \*1. The agreement signed between China and the former Yugoslavia is applicable.
- \*2. The agreement signed between China and the former Czechoslovakia is applicable.



**\*3. <AGREEMENT BETWEEN THE PEOPLE'S REPUBLIC OF CHINA AND THE EUROPEAN UNION ON THE SHORT-STAY VISA WAIVER FOR HOLDERS OF DIPLOMATIC PASSPORTS> is applicable.**

**Exemption of visa requirements does not mean permission to stay and reside in the other contracting country for an indefinite period of time. According to the agreements, holders of valid specified passports are permitted to stay for less than 30 days upon entry into the other contracting country. If a passport holder intends to stay for over 30 days, he or she should go through residence formalities with the local authorities according to relevant regulations as soon as possible.**



## **Annex 108**

Colombia, Resolution 10535 of 2018, Ministry of Foreign Affairs,  
14 December 2018, Articles 1 to 5

Spanish with English translation (extract)





Libertad y Orden

**Ministerio de Relaciones Exteriores**  
República de Colombia

RESOLUCIÓN NÚMERO

10535

DE

*Por la cual se establecen disposiciones de exención de Visas y  
se derogan las Resoluciones 1128 y 6397 de 2018*

14 DIC 2018

**LA VICEMINISTRA DE RELACIONES EXTERIORES ENCARGADA DE LAS  
FUNCIONES DEL DESPACHO DEL SEÑOR MINISTRO DE RELACIONES  
EXTERIORES**

En ejercicio de las facultades constitucionales y legales, en particular las conferidas por el numeral 3º del artículo 59 de la Ley 489 de 1998, el artículo 2.2.1.11.1.4 del Decreto 1067 de 2015 y el numeral 17 del artículo 7º del Decreto 869 de 2016, y

**CONSIDERANDO**

Que de conformidad con lo señalado por el Artículo 1.1.1.1 del Decreto 1067 de 2015 modificado por el Decreto 1743 del 31 de agosto de 2015, en concordancia con lo dispuesto en el Artículo 59 de la Ley 489 de 1998, el Ministerio de Relaciones Exteriores es el organismo rector del Sector Administrativo de Relaciones Exteriores y le corresponde, bajo la dirección del Presidente de la República, formular, planear, coordinar, ejecutar y evaluar la política exterior de Colombia, las relaciones internacionales y administrar el servicio exterior de la República.

Que el Ministerio de Relaciones Exteriores tiene a su cargo entre otras funciones, ejecutar de manera directa o a través de las distintas entidades y organismos del Estado, la política exterior del Estado colombiano así como evaluarla y proponer los ajustes, y modificaciones que correspondan.

Que de acuerdo con lo establecido en el artículo 2.2.1.11.2. del Decreto 1067 de 2015, modificado por el artículo 43 del Decreto 1743 de 2015, "...es competencia discrecional del Gobierno Nacional, fundado en el principio de la soberanía del Estado, autorizar el ingreso, permanencia y salida de extranjeros del territorio nacional...".

Que el artículo 2.2.1.11.1.4. del Decreto 1067 de 2015 modificado por el artículo 47 del Decreto 1743 del 31 de agosto de 2015 establece que el Ministerio de Relaciones Exteriores, reglamentará mediante Resolución todo lo concerniente a la clasificación de las Visas, sus requisitos y demás trámites y procedimientos relacionados con la materia;

Que el artículo 2.2.1.11.2.5. del Decreto número 1067 de 2015 define los Permisos de Ingreso y Permanencia que podrán otorgarse a los extranjeros que no requieran visa.

Que la Resolución 1128 de 14 de febrero de 2018, modificada por la Resolución 6397 del 01 agosto de 2018, establece el listado de países cuyos nacionales requieren o no de visa para ingresar al territorio nacional y la necesidad de autorización previa por parte del Grupo Interno de Trabajo Visas e Inmigración para el otorgamiento de visas registradas ante las Oficinas Consulares de la República de Colombia para los ciudadanos de las nacionalidades no incluidas en los listados de los artículos 1º y 2º.

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RESOLUCIÓN NUMERO

10535

DE

14 DIC 2018

Hoja número 2

*Por la cual se establecen disposiciones de exención de Visas y se derogan las Resoluciones 1128 y 6397 de 2018.*

Que siendo necesario determinar el procedimiento para autorización de visas registradas ante las Oficinas Consulares de la República de Colombia en tanto eliminar la autorización previa prevista.

Que Colombia en ejercicio de su soberanía, atendiendo circunstancias de interés para el Estado colombiano o de reciprocidad, puede establecer los países cuyos nacionales requieren o no de visa para ingresar al territorio nacional, siendo necesario actualizar el listado dispuesto por el artículo 1º de la Resolución 6397 de 2018 respecto de los nacionales de los Estados que podrán ser autorizados para ingresar sin visa y permanecer de manera temporal en el territorio nacional, para lo cual se dispone excluir del mismo al Estado de Malasia.

Que en consonancia a los Principios de eficacia, economía y celeridad que regulan las actuaciones y procedimientos administrativos establecidos en el artículo 3º del Código de Procedimiento Administrativo y de lo Contencioso Administrativo, se hace necesario facultar a las Oficinas Consulares de Colombia en el exterior para emitir pronunciamiento sobre las solicitudes de visas que se eleven ante ellas y de igual forma es menester unificar las disposiciones que regulan el tema de exención de Visas.

En mérito de lo expuesto,

#### RESUELVE

**ARTÍCULO 1º.** Los nacionales de los Estados que a continuación se relacionan, podrán ser autorizados para ingresar sin visa y permanecer de manera temporal en el territorio nacional:

1. Albania
2. Alemania
3. Andorra
4. Antigua y Barbuda
5. Antigua República Yugoslava de Macedonia
6. Argentina
7. Australia
8. Austria
9. Azerbaiyán
10. Bahamas
11. Barbados
12. Bélgica
13. Belice
14. Bolivia
15. Bosnia y Herzegovina
16. Brasil
17. Brunei-Darussalam
18. Bulgaria
19. Bután
20. Canadá
21. Checa (República)
22. Chile
23. Chipre



10535

14 DIC 2018

RESOLUCIÓN NUMERO

DE

Hoja número 3

*Por la cual se establecen disposiciones de exención de Visas y se derogan las Resoluciones 1128 y 6397 de 2018.*

24. Corea (República de)
25. Costa Rica
26. Croacia
27. Dinamarca
28. Dominica
29. Ecuador
30. El Salvador
31. Emiratos Árabes Unidos
32. Eslovaquia
33. Eslovenia
34. España
35. Estados Unidos de América
36. Estonia
37. Fiyi
38. Filipinas
39. Finlandia
40. Francia
41. Georgia
42. Granada
43. Grecia
44. Guatemala
45. Guyana
46. Honduras
47. Hungría
48. Indonesia
49. Irlanda
50. Islandia
51. Islas Marshall
52. Islas Salomón
53. Israel
54. Italia
55. Jamaica
56. Japón
57. Kazajstán
58. Letonia
59. Liechtenstein
60. Lituania
61. Luxemburgo
62. Malta
63. México
64. Micronesia
65. Moldova
66. Mónaco
67. Montenegro
68. Noruega
69. Nueva Zelanda
70. Países Bajos

PM



RESOLUCIÓN NUMERO

10535

DE

DIC 2018  
Hoja número 4

*Por la cual se establecen disposiciones de exención de Visas y se derogan las Resoluciones 1128 y 6397 de 2018.*

71. Palau
72. Panamá
73. Papua Nueva Guinea
74. Paraguay
75. Perú
76. Polonia
77. Portugal
78. Qatar
79. Reino Unido de Gran Bretaña e Irlanda del Norte
80. República Dominicana
81. Rumania
82. Rusia (Federación de)
83. San Cristóbal y Nieves
84. Samoa
85. San Marino
86. Santa Lucía
87. Santa Sede
88. San Vicente y las Granadinas
89. Serbia
90. Singapur
91. Suecia
92. Suiza
93. Surinam
94. Trinidad y Tobago
95. Turquía
96. Uruguay
97. Venezuela

**PARÁGRAFO 1º.** También estarán exentos de visa los nacionales de aquellos Estados con los cuales Colombia tenga acuerdos de exención de visa en vigor, en los términos de este artículo y del respectivo instrumento internacional.

**PARÁGRAFO 2º.** Los portadores de pasaporte de Hong Kong - SARG China; Soberana Orden Militar de Malta y de Taiwán-China, y los nacionales de la República de Nicaragua que acrediten ser naturales de la Región Autónoma de la Costa Caribe Norte y de la Región Autónoma de la Costa Caribe Sur estarán también exentos de visa en los términos de este artículo.

**PARÁGRAFO 3º.** A los nacionales de los Estados de que trata el presente artículo, la Unidad Administrativa Especial Migración Colombia podrá otorgar alguno de los Permisos de Ingreso y Permanencia (PIP) y de los Permisos Temporales de Permanencia (PTP) descritos en los Capítulos Primero y Segundo de la Resolución 1220 del 12 de agosto de 2016 "Por la cual se establecen los Permisos de Ingreso y Permanencia, Permisos Temporales de Permanencia, y se reglamenta el Tránsito Fronterizo en el territorio nacional" o en las normas que la sustituyan, modifiquen o adicionen, siempre que la ocupación, propósito o intención de estancia en Colombia esté prevista expresamente para estos permisos.

**ARTÍCULO 2o.** Los nacionales de los Estados no señalados en el artículo 1o. de la presente resolución, requieren visa para el ingreso al territorio nacional.

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RESOLUCIÓN NUMERO

10535

DE

14 DIC 2018

Hoja número 5

*Por la cual se establecen disposiciones de exención de Visas y se derogan las Resoluciones 1128 y 6397 de 2018.*

Las Oficinas Consulares de la República de Colombia no requerirán autorización previa, por parte del Grupo Interno de Trabajo de Visas e Inmigración, para emitir, bajo su responsabilidad, pronunciamientos sobre las solicitudes de visas.

**ARTÍCULO 3o.** A los nacionales de Camboya, India, Nicaragua, Myanmar, República Popular de China, Tailandia y Vietnam podrá autorizarse ingreso y permanencia temporal sin visa en los términos del artículo 1o. de esta Resolución, siempre que se acredite al menos una de las siguientes condiciones:

- a. Ser titular de permiso de residencia en un Estado miembro del "Espacio Schengen" o en los Estados Unidos de América.
- b. Ser titular de visa Schengen o visa de los Estados Unidos de América con una vigencia mínima de ciento ochenta (180) días al momento de ingreso al territorio nacional.

**PARÁGRAFO 1º.** El mismo permiso aplicará para los nacionales de la República de Nicaragua que acrediten ser titulares de visa expedida por el gobierno canadiense o ser titulares de permiso de residencia en ese país.

**PARÁGRAFO 2º.** Para los efectos del literal b) y el párrafo 1º del presente artículo, no será admisible visa otorgada para tránsito aeroportuario.

**ARTÍCULO 4o.** A los extranjeros que acrediten ser titulares de permiso o autorización de residencia permanente en algún Estado miembro de la Alianza del Pacífico, podrá autorizarse ingreso sin visa y permanencia temporal en el territorio nacional en los términos del artículo 1º de esta Resolución.

**ARTÍCULO 5o.** El Jefe de Misión Diplomática de la República de Colombia ante la República Popular de China podrá autorizar el otorgamiento de visas de Cortesía o para propósitos de negocios, en la Clase o Categoría que establezca la norma migratoria, a nacionales de la República Popular de China, cuando estas sean solicitadas en dicho territorio. En los demás casos, se sujetará a lo previsto en el artículo 2º de la presente Resolución.

**ARTÍCULO 6o.** Las Misiones Diplomáticas y las Oficinas Consulares de la República de Colombia no requieren autorización previa para negar la expedición de una visa. No obstante, en todos los casos que así suceda, deben consignar en el Sistema Integral de Trámites al Ciudadano (SITAC), la justificación clara y detallada.

**ARTÍCULO 7o.** Por razones de reciprocidad, teniendo en cuenta las tarifas que los nacionales colombianos deben cancelar para obtener su permiso de ingreso a la República de Nicaragua; la Unidad Administrativa Especial Migración Colombia establecerá mediante Resolución cobro por el procedimiento de control y verificación migratoria en el sistema Platinum a los ciudadanos nicaragüenses que, no siendo titulares de visa colombiana vigente, se les autorice su ingreso al territorio nacional bajo Permiso de Ingreso y Permanencia de conformidad a lo establecido en esta Resolución.

**ARTÍCULO 8o.** En el interés de incentivar el intercambio y la transferencia de experiencias y saberes que contribuyan a la expansión de la cultura, bajo criterios de reciprocidad, el valor a pagar por parte de los ciudadanos nicaragüenses, conforme a lo dispuesto en el artículo 7o de esta Resolución, será el equivalente a pesos colombianos



RESOLUCIÓN NUMERO

10535

DE

4 DIC 2018  
Hoja número 6

*Por la cual se establecen disposiciones de exención de Visas y se derogan las Resoluciones 1128 y 6397 de 2018.*

de diez (10) dólares americanos de acuerdo a la tasa de cambio representativa del mercado al momento de ingresar al territorio nacional.

**PARÁGRAFO 1o.** El pago por este concepto se hará efectivo al momento de ingresar al territorio nacional durante el proceso de control migratorio en cualquiera de los puestos de control aéreo, marítimo, fluvial y terrestres habilitados por la Unidad Administrativa Especial Migración Colombia para el ingreso al país.

**PARÁGRAFO 2o.** En caso de que el gobierno de la República de Nicaragua elimine o modifique el valor que cobra a los ciudadanos colombianos, el cobro establecido en los artículos 7o y 8o de esta Resolución se eliminará o reajustará en la misma cuantía.

**ARTÍCULO 9o. Vigencia y Derogatoria.** La presente resolución entrará en vigencia diez (10) días calendario a partir de la fecha de su publicación en el Diario Oficial y deroga las Resoluciones 1128 del 14 de febrero de 2018 y 6397 del 01 de agosto de 2018.

**PUBLÍQUESE Y CÚMPLASE**

Dada en Bogotá, D. C., a

**LUZ STELLA JARA PORTILLA**

Viceministra de Relaciones Exteriores

Encargada de las Funciones del Despacho del Ministro de Relaciones Exteriores

4 DIC 2018

Revisó: Embajador Carlos Rodríguez Bocanegra – Secretario General  
 Revisó: Embajadora Margarita Eliana Manjarrez Herrera – Directora de Asuntos Migratorios, Consulares y Servicio al Ciudadano  
 Revisó: Claudia Liliana Perdomo Estrada – Jefe de Oficina Asesora Jurídica Interna  
 Revisó: Rafael Ricardo Orozco García – Coordinador GIT de Visas e Inmigración  
 Preparó: Leonardo Enrique Correa Godoy – M. Consejero GIT de Visas e Inmigración



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

**Ministry of Foreign Affairs**

**Republic of Colombia**

**RESOLUTION NUMBER 10535 of December 14, 2018**

*For which Visa exemption provisions are established and  
Resolutions 1128 and 6397 of 2018 are revoked*

[...]

**Article 1.-** Nationals of the States listed below may be authorized to enter without a visa and remain temporarily in the national territory:

1. Albania
2. Germany
3. Andorra
4. Antigua and Barbuda
5. Former Yugoslav Republic of Macedonia
6. Argentina
7. Australia
8. Austria
9. Azerbaijan
10. The Bahamas
11. Barbados
12. Belgium
13. Belize
14. Bolivia
15. Bosnia and Herzegovina
16. Brazil
17. Brunei



<p style="text-align: center;"><b><u>ENGLISH TRANSLATION</u></b> <b><u>(FROM SPANISH)</u></b></p>
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18. Bulgaria
19. Bhutan
20. Canada
21. Czech Republic
22. Chile
23. Cyprus
24. Korea (Republic of)
25. Costa Rica
26. Croatia
27. Denmark
28. Dominica
29. Ecuador
30. El Salvador
31. United Arab Emirates
32. Slovakia
33. Slovenia
34. Spain
35. United States of America
36. Estonia
37. Fiji
38. Philippines
39. Finland
40. France



<p><b><u>ENGLISH TRANSLATION</u></b> <b><u>(FROM SPANISH)</u></b></p>
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- 41. Georgia
- 42. Grenada
- 43. Greece
- 44. Guatemala
- 45. Guyana
- 46. Honduras
- 47. Hungary
- 48. Indonesia
- 49. Ireland
- 50. Iceland
- 51. Marshall Islands
- 52. Solomon Islands
- 53. Israel
- 54. Italy
- 55. Jamaica
- 56. Japan
- 57. Kazakhstan
- 58. Latvia
- 59. Liechtenstein
- 60. Lithuania
- 61. Luxembourg
- 62. Malta
- 63. Mexico



<p style="text-align: center;"><b><u>ENGLISH TRANSLATION</u></b> <b><u>(FROM SPANISH)</u></b></p>
---

- 64. Micronesia
- 65. Moldova
- 66. Monaco
- 67. Montenegro
- 68. Norway
- 69. New Zealand
- 70. Netherlands
- 71. Palau
- 72. Panama
- 73. Papua New Guinea
- 74. Paraguay
- 75. Peru
- 76. Poland
- 77. Portugal
- 78. Qatar
- 79. United Kingdom and Northern Ireland
- 80. Dominican Republic
- 81. Romania
- 82. Russia
- 83. Saint Kitts and Nevis
- 84. Samoa
- 85. San Marino
- 86. Saint Lucia



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

- 87. Vatican
- 88. Saint Vincent and the Grenadines
- 89. Serbia
- 90. Singapore
- 91. Sweden
- 92. Switzerland
- 93. Suriname
- 94. Trinidad and Tobago
- 95. Turkey
- 96. Uruguay
- 97. Venezuela

**Paragraph 1°.** Nationals of those States with which Colombia has visa exemption agreements in force, in the terms of this article and the corresponding international document, shall also be exempt from visa.

**Paragraph 2°.** Passport holders of Hong Kong-SARG China; Sovereign Military Order of Malta and Taiwan-China, and nationals of the Republic of Nicaragua who prove to be citizens of the Autonomous Region of the Northern Caribbean Coast and the Autonomous Region of the Southern Caribbean Coast shall also be exempt from visa under the terms of this article.

**Paragraph 3°.** To the nationals of the States referred in this article, the Special Administrative Unit Migration Colombia may grant any of the Entry and Permanence Permits (PIP) and Temporary Permits of Permanence (PTP) described in the First and Second Chapters of Resolution 1220, August 12, 2016 “By which the Entry and Permanence Permits and Temporary Permits of Permanence are established and Border Transit in the national territory is regulated” or in the rules replacing, amending or supplementing it, provided that the occupation, purpose or intention of stay in Colombia is expressly provided for in these permits.

**Article 2.** Nationals of States not listed in Article 1 of this resolution require a visa to enter the national territory.

The Consular Offices of the Republic of Colombia shall not require prior authorization, by the Internal Working Group on Visas and Immigration, to issue, under its responsibility, statements about visa applications.



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

**Article 3.** Nationals of Cambodia, India, Nicaragua, Myanmar, China, Thailand and Vietnam may be authorized to enter and stay temporarily without a visa under the terms of Article 1 herein, provided they prove at least one of the following conditions:

- a. To hold a residence permit in a Member State of the “Schengen Area” or in the United States of America.
- b. To hold a Schengen visa or a visa of the United States of America with a minimum validity of one hundred and eighty (180) days at the time of entry into the national territory.

**Paragraph 1°.** The same permit shall apply to nationals of the Republic of Nicaragua that prove being holders of a visa issued by the Canadian government or being holders of residence permits of that country.

**Paragraph 2°.** For the purposes of subparagraph b) and paragraph 1 of this article, it shall not be admissible a visa granted for airport transit.

**Article 4.** Foreign nationals who can prove that they hold a permit or authorization of permanent residency in any State member of the Pacific Alliance, may be authorized to entry without visa and temporary permanence in the national territory in terms of article 1 of this Resolution.

**Article 5.** The Head of the Diplomatic Mission of the Republic of Colombia before China may authorize the extension of Courtesy visas or those for business purposes, in the Class or Category established by the migratory regulation, to citizens from China, when requested in such territory. In the other cases, it shall be subject to the provisions of Article 2 of this Resolution.

[...]








## **Annex 109**

Cyprus, Ministry of Foreign Affairs, Visa Policy




3/27/2019

MINISTRY OF FOREIGN AFFAIRS - Visa Policy



# ΥΠΟΥΡΓΕΙΟ ΕΞΩΤΕΡΙΚΩΝ

## MINISTRY OF FOREIGN AFFAIRS

EL - Ελληνικά  REPUBLIC OF CYPRUS

[Home Page](#)   [The Ministry](#)   [Schengen Consular Affairs](#)   [Protocol Information](#)

### Visa Policy

#### General Information

- The Government of the Republic of Cyprus is the only legal and recognized Government on the island - member of the EU since 1.5.2004, as well as member of the UN and other International organizations. As a result of the Turkish military presence and occupation, the Government of the Republic of Cyprus is not in a position to exercise effective control over the occupied areas of the Republic.
- The so-called "TRNC" has been condemned and declared illegal and invalid by the International Community through Security Council Resolutions 541/83 and 550/84. With the sole exception of Turkey, no state in the world or International Organization recognizes the secessionist entity.
- Currently, it is possible for foreign visitors who visit the government-controlled area of the Republic of Cyprus, to cross to the occupied areas.
- Staying in Greek Cypriots' property, including hotels in the occupied areas, which are being illegally exploited, would put you at great risk of possible legal action on the part of the owners.
- Travelers entering the Republic of Cyprus via the illegal / closed airports and ports (i.e. all the airports and ports in the occupied areas), are in breach of national law of the Republic of Cyprus. Therefore, you are urged to travel via the legal ports of entry, so as to avoid the consequences of the law (provided that a visa has been granted to you). The legal ports of entry into the Republic of Cyprus are the airports of Larnaca and Paphos and the ports of Larnaca, Limassol, Latsi and Paphos, which are situated in the area under the effective control of the Government of the Republic of Cyprus. Any entry into the territory of the Republic of Cyprus via any other port or airport in the area of Cyprus in which the Government of the Republic does not exercise effective control (Turkish occupied area) is "illegal".

Third country nationals must apply and obtain an airport transit visa or a visa for admission to the Republic of Cyprus, for 90 days or less, as visitors for business or pleasure. The visa requirement for entering Cyprus is waived on the basis of the EU relevant Regulations for the citizens of certain countries.

Last Modified at: 02/09/2016 02:32:57 PM

- D. Categories of persons who do NOT require a visa to enter the Republic of Cyprus**
- C. List of countries, whose citizens do NOT need a visa for a stay up to 90 days, provided they are bona fide**
- B. List of countries, whose citizens are required to possess a visa to enter the Republic of Cyprus**
- A. List of countries whose nationals are required to be in possession of an airport transit visa when passing**
- E. Entities and Territorial Authorities not recognized as States**

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[FAQ](#)

[The Ministry](#)  
[The Cyprus Question](#)  
[European Union](#)  
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[The Sea of Cyprus](#)  
[Overseas Cypriots](#)  
[Protocol Information](#)  
[Schengen Consular Affairs](#)  
[Schengen and Consular Affairs Division](#)  
[Visa Policy](#)  
[Internal Security Fund](#)  
[Travel Information for Cypriot Nationals](#)  
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Ministry of Foreign Affairs

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## **Annex 110**

Ecuador, Ministerial Agreement No 000031, Ministry of Foreign Affairs  
and Human Mobility, 2 April 2014, Article 1

Spanish with English translation (extract)





REPÚBLICA DEL ECUADOR

MINISTERIO DE RELACIONES EXTERIORES Y MOVILIDAD HUMANA

ACUERDO MINISTERIAL No. 000031

*El Ministerio de Relaciones Exteriores, y Movilidad  
Humana*

CONSIDERANDO

- Que,** el artículo 9 de la Constitución de la República establece que las personas extranjeras que se encuentren en el territorio ecuatoriano tendrán los mismos derechos y deberes que las ecuatorianas, de acuerdo con la Constitución;
- Que,** el artículo 40 de la Constitución de la República reconoce el derecho de las personas a migrar y establece que no se identificará ni considerará a ningún ser humano como ilegal por su condición migratoria;
- Que,** el artículo 392 de la Constitución de la República establece que el Estado velará por los derechos de las personas en movilidad humana y ejercerá la rectoría de la política migratoria a través del órgano competente en coordinación con los distintos niveles de gobierno. El Estado diseñará, adoptará, ejecutará y evaluará políticas, planes, programas y proyectos, y coordinará la acción de sus organismos con la de otros Estados y organizaciones de la sociedad civil que trabajen en movilidad humana a nivel nacional e internacional;
- Que,** el numeral 6 del artículo 416 de la Constitución de la República señala que el Estado ecuatoriano propugna el principio de ciudadanía universal, la libre movilidad de todos los habitantes del planeta y el progresivo fin de la condición de extranjero como elemento transformador de las relaciones de desiguales entre los países, especialmente Norte-Sur;
- Que,** el artículo 417 de la Constitución de la República, establece que los Tratados Internacionales ratificados por el Ecuador se sujetarán a lo establecido en la Constitución. En el caso de los Tratados y otros Instrumentos Internacionales de Derechos Humanos se aplicarán los principios pro ser humano, de no restricción de derechos, de aplicabilidad directa y de cláusula abierta establecidos en la Constitución;





REPÚBLICA DEL ECUADOR

MINISTERIO DE RELACIONES EXTERIORES Y MOVILIDAD HUMANA

- Que,** el artículo 424 de la Constitución de la República establece que la Carta Magna es la norma suprema y prevalece sobre cualquier otra del ordenamiento jurídico. Las normas y los actos del poder público deberán mantener conformidad con las disposiciones constitucionales; caso contrario carecerán de eficacia jurídica. La Constitución y los tratados internacionales de derechos humanos ratificados por el Estado que reconozcan derechos más favorables a los contenidos en la Constitución, prevalecerán sobre cualquier otra norma jurídica o acto del poder público;
- Que,** mediante Decreto Ejecutivo No. 1124, publicado en el Registro Oficial No. 686 de 19 de abril de 2012, se transfieren al entonces Ministerio de Relaciones Exteriores, Comercio e Integración, las competencias a cargo de la Dirección General de Extranjería del Ministerio del Interior.
- Que,** mediante Decreto Ejecutivo No. 20 publicado en el Registro Oficial No. 220 de 25 de junio de 2013, se cambió la denominación del Ministerio de Relaciones Exteriores, Comercio e Integración por Ministerio de Relaciones Exteriores y Movilidad Humana;
- Que,** en concordancia con lo establecido en el “Acuerdo sobre Residencia para Nacionales de los Estados Partes del Mercosur, Bolivia y Chile” al que el Ecuador se adhirió mediante Acta de Adhesión suscrita en la ciudad de Asunción (Paraguay) el 29 de junio de 2011, el mismo que fue aprobado por la Asamblea Nacional del Ecuador, mediante Resolución del 3 de diciembre de 2013, ratificado mediante Decreto Ejecutivo No. 194 del 2 de enero de 2014, y publicado en el Registro Oficial No. 166 de 21 de enero de 2014, y el depósito de Ratificación realizado en Asunción Paraguay el 3 de marzo de 2014.

En ejercicio de las atribuciones que le confiere el artículo 154, numeral 1 de la Constitución de la República,

#### **A C U E R D A:**

Normar el cumplimiento del “Acuerdo sobre Residencia para los Nacionales de los Estados Partes del Mercosur, Bolivia y Chile”, en el marco legal ecuatoriano como sigue:

**ARTÍCULO PRIMERO.-** Los nacionales de los Países Miembros del Mercosur y Estados Asociados, para ingresar al territorio ecuatoriano por motivos de turismo, no requerirán visa por un plazo de 90 días.



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

**REPUBLIC OF ECUADOR**

**MINISTRY OF FOREIGN AFFAIRS AND HUMAN MOBILITY**

**MINISTERIAL AGREEMENT NO. 000031**

[...]

**FIRST ARTICLE.-** Nationals of Mercosur Member Countries and Associated States will not require a visa for a period of 90 days to enter the Ecuadorian territory for tourism purposes.

[...]

Given and signed in the Metropolitan District of Quito on April 2, 2014



## **Annex 111**

Guyana, Immigration Act, s. 5



**LAWS OF GUYANA**

**IMMIGRATION ACT**

**CHAPTER 14:02**

**Act**

**42 of 1947**

**Amended by**

48	of	1952	O. 17/ 2003
8	of	1956	
2	of	1969	
4	of	1972	
19	of	1990	
9	of	1992	
14	of	1997	
15	of	1998	
7	of	2006	
7	of	2007	
28	of	2007	

**Current Authorised Pages**

<i>Pages</i> <i>(inclusive)</i>			<i>Authorised</i> <i>by L.R.O.</i>
1	–	75 ...	1/2012



## LAWS OF GUYANA

*Immigration***Cap. 14:02**

3

**CHAPTER 14:02****IMMIGRATION ACT****ARRANGEMENT OF SECTIONS**

## SECTION

1. Short title.
2. Interpretation.
3. Prohibited immigrants.
4. Immigration officers.
5. Person entering Guyana to have a passport.
6. Restrictions on the right to leave Guyana.
7. Entry of persons into Guyana.
8. List of passengers and members of the crew and matters in connection therewith.
- 8A. Duty of master to provide advance passenger information.
9. Duty of person entering Guyana.
10. Departure of persons from Guyana.
11. Certificate that immigrant not a prohibited immigrant.
12. Permit to remain in Guyana for a temporary purpose.
13. Immigrant to be deemed prohibited immigrant if he fails to leave Guyana on or before the expiration of permit granted under section 12.
14. Postponement of decision by immigration officer.
15. Prohibited immigrant not to enter or remain in Guyana.
16. Powers of immigration officer in relation to prohibited immigrants.
17. Permits to prohibited immigrants.
18. Permit to immigrant to remain in Guyana pending the furnishing of security.
19. Finger-prints.
20. Detention in custody under this Act.
21. General provisions as to permits.
22. Conditions and restrictions relating to permits and certificates.
23. Notice and grounds of decision that immigrant is a prohibited immigrant.
24. Power of Chief Immigration Officer to annul or vary certain decisions of immigration officer.
25. Where immigrant not discovered to be prohibited immigrant until after he enters Guyana.

**L.R.O. 1/2012**



## LAWS OF GUYANA

4      **Cap. 14:02**      *Immigration*

## SECTION

26. Immigration officer to cause prohibited immigrants entering or found in Guyana to be removed therefrom.
27. Appeal from decision of immigration officer under section 23.
28. Orders for removal of prohibited immigrants from Guyana.
29. Warrant to convey deserting seaman, or stowaway or prohibited immigrant who lands in Guyana, back on board vessel.
30. Variation and revocation of orders made by the President or the Minister.
31. Detention in custody and places of detention.
32. Expenses of removal from Guyana of an immigrant.
33. Recovery of expenses.
34. Offences.
35. Evidence and burden of proof.
36. Re-entry permits.
37. Power to make regulations.
38. Power to prohibit the entry of aliens into Guyana.
39. Saving as to Cap. 14:05.

## SCHEDULE I

## SCHEDULE II

## SCHEDULE III

## CHAPTER 14:02

## IMMIGRATION ACT

1953 Ed.  
c. 98

42 of 1947

**An Act to with respect to immigration and for purposes  
connected therewith.**

[1<sup>ST</sup> JANUARY, 1948]

Short title.

1. This Act may be cited as the Immigration Act.

Interpretation.

2. (1) In this Act—

[2 of 1969  
19 of 1990

“ advance passenger information” means the information in

L.R.O. 1/2012



## LAWS OF GUYANA

*Immigration***Cap. 14:02**

11

(4) The Chief Immigration Officer may, by writing under his hand, authorise any member of the police force, subject to such directions as he may give to him from time to time, to exercise and perform in a specified part of Guyana, and any such authorised person shall have and may exercise and perform subject to such directions, all the powers, functions and duties of an immigration officer; and the Chief Immigration Officer may at any time, by writing under his hand, cancel any such authorisation.

(5) Every appointment or authorisation under this section shall be published in the *Gazette*.

(6) For the purpose of performing his duties under this Act, every immigration officer shall have, and may exercise and perform, all the powers, functions and duties of a member of the police force.

Person entering  
Guyana to have  
a passport.  
[2 of 1969]

5. (1) Except as otherwise provided in this section, every person entering Guyana without a passport shall be deemed to be a prohibited immigrant unless he explains why he has no passport and establishes to the satisfaction of the immigration officer his identity and national status.

(2) Subject to any order made under subsection (3), the expression “passport” in this section means a passport duly issued to the person named therein by or on behalf of the Government of the country of which he is a subject or citizen and for the time being in force, and containing a photograph of such person, and includes a certificate of identity or a travel permit and any other document establishing to the satisfaction of the immigration officer the identity and national status of the person entering Guyana.

(3) The Minister may, by order, —

- (a) direct that no passport of a subject or citizen of any foreign country, or of

**L.R.O. 1/2012**



## LAWS OF GUYANA

12

Cap. 14:02

*Immigration*

---

any specified foreign country, shall be accepted as such under this section unless it bears a Guyana consular visa; and

- (b) declare the circumstances or conditions under which such provision shall not apply.

(4) The President may, by order published in the *Gazette*, exempt from the provisions of this section any person or any class of persons entering Guyana, and such exemption may be general or subject to such conditions, restrictions, limitations or exceptions as are specified in the order.

Restrictions on  
the right to  
leave Guyana.  
[2 of 1969  
14 of 1997  
15 of 1998]

6. (1) The Minister may, by directions in writing, impose restrictions on the right of—

- (a) any person to leave Guyana if he is satisfied that it is necessary so to do in the interests of defence, public safety or public order or for the purpose of preventing the subversion of democratic institutions in Guyana;
- (b) persons generally or any class of persons to leave Guyana if he is satisfied that it is necessary so to do in the interests of defence, public safety, public order, public morality or public health or for the purpose of preventing the subversion of democratic institutions in Guyana.

(2) Where any person is the subject of directions given by the Minister under subsection (1)(a), notice thereof in writing (together with a concise statement of the grounds for the imposition of the restrictions, so, however, that no defect



## **Annex 112**

Guyana, Immigration (Passports) Order, clauses 2-3 and schedule



## LAWS OF GUYANA

*Immigration***Cap. 14:02** 47

## SUBSIDIARY LEGISLATION

1 of 1993

**IMMIGRATION (PASSPORTS) ORDER***made under section 5*

## ARRANGEMENT OF ORDERS

## ORDER

1. Citation.
2. Visa required except in cases specified.
3. Exemption.
4. Other exemptions.

Citation.

1. This order may be cited as the Immigration (Passports) Order.

Visa required  
except in cases  
specified.

2. Except as otherwise provided in this order, the passport of a subject or citizen of any foreign country shall not be accepted as such under section 5 of the Act, unless it bears a Guyanese consular visa valid for Guyana.

Exemptions

3. Clause 2 shall not apply –

Schedule.

- (a) where the passport is issued by any of the countries specified in the Schedule;
- (b) where the passport is issued by a Commonwealth country, other than a country specified in the Schedule, and the law of that country is such as to ensure entry of Guyanese subjects or citizens in that country on presentation of their Guyanese

**L.R.O. 1/2012**



## LAWS OF GUYANA

*Immigration***Cap. 14:02** 47

## SUBSIDIARY LEGISLATION

1 of 1993

**IMMIGRATION (PASSPORTS) ORDER***made under section 5*

## ARRANGEMENT OF ORDERS

## ORDER

1. Citation.
2. Visa required except in cases specified.
3. Exemption.
4. Other exemptions.

Citation.

1. This order may be cited as the Immigration (Passports) Order.

Visa required  
except in cases  
specified.

2. Except as otherwise provided in this order, the passport of a subject or citizen of any foreign country shall not be accepted as such under section 5 of the Act, unless it bears a Guyanese consular visa valid for Guyana.

Exemptions

3. Clause 2 shall not apply –

Schedule.

- (a) where the passport is issued by any of the countries specified in the Schedule;
- (b) where the passport is issued by a Commonwealth country, other than a country specified in the Schedule, and the law of that country is such as to ensure entry of Guyanese subjects or citizens in that country on presentation of their Guyanese

**L.R.O. 1/2012**



## LAWS OF GUYANA

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Cap. 14:02

*Immigration***[Subsidiary]***Immigration (Passports) Order*

passports without the need for visa from that country;

- (c) where a passport is exempted by the Minister from the requirements of this order; or
- (d) where the passport falls within the provisions of a Visa Abolition Agreement for the same time being in force.

Other  
exemptions.

**4. (1) Clause 2 shall not apply to –**

- (a) diplomatic or service passports issued by the Government of Venezuela to a subject or citizen of Venezuela who is a member of the Embassy, or a member of the Consular post, of Venezuela in Guyana;
- (b) diplomatic or service passports issued by the Government of Venezuela to a subject or citizen of Venezuela, not being member of the Embassy or of the consular post of Venezuela in Guyana, who is travelling through Guyana for official purposes on behalf of the Government of Venezuela:

Provided that such subject or citizen seeking to enter Guyana proposes to remain therein only for a period not exceeding one month from the date of his entry into Guyana and after entering Guyana remains therein only for a period not exceeding the

**L.R.O. 1/2012**



## LAWS OF GUYANA

*Immigration***Cap. 14:02**

49

**[Subsidiary]***Immigration (Passports)*

aforesaid period of one month of such further period as the Government of Guyana may allow at the request of the Embassy of Venezuela in Guyana.

c.18:01

(2) In paragraph (1), the expression “member of the consular post” has the meaning as in the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act.

**SCHEDULE**

Cl.3

## COMMONWEALTH COUNTRIES

Antigua and Barbuda  
 The Bahamas  
 Barbados  
 Belize  
 Dominica  
 Grenada  
 Jamaica  
 Montserrat  
 Saint Christopher and Nevis  
 Saint Lucia  
 St. Vincent and Grenadines  
 Trinidad and Tobago  
 United Kingdom  
 Canada  
 Australia  
 New Zealand

## OTHER FOREIGN COUNTRIES

United States of America	Portugal
Belgium	Spain
France	Denmark

**L.R.O. 1/2012**



## LAWS OF GUYANA

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Cap. 14:02

*Immigration*

[Subsidiary]

*Immigration (Passports) Order**Immigration (Alternative to Passports) Order*

Germany	Norway
Greece	Sweden
Ireland	Finland
Italy	Suriname
Luxembourg	Japan
The Netherlands	Democratic People's Republic of Korea Republic of Korea.

O. 4/1992  
18/2003

**IMMIGRATION (ALTERNATIVE TO PASSPORTS)  
ORDER**

made under *section 5*Citation and  
commence-  
ment.

1. This Order may be cited as the Immigration (Alternative to Passports) Order 1992 and shall deemed to have come into operation on 10th February, 1992.

Interpretation.

2. In this Order –

c. 51:02

- (a) “Caribbean Community” means the community of states established by the Treaty signed on 4th July, 1973, at Chaguaramas;
- (b) “driver’s licence” means a driver’s licence issued under the Motor Vehicles and Road Traffic Act or a driver’s licence issued under the corresponding law of one of the countries mentioned in the Schedule.
- (c) “identification card” means an identification card issued under the

L.R.O. 1/2012



## **Annex 113**

Guyana, Ministry of Foreign Affairs, Visa Entry Requirements  
(Countries)

<http://www.minfor.gov.gy/visa-entry-requirements-countries/>



(<https://www.minfor.gov.gy/>)



**MINISTRY OF  
FOREIGN AFFAIRS**  
Co-operative Republic of Guyana

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**t** (<http://www.twitter.com/mfaguyana>)



([https://www.youtube.com/channel/UCEGW\\_dxMm96S4OLDpO30kg](https://www.youtube.com/channel/UCEGW_dxMm96S4OLDpO30kg))

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## VISA ENTRY REQUIREMENTS (COUNTRIES)

### COUNTRIES WHOSE NATIONALS DO NOT REQUIRE VISAS TO ENTER GUYANA

1. Antigua & Barbuda
2. Argentina for 90 days
3. Aruba for 90 days
4. Austria
5. Australia
6. Bahamas
7. Bangladesh for 30 days for holders of  
Diplomatic/Official/Special Passports
8. Barbados
9. Belgium
10. Belize
11. Bolivia for holders of Diplomatic/Service/Official  
Passport; tourist visa on arrival for Regular



3/27/2019

Visa Entry Requirements (countries) – Ministry of Foreign Affairs | Co-operative Republic of Guyana

Passport holders.

12. Botswana for 90 days
13. Brazil
14. Canada
15. Cape Verde for holders of Diplomatic/Service  
Passports
16. Cayman Islands for 30 days
17. Chile for 90 days
18. China for holders of Diplomatic/Service  
Passports
19. Colombia for 90 days
20. Costa Rica for 30 days for tourism
21. Cuba for holders of Diplomatic/Official/Service  
Passports
22. Cyprus for holders of Diplomatic/Service  
Passports
23. Denmark
24. Dominica
25. Dominican Republic for 30 days
26. Ecuador
27. Egypt for Diplomatic Passport, 30 days holders  
of Service/Special Passports
28. Finland
29. France
30. Georgia for holders of Diplomatic, Official and  
Service passports for 90 days
31. Germany
32. Greece
33. Grenada
34. Guatemala for 90 days for holders of  
Diplomatic/Official Passports and holders of a  
US Permanent Resident Card or a d  
US/Canadian/Schengen Visa
35. Haiti for 90 days for holders of Diplomatic  
/Official/ Special passports
36. Honduras for 90 days holders of a US  
Permanent Resident Card or a valid  
US/Canadian/Schengen Visa



3/27/2019

Visa Entry Requirements (countries) – Ministry of Foreign Affairs | Co-operative Republic of Guyana

37. Hong Kong for 90 days
38. India for holders of Diplomatic/Service  
Passports
39. Indonesia for 30 days
40. Iran (Holders of Diplomatic & Special Passports)
41. Ireland
42. Israel for holders of Diplomatic/Service  
Passports
43. Italy
44. Jamaica
45. Japan
46. Republic of Korea (South Korea) for 30 days
47. Lesotho for 14 days.
48. Luxembourg
49. Malaysia for 60 days
50. Mexico for 90 days for holders of  
Diplomatic/Official/Service Passports; 90 days  
holders of a US Permanent Resident or a valid  
US/Canadian/Schengen Visa
51. Montserrat
52. New Zealand
53. North Korea
54. Norway
55. Panama for 180 days for tourism
56. Peru (Holders of Diplomatic/Service/Official  
Passports and 90 days for tourism
57. Portugal
58. Russian Federation for 90 days for holders of  
Diplomatic/Service/Official and Ordinary  
passports.
59. South Africa for 30 days for tourism or business
60. Spain
61. Christopher & Nevis (St. Kitts)
62. St. Lucia
63. St. Vincent & The Grenadines
64. Suriname
65. Sweden
66. Switzerland



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Visa Entry Requirements (countries) – Ministry of Foreign Affairs | Co-operative Republic of Guyana

- 67. Swaziland for 60 days
- 68. The Netherlands
- 69. Trinidad & Tobago
- 70. Turkey for 90 days for holders of  
Diplomatic/Service/Special passports
- 71. Turks and Caicos Islands for 30 days
- 72. United Kingdom of Great Britain & Northern  
Ireland
- 73. United States of America
- 74. Uruguay for holders of  
Diplomatic/Official/Service Passports and 90  
days for ordinary passports
- 75. Venezuela for holders of  
Diplomatic/Official/Service Passports

**UPDATED: 04 April, 2017**

### **COUNTRIES FOR WHICH GUYANESE DO NOT REQUIRE VISAS FOR ENTRY**

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- 1. Antigua & Barbuda
- 2. Argentina for 90 days
- 3. Aruba for 90 days
- 4. Bahamas
- 5. Bangladesh for 30 days for holders of  
Diplomatic/Official Passports
- 6. Barbados
- 7. Belize
- 8. Bolivia for holders of Diplomatic/Service/Official  
Passport; tourist visa on arrival for Regular  
Passport holders
- 9. Botswana for 90 days
- 10. Brazil
- 11. Cape Verde for holders of Diplomatic/Service  
Passports
- 12. Cayman Islands for 30 days
- 13. China for holders of Diplomatic/Service Passports



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Visa Entry Requirements (countries) – Ministry of Foreign Affairs | Co-operative Republic of Guyana

14. Chile for 90 days
15. Colombia for 90 days
16. Costa Rica for 30 days for tourism
17. Cuba for holders of Diplomatic/Official/Service  
Passports
18. Cyprus for holders of Diplomatic/Service Passports
19. Dominica
20. Dominican Republic for 30 days
21. Ecuador
22. Egypt for Diplomatic Passport, 30 days holders of  
Service/Special Passports
23. Georgia for holders of Diplomatic, Official and  
Service passports for 90 days
24. Grenada
25. Guatemala for 90 days for holders of  
Diplomatic/Official Passports and holders of a US  
Permanent Resident Card or a valid  
US/Canadian/Schengen Visa
26. Haiti for 90 days for holders of Diplomatic  
/Official/ Special passports
27. Honduras for 90 days holders of a US Permanent  
Resident Card or a valid US/Canadian/Schengen  
Visa
28. Hong Kong for 90 days
29. India for holders of Diplomatic/Service Passports
30. Israel for holders of Diplomatic/Service Passports
31. Jamaica
32. Republic of Korea (South Korea) for 30 days
33. Lesotho for 14 days
34. Malaysia for 60 days
35. Mexico for 90 days for holders of  
Diplomatic/Official/Service Passports; 90 days  
holders of a US Permanent Resident Card or a valid  
US/Canadian/Schengen Visa
36. Montserrat
37. Panama for 180 days for tourism
38. Peru for 90 days for tourism



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Visa Entry Requirements (countries) – Ministry of Foreign Affairs | Co-operative Republic of Guyana

- 39. Russia for 90 days for holders of  
Diplomatic/Service/Official and Ordinary passports
- 40. South Africa for 30 days for tourism or business
- 41. St. Kitts & Nevis
- 42. St. Lucia
- 43. St. Vincent & The Grenadines
- 44. Suriname
- 45. Swaziland for 60 days
- 46. Turks and Caicos Islands for 30 days
- 47. Trinidad & Tobago
- 48. Turkey for 90 days for holders of  
Diplomatic/Service/Special passports
- 49. Uruguay for holders of Diplomatic/Official/Service  
Passports and 90 days for ordinary passports
- 50. Venezuela for holders of  
Diplomatic/Official/Service Passports

**October 29, 2015***type to search...*

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(<https://www.minfor.gov.gy/uncategorized/high-commissioner-of-botswana-presents-letter-of-credence/>)

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Kazakhstan Ambassador Calls on Fo...

(<https://www.minfor.gov.gy/featured/kazakhstan-ambassador->







## **Annex 114**

India, Ministry of External Affairs of the Government of the Republic of India, “List of Countries/Territories with which Bilateral Agreements on Exemption from Requirement of Visa by Diplomatic, Official/Service and Ordinary Passport Holders are Signed/Currently in Force”

<http://mea.gov.in/bvwa.htm>



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MEA | MEA : Visa Waiver Agreements



## Ministry of External Affairs

Government of India

Home › Useful Links › More Links › Bilateral Visa Agreements › [Visa Waiver Agreements](#)

As on March 06, 2019

List of countries/territories with which bilateral agreements on exemption from requirement of visa by diplomatic, official/service and ordinary passport holders are signed/currently in force

Sl. No.	Country	Category of passport exempted	Period of stay	Signed on	Date of Entry into Force / Remarks	Text of the Agreement
1	Afghanistan	Diplomatic only	30 days	01.02.2016	w.e.f. 20.06.2016	<a href="#">Afghanistan</a>
2	Albania	Diplomatic & Official		27-11-2015	20-01-2018	<a href="#">Albania</a>
3	Argentina	Diplomatic & Official	90 days	31.03.1994	Visa free stay till assignment for those assigned to Mission	
4	Armenia	Diplomatic only	90 days	31.10.2003	w.e.f. 24.08.2004	<a href="#">Armenia</a>
5	Azerbaijan	Diplomatic, Official and Service Passports	90 days	04-04-2018	06-09-2018	<a href="#">Azerbaijan</a>
6	Bahrain	Diplomatic & Special/Official Passports	90 days	15-07-2018	19-12-2018	<a href="#">Bahrain</a>
7	Bangladesh	Diplomatic & official	45 days			<a href="#">Bangladesh</a>
8	Belarus	Diplomatic & Official	Not specified			<a href="#">Belarus</a>

<https://mea.gov.in/bvwa.htm>

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Sl. No.	Country	Category of passport exempted	Period of stay	Signed on	Date of Entry into Force / Remarks	Text of the Agreement
9	Belize	Diplomatic & Official	90 days	18-09-2017	30-04-2018	<a href="#">Belize</a> PDF
10	Bhutan	All passports	Not specified			
11	Botswana	Diplomatic	90 days	01-11-2018	31-01-2019	<a href="#">Botswana</a> PDF
12	Brazil	Diplomatic & Official	90 days	25.01.2004	w.e.f. 17.11..2004	<a href="#">Brazil</a> PDF
13	Brunei	Diplomatic & Official	14 days	04.04.2016	w.e.f. 04.05.2016	<a href="#">Brunei</a> PDF
14	Bulgaria	Diplomatic & Official	90 days	03.03.2009	w.e.f. 02.07.2009	<a href="#">Bulgaria</a> PDF
15	Cambodia	Diplomatic & Official	60 days	09.04.2002	w.e.f..09.05.2002	<a href="#">Cambodia</a> PDF
16	Chile	Diplomatic & Official	90 days	24.04.2003	w.e.f. 17.08.2004	<a href="#">Chile</a> PDF
17	Colombia	Diplomatic & Official	90 days			<a href="#">Colombia</a> PDF
18	Croatia	Diplomatic & Official	30 days	19-09-2007	w.e.f. 08-04-2008	<a href="#">Croatia</a> PDF
19	Cuba	Diplomatic only	90 days	23.03.2015	w.e.f. 07.07.2015	<a href="#">Cuba</a> PDF
20	Cyprus	Diplomatic & Official	90 days	25-05-2007	w.e.f 01-05-2008	<a href="#">Cyprus</a> PDF
21	Czech Republic	Diplomatic	90 days	07-09-2018	02nd December 2018	<a href="#">Czech</a> PDF
22	Denmark	Diplomatic & Official		14 August 1986	14 December 2017	<a href="#">Denmark</a> PDF












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Sl. No.	Country	Category of passport exempted	Period of stay	Signed on	Date of Entry into Force / Remarks	Text of the Agreement
23	Ecuador	Diplomatic & Official	30 days		w.e.f. 18.08.2008	Ecuador 
24	Egypt	Diplomatic, Official, Special, & Service	90 days	18.11.2008	w.e.f. 15.02.2010	Egypt 
25	El Salvador	Diplomatic & official	90 days	10.06.2008	w.e.f. 01.04.2009	
26	Finland	Diplomatic	90 days	06.11.2017	05.12.2017	Finland 
27	France`	Diplomatic	90 days	17.06.2013	w.e.f. 01.10.2013	France 
28	Georgia	Diplomatic and Official/Service	90 days	31.07.2017	20.09.2017	Georgia 
29	Germany	Diplomatic only	90 days	05.04.2011	w.e.f. 01.01.1991	Germany 
30	Greece	Diplomatic only	90 days	01.02.2013		
31	Guatemala	Diplomatic & Official	90 days	28.05.2015	w.e.f. 14.12.2015	Guatemala 
32	Guyana	Diplomatic & Official	90 days	04.02.2003	w.e.f. 03.01.2005	Guyana 
33	Honduras	Diplomatic & Official	90 days	10.06.2008	w.e.f. 01.03.2009	Honduras 
34	Hong Kong	Diplomatic & official			Those assigned to mission require visa	
35	Hungary	Diplomatic & Official	90 days	04.11.2003	w.e.f. 1.4.2005	Hungary 
36	Iran	Diplomatic Passports	30 days	16-02-2018	22-05-2018	Iran 




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Sl. No.	Country	Category of passport exempted	Period of stay	Signed on	Date of Entry into Force / Remarks	Text of the Agreement
37	Indonesia	Diplomatic & Official	30 days		w.e.f. 01.08.2008	Indonesia 
38	Israel	Diplomatic & Official	90 days	09.09.2003	w.e.f. 20.10.2004	Israel 
39	Italy	Diplomatic	90 days	29.05.2017	22.10.2017	Italy 
40	Jordan	Diplomatic & Official	90 days	01-03-2018	30-09-2018	Jordan 
41	Ivory Coast	Diplomatic & Official	30 days	21.10.2016	Yet to enter into force	Ivory Coast 
42	Japan	Diplomatic Only	90 days	12-11-2007	w.e.f. 01-01-2008	Japan 
43	Kazakhstan	Diplomatic & Official	30 days	17.08.1999	w.e.f. 20.11.2000	Kazakhstan 
44	Kenya	Diplomatic only	90 days	11.07.2016	14.07.2017	Kenya 
45	Kuwait	Diplomatic, Official & Special Passports	60 days	04/04/2018	08/03/2019	Kuwait 
46	Kyrgyzstan	Diplomatic & Official	90 days	19.07.2013	w.e.f. April 2014	Kyrgyzstan 
47	Latvia	Diplomatic	90 days	23.05.2017	08.09.2017	Latvia 
48	Laos	Diplomatic & Official	30 days	06.11.2002	w.e.f. 01.04.2005	Laos 
49	Lithuania	Diplomatic only	90 days	10.11.2013		Lithuania 
50	Macedonia	Diplomatic	90 days	20.01.2009	15.05.2010	
51	Malawi	Diplomatic & Official	90 days	05.11.2018	Yet to enter into force	Malawi 













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Sl. No.	Country	Category of passport exempted	Period of stay	Signed on	Date of Entry into Force / Remarks	Text of the Agreement
52	Malaysia	Diplomatic & Official	90 days	14.05.2001	w.e.f. 01.10.2001	Malaysia 
53	Maldives	All passports	90 days	March 1979	w.e.f.	Maldives 
54	Malta	Diplomatic only	90 days	10.11.2013		Malta 
55	Mauritius	Diplomatic & Official	90 days			
56	Mexico	Diplomatic & Official	90 days	21.10.2005	w.e.f. 23.02.2006	Mexico 
57	Mongolia	Diplomatic & Official	90 days	23.12.2005	w.e.f. 02.02.2006	Mongolia 
58	Morocco	Diplomatic & Official	30 days	17.11.2015	w.e.f. 21.01.2016	Morocco 
59	Mozambique	Diplomatic & official	90 days	07.08.2015	w.e.f. 09.05.2016	Mozambique 
60	Myanmar	Diplomatic & Official	90 days	02.11.2003	w.e.f. 15.3.2005	Myanmar 
61	Namibia	Diplomatic & Official	90 days	31.8.2009	w.e.f. 01.11.2011	Namibia 
62	Nepal	All passports	Not specified			
63	Nicaragua	Diplomatic, official & service	90 days	10.06.2008	w.e.f. 01.10.2008	Nicargua 
64	Norway	Diplomatic only	90 days	13/14.10.2014	w.e.f. 08.12.2014	Norway 
65	Oman	Diplomatic, Special, Service & Official Passports	90 days	11-02-2018	yet to enter into force	Oman 

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Sl. No.	Country	Category of passport exempted	Period of stay	Signed on	Date of Entry into Force / Remarks	Text of the Agreement
66	Palestine	Diplomatic & Official Passports	90 days	16-05-2017	20-04-2018	<a href="#">Palestine</a> PDF
67	Panama	Diplomatic, Official and Consular Passports	90 days	09-05-2018	30-08-2018	<a href="#">Panama</a> PDF
68	Paraguay	Diplomatic & Official	90 days			
69	Peru	Diplomatic and Official/Service Passports	90 days	03.06.2003	w.e.f. 16.09.2004	<a href="#">Peru</a> PDF
70	Philippines	Diplomatic & Official	30 days	05-10-2007	w.e.f. 24-04-2008	<a href="#">Philippines</a> PDF
71	Poland	Diplomatic Only	90 Days	05-10-2015	w.e.f. 07.12.2015	<a href="#">Poland</a> PDF
72	Portugal	Diplomatic only	90 days	06.01.2017	08.07.2017	<a href="#">Portugal</a> PDF
73	Qatar	Diplomatic, Official & Special Passport	90 days	03.12.2016	23 May 2017	<a href="#">Qatar</a> PDF
74	Republic of Korea (South Korea)	Diplomatic & Official	90 days	01.08.2005	w.e.f. 03.10.05	<a href="#">Republic of Korea (South Korea)</a> PDF
75	Romania	Diplomatic Only	90 days	31-01-2004	w.e.f. 06-02-2008	<a href="#">Romania</a> PDF
76	Russia	Diplomatic & Official	90 days	03.12.2004	w.e.f. 15.02.2005	<a href="#">Russia</a> PDF
77	Rwanda	Diplomatic & Official	90 days	20.02.2017	25.12.2017	<a href="#">Rwanda</a> PDF

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Sl. No.	Country	Category of passport exempted	Period of stay	Signed on	Date of Entry into Force / Remarks	Text of the Agreement
78	Spain	Diplomatic	90 days	30.05.2017	12 April 2018	<a href="#">Spain</a> PDF
79	Serbia	Diplomatic & Official	90 days	17.09.2007	w.e.f. 17.07.2009	<a href="#">Serbia</a> PDF
80	Singapore	Diplomatic & Official	Not specified	24.01.1994	Tourism agreement	
81	Slovenia	Diplomatic only	90 days	11.11.2013	w.e.f. May 2014	<a href="#">Slovenia</a> PDF
82	South Africa	Diplomatic & Official	90 days	22-02-2008	w.e.f. 21-05-2008	<a href="#">South Africa</a> PDF
83	Sri Lanka	Diplomatic & Official	30 days	14.03.2015	w.e.f. 15.09.2015	<a href="#">Sri Lanka</a> PDF
84	St. Kitts & Nevis	Diplomatic & Official/Service Passports	90 days	16-02-2018	09-10-2018	<a href="#">St. Kitts &amp; Nevis</a> PDF
85	Suriname	Diplomatic, Official & Service	30 days	28/04/2017	Yet to enter into force	<a href="#">Suriname</a> PDF
86	Swaziland	Diplomatic & Official	90 days	09-04-2018	Yet to enter into force	<a href="#">Swaziland</a> PDF
87	Sweden	Diplomatic only	90 days	01-06-2015	w.e.f. 01.04.2016	<a href="#">Sweden</a> PDF
88	Switzerland	Diplomatic only	90 days	06.10.2016	w.e.f. 07.12.2016	<a href="#">Switzerland</a> PDF
89	Syria	Diplomatic & Official	60 days	10-06-2010	w.e.f. 01.10.2010	<a href="#">Syria</a> PDF
90	Tanzania	Diplomatic & official	90 days	10.07.2016	w.e.f. 26.12.2016	<a href="#">Tanzania</a> PDF
91	Tajikistan	Diplomatic Only & Official	30 days	14.11.2003	w.e.f. 19.08.2005	<a href="#">Tajikistan</a> PDF <a href="#">Tajikistan</a> PDF


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MEA | MEA : Visa Waiver Agreements

Sl. No.	Country	Category of passport exempted	Period of stay	Signed on	Date of Entry into Force / Remarks	Text of the Agreement
92	Thailand	Diplomatic & Official	90 days	09.10.2003	w.e.f. 01.03.2004	<a href="#">Thailand</a> 
93	Tunisia	Diplomatic & Official	90 days	30/04/2015	w.e.f. 02.05.2016	<a href="#">Tunisia</a> 
94	Turkey	Diplomatic only	90 days	08/02/2008	w.e.f. 01.05.2008	<a href="#">Turkey</a> 
95	Turkmenistan	Diplomatic only	30 days	25.05.2010	w.e.f. 01.04.2011	<a href="#">Turkmenistan</a> 
96	Uganda	Diplomatic & Official	90 days	24-07-2018	11 February 2019	<a href="#">Uganda</a> 
97	UAE	Diplomatic, Official & Special Passport	90 days	25.01.2017	24 February 2017	<a href="#">UAE</a> 
98	Ukraine	Diplomatic only	90 days	25.11.2011	w.e.f. 09.09.2012	<a href="#">Ukraine</a> 
99	Uzbekistan	Diplomatic Passports	60 DAYS	31-10-2018	Yet to enter into force	<a href="#">Uzbekistan</a> 
100	Uruguay	Diplomatic & Official	30 days			<a href="#">Uruguay</a> 
101	Venezuela	Diplomatic & Official	90 days	31.08.2005	w.e.f. 18.11.2005	<a href="#">Venezuela</a> 
102	Vietnam	Diplomatic & Official	90 days	07.09.1994		<a href="#">Vietnam</a> 
103	Zambia	Diplomatic Passports	90 days	11-04-2018	Yet to enter into force	<a href="#">Zambia</a> 
104	Zimbabwe	Diplomatic	90 days	03-11-2018	Yet to enter into force	<a href="#">Zimbabwe</a> 







## **Annex 115**

Ireland, Immigration Act 2004, s.17





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*Number 1 of 2004*

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## **IMMIGRATION ACT 2004**

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### ARRANGEMENT OF SECTIONS

#### Section

1. Interpretation.
2. Application of Act.
3. Appointment of officers.
4. Permission to land.
5. Presence in State of non-nationals.
6. Approved port.
7. Examination and detention of non-nationals.
8. Notices to be displayed on ships, railway trains and passenger road vehicles.
9. Obligation of non-nationals to register.
10. Hotel registers.
11. Requirements as to documents of identity and supply of information.
12. Requirement as to production of documents.
13. Offences and power of arrest without warrant.
14. Provision for particular non-nationals.
15. Entry, search and seizure.
16. Amendment of certain enactments.
17. Visa orders.
18. Service of notices.
19. Fees.



[No. 1.]                      *Immigration Act 2004.*                      [2004.]

Section

20. Regulations and orders.

21. Expenses.

22. Short title.

FIRST SCHEDULE

*Conditions referred to in section 4(3)(c)*

SECOND SCHEDULE

*Particulars to be furnished on registration*

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ACTS REFERRED TO

Air Navigation and Transport (Preinspection) Act 1986	1986, No. 18
Aliens Act 1935	1935, No. 14
Criminal Justice (Theft and Fraud Offences) Act 2001	2001, No. 50
Diplomatic Relations and Immunities Act 1967	1967, No. 8
Employment Permits Act 2003	2003, No. 7
European Communities Acts 1972 to 2003	
Illegal Immigrants (Trafficking) Act 2000	2000, No. 29
Immigration Act 1999	1999, No. 22
Immigration Act 2003	2003, No. 26
Irish Nationality and Citizenship Act 1956	1956, No. 26
Irish Nationality and Citizenship Act 2001	2001, No. 15
Public Offices Fees Act 1879	42 & 43 Vict., c.58
Refugee Act 1996	1996, No. 17
Road Transport Act 1932	1932, No. 2
Social Welfare (Consolidation) Act 1993	1993, No. 27
Social Welfare (Miscellaneous Provisions) Act 2003	2003, No. 4





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*Number 1 of 2004*

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**IMMIGRATION ACT 2004**

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AN ACT TO MAKE PROVISION, IN THE INTERESTS OF THE COMMON GOOD, FOR THE CONTROL OF ENTRY INTO THE STATE, THE DURATION AND CONDITIONS OF STAY IN THE STATE AND OBLIGATIONS WHILE IN THE STATE OF NON-NATIONALS AND TO PROVIDE FOR RELATED MATTERS. [13th February, 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**1.**—(1) In this Act, except where the context otherwise requires— Interpretation.

“the Act of 1996” means the Refugee Act 1996;

“the Act of 1999” means the Immigration Act 1999;

“embarking” includes departure by any form of conveyance and departure over a land frontier;

“Great Britain” includes the Channel Islands and the Isle of Man;

“immigration officer” shall be construed in accordance with *section 3*;

“keeper”, in relation to premises where accommodation is provided for reward, includes any person who for reward receives another person to lodge or sleep in the premises, either on his or her own behalf or as manager or otherwise on behalf of another person;

“landing” includes arrival or entry by any form of conveyance and includes entry over a land frontier, and references to landing include references to attempting to land;

“master of a ship” includes the pilot of an aircraft;

“member of a crew” means any person employed in the working or service of a ship;

“the Minister” means the Minister for Justice, Equality and Law Reform;

“non-national” has the meaning assigned to it by the Act of 1999;



[2004.] *Immigration Act 2004.* [No. 1.]

(5) Section 6(1)(b) (as amended by section 10(c)(i) of the Illegal S.16  
Immigrants (Trafficking) Act 2000) of the Act of 1999 is amended  
by the insertion before “, or to the Refugee Applications Com-  
missioner” of “or section 9 of the *Immigration Act 2004*”.

(6) Section 5(1) of the Illegal Immigrants (Trafficking) Act 2000  
is amended by the insertion of the following paragraph after para-  
graph (d):

“(dd) a refusal under section 4 of the *Immigration Act 2004*,”.

(7) Section 24 of the Criminal Justice (Theft and Fraud Offences)  
Act 2001 is amended by the addition to paragraph (o) of the defini-  
tion of “instrument” of “or the *Immigration Act 2004*,”.

(8) Section 5(1) of the Immigration Act 2003 is amended by the  
addition of the following paragraphs after paragraph (d):

“(e) a non-national who has failed to comply with section 4(2)  
of the *Immigration Act 2004*,

(f) a non-national who has been refused a permission under  
section 4(3) of that Act,

(g) a non-national who is in the State in contravention of  
section 5(1) of that Act,

(h) a non-national who has landed in the State in contra-  
vention of section 6(1) of that Act,”.

**17.—**(1) The Minister may, for the purposes of ensuring the integ- Visa orders.  
rity of the immigration system, the maintenance of national security,  
public order or public health or the orderly regulation of the labour  
market or for the purposes of reciprocal immigration arrangements  
with other states or the promotion of tourism, by order declare—

(a) that members of specified classes of non-nationals are not  
required to be in possession of a valid Irish visa within  
the meaning of the Immigration Act 2003 when landing  
in the State, or

(b) that members of specified classes of non-nationals are  
required to be in possession of a valid Irish transit visa  
within the meaning of that Act.

(2) The Minister may by order amend or revoke an order under  
this section (including an order under this subsection).

**18.—**(1) Where a notice is required or authorised by or under this Service of notices.  
Act to be served on or given to a person, it shall be addressed to  
him or her and shall be served on or given to him or her in some  
one of the following ways:

(a) by delivering it to him or her, or

(b) by sending it by post in a prepaid registered letter, or by  
any other form of recorded delivery service prescribed by  
the Minister, addressed to him or her at the address most  
recently furnished by him or her to the registration officer  
pursuant to section 9, or to the Refugee Applications  
Commissioner pursuant to section 9(4A) of the Act of







## **Annex 116**

Ireland, Immigration Act 2004 (Visas) Order 2014,  
paras 3 and 4 and Schedules 1 to 5





STATUTORY INSTRUMENTS.

**S.I. No. 473 of 2014**

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IMMIGRATION ACT 2004 (VISAS) ORDER 2014



## 2 [473]

S.I. No. 473 of 2014

## IMMIGRATION ACT 2004 (VISAS) ORDER 2014

I, FRANCES FITZGERALD, Minister for Justice and Equality, in exercise of the powers conferred on me by section 17 of the Immigration Act 2004 (No. 1 of 2004) (as adapted by the Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 138 of 2011)), hereby order as follows:

1. (1) This Order may be cited as the Immigration Act 2004 (Visas) Order 2014.

(2) This Order comes into operation on 13 October 2014.

2. In this Order—

“Convention travel document” means a travel document issued in accordance with Article 28 of the Geneva Convention;

“diplomatic passport” means a passport so described on its face that is issued by the competent authorities of a state or territorial entity;

“Directive of 2004” means Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States<sup>1</sup>;

“family members” has the meaning assigned to it by the Regulations of 2006;

“Geneva Convention” has the meaning assigned to it by the Refugee Act 1996 (No. 17 of 1996);

“leave to enter the United Kingdom” means leave to enter the United Kingdom as a visitor other than—

(a) a visitor in transit, or

(b) a visitor seeking to enter for the purposes of marriage or to enter a civil partnership,

within the meaning of those terms under the United Kingdom Immigration Rules, that is granted by the competent authorities of the United Kingdom;

“leave to remain in the United Kingdom” means leave to remain in the United Kingdom as a visitor other than—

<sup>1</sup>OJ No. L 158, 30.4.2004, p. 77-123.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 17th October, 2014.*



(a) a visitor in transit, or

(b) a visitor seeking to enter for the purposes of marriage or to enter a civil partnership,

within the meaning of those terms under the United Kingdom Immigration Rules, that is granted by the competent authorities of the United Kingdom to a person to whom leave to enter the United Kingdom was granted;

“New York Convention” means the Convention relating to the Status of Stateless Persons adopted on 28 September 1954;

“official visit” means a visit to the State by a Minister of the government of another state in the performance of his or her functions as a member of that government;

“permanent residence card” has the meaning assigned to it by the Regulations of 2006;

“public affairs passport” means a passport so described on its face that is issued by the competent authorities of the People’s Republic of China;

“qualifying United Nations official” means an official of the United Nations, or of a specialised agency of the United Nations, of a rank within the organisation concerned of not lower than D-2;

“residence card” has the meaning assigned to it by the Regulations of 2006;

“Regulations of 2006” means the European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. No. 656 of 2006);

“service passport” means a passport so described on its face that is issued by the competent authorities of the People’s Republic of China;

“specialised agency of the United Nations” means an organisation which is defined in section 16 of the Diplomatic Relations and Immunities Act 1967 (No. 8 of 1967) as being an organisation to which Part IV of that Act applies;

“United Kingdom” means the United Kingdom of Great Britain and Northern Ireland;

“United Kingdom Immigration Rules” means the rules laid down under, and laid before the Parliament of the United Kingdom pursuant to section 3(2) of, an Act of that Parliament entitled the Immigration Act 1971, which rules are in effect in the United Kingdom on the date of the coming into operation of this Order;

“United Kingdom visitor” means a person—

(a) to whom leave to enter the United Kingdom has been granted,



## 4 [473]

- (b) who has entered the United Kingdom pursuant to the leave referred to in paragraph (a), and
- (c) whose leave referred to in paragraph (a) remains valid, or to whom leave to remain in the United Kingdom has been granted, which leave remains valid;

“United Nations Convention” means the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.

3. It is hereby declared that the following classes of non-nationals are specified as classes the members of which are not required to be in possession of a valid Irish visa when landing in the State:

- (a) nationals of a state or territorial entity specified in Schedule 1;
- (b) non-nationals who are holders of—
  - (i) a valid Convention travel document issued by Belgium, Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden, or Switzerland and where the intended purpose of the travel to the State by the holder of such a travel document is solely for a visit of up to a maximum period of 3 months,
  - (ii) a valid permanent residence card,
  - (iii) a valid residence card,
  - (iv) a valid travel document issued by the State for the purposes of Article 28 of the New York Convention, or
  - (v) a diplomatic passport issued by a state or territorial entity specified in Schedule 2;
- (c) non-nationals who are family members of a Union citizen and holders of a document called “Residence card of a family member of a Union citizen” as referred to in Article 10 of the Directive of 2004;
- (d) until 31 October 2016, United Kingdom visitors who are nationals of a state or territorial entity specified in Schedule 3 and where the intended purpose of the travel to the State by the United Kingdom visitor concerned is solely for a visit of the shorter of the following periods—
  - (i) 90 days or less, or
  - (ii) the remaining period of validity of that person’s leave to enter the United Kingdom, or, as the case may be, leave to remain in the United Kingdom;



(e) United Kingdom visitors who are—

- (i) nationals of a state or territorial entity specified in Schedule 4, and
- (ii) holders of a visa issued by the competent authorities of the United Kingdom that is endorsed by those authorities with the letters “BIVS”,

where the intended purpose of the travel to the State by the United Kingdom visitor concerned is solely for a visit of the shorter of the following periods—

- (I) 90 days or less, or
  - (II) the remaining period of validity of that person’s leave to enter the United Kingdom, or, as the case may be, leave to remain in the United Kingdom;
- (f) holders of a service passport or public affairs passport who arrive in the State in the company of a Minister of the Government of the People’s Republic of China where that Minister is on an official visit to the State;
- (g) qualifying United Nations officials who are holders of a United Nations laissez-passer referred to in Section 24 of the United Nations Convention.

4. It is hereby declared that non-nationals who are nationals of a state or territorial entity specified in Schedule 5 are specified as a class the members of which are required to be in possession of a valid Irish transit visa when arriving at a port in the State for purposes of passing through the port in order to travel to another state.

5. The Immigration Act 2004 (Visas) Order 2012 (S.I. No. 417 of 2012) is revoked.



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## SCHEDULE 1

*Article 3(a).*

Andorra	Grenada	Paraguay
Antigua and Barbuda	Guatemala	Poland
Argentina	Guyana	Portugal
Australia	Honduras	Romania
Austria	Hong Kong (Special Administrative Region)	Saint Kitts and Nevis
Bahamas	Hungary	Saint Lucia
Barbados	Iceland	Saint Vincent and the Grenadines
Belgium	Israel	Samoa
Belize	Italy	San Marino
Bolivia	Japan	Seychelles
Botswana	Kiribati	Singapore
Brazil	Latvia	Slovak Republic
Brunei	Lesotho	Slovenia
Bulgaria	Liechtenstein	Solomon Islands
Canada	Lithuania	South Africa
Chile	Luxembourg	South Korea
Costa Rica	Macau (Special Administrative Region)	Spain
Croatia	Malawi	Swaziland
Cyprus	Malaysia	Sweden
Czech Republic	Maldives	Switzerland
Denmark	Malta	Taiwan
Dominica	Mexico	Tonga
El Salvador	Monaco	Trinidad and Tobago
Estonia	Nauru	Tuvalu
Fiji	Netherlands	United Kingdom, British Overseas Territories and Crown Dependencies
Finland	New Zealand	United States of America
France	Nicaragua	Uruguay
Germany	Norway	Vanuatu
Greece	Panama	Vatican City

## SCHEDULE 2

*Article 3(b)(v).*

People's Republic of China
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## SCHEDULE 3

*Article 3(d).*

Bahrain	Montenegro	Serbia
Belarus	Oman	Thailand
Bosnia and Herzegovina	People's Republic of China	Turkey
India	Qatar	Ukraine
Kazakhstan	Russian Federation	United Arab Emirates
Kuwait	Saudi Arabia	Uzbekistan

## SCHEDULE 4

*Article 3(e).*

India
People's Republic of China

## SCHEDULE 5

*Article 4.*

Afghanistan	Ethiopia	Moldova
Albania	Ghana	Nigeria
Cuba	Iran	Somalia
Democratic Republic of the Congo	Iraq	Sri Lanka
Eritrea	Lebanon	Zimbabwe



GIVEN under my Official Seal,  
10 October 2014.

FRANCES FITZGERALD,  
Minister for Justice and Equality.



BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
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## **Annex 117**

Jamaica, Passport Immigration and Citizenship Agency of Jamaica,  
“Requirements for travel to Jamaica”

[http://www.pica.gov.jm/immigration/general-immigration-information/  
requirements-for-travel-to-jamaica/](http://www.pica.gov.jm/immigration/general-immigration-information/requirements-for-travel-to-jamaica/)





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[General Immigration Information \(http://www.pica.gov.jm/immigration/general-immigration-information/\)](http://www.pica.gov.jm/immigration/general-immigration-information/)   [Requirements For Travel to Jamaica](#)

## Requirements For Travel to Jamaica

## Requirements For Travel to Jamaica

Everyone travelling to Jamaica must present a valid and approved travel document as evidence of their identity and nationality. The most common and preferred travel document is a passport, but other types of travel documents may also be accepted.

### Other acceptable travel documents

A small number of travellers may have other types of travel documents which are also acceptable for travel to Jamaica.

The travel documents must be issued by a recognised authority, **MUST HAVE A PHOTOGRAPH OF THE BEAREAR** and provide the holder with a re-entry authority to the country of issue, or an entry authority to another country. Holders of these documents **GENERALLY REQUIRE** a [visa](#)

Other TYPES OF DOCUMENTS WHICH ARE acceptable TO JAMAICA include:

Document of Identity (if holder is not an Jamaican citizen then a visa might be required); see list of visa countries

Certificate of Identity

Laissez Passer

Documents issued to refugees

'Kinderausweis' issued to German minors

Military documents for military personnel travelling by air; whether Military passport on I.D

Seamans certificate if travelling by sea

## VISA REQUIREMENTS for Foreigners and Commonwealth Nationals Entering Jamaica

Search for Country:



<b>COUNTRY</b>	<b>ENTRY VISA REQUIREMENTS (Foreigners arriving in Jamaica)</b>
AFGHANISTAN	Visa required
ALBANIA	NO Visa required for 30 days or less as tourists (Effective September 22, 2014) providing travellers have a USA, Canada, UK or Schengen Visa & possess proof of vaccination against Measles, Rubella & Polio)
ALGERIA	Visa required
ANDORRA	Visa required visa may be obtained at the port of entry
ANGOLA	Visa required
ANGUILLA (commonwealth)	NO Visa required
ANTIGUA & BARBUDA (commonwealth)	NO Visa required
ARGENTINA	NO Visa required for 30 days NO visa required for DIP & official PP HOLDERS
ARMENIA	Visa required visa may be obtained at the port of entry
AUSTRALIA (commonwealth)	NO Visa required
AUSTRIA	NO visa required for 90 days
AZERBAIJAN	Visa required visa may be obtained at the port of entry
BAHAMAS (commonwealth)	NO Visa required
BAHRAIN	Visa required
BANGLADESH (commonwealth)	NO visa required
BARBADOS (commonwealth)	NO visa required
BELARUS	NO visa required for 30 days or less as tourists (Effective September 22, 2014) providing they have a USA, Canada, UK or Schengen Visa & possess proof of vaccination against Measles, Rubella & Polio)
BELGIUM	NO visa required for 90 days
BELIZE (commonwealth)	NO visa required
BENIN	Visa required
BERMUDA (commonwealth)	NO visa required
BHUTAN	Visa required
BOLIVIA	NO visa required for 30 days or less as tourists Proof of Vaccination against Yellow Fever. (Effective May 17, 2016)



<b>COUNTRY</b>	<b>ENTRY VISA REQUIREMENTS (Foreigners arriving in Jamaica)</b>
BOSNIA & HERZEGOVINA	NO visa required for 30 days or less as tourists  (Effective September 22, 2014) providing they have a USA, Canada, UK or Schengen Visa & possess proof of vaccination against Measles, Rubella & Polio
BOTSWANA (commonwealth)	NO visa required
BRAZIL	NO visa required for 90 days
BRITISH VIRGIN ISLANDS	Visa required visa may be obtained at the port of entry
BRUNEI DARUSSALAM (commonwealth)	NO visa required
BULGARIA	NO visa required for 30 days or less as tourists  (Effective September 22, 2014) providing they have a USA, Canada, UK or Schengen Visa & possess proof of vaccination against Measles, Rubella & Polio
BURKINA FASO	Visa required
BURUNDI	Visa required
CAMBODIA	Visa required
CAMEROON(commonwealth)	Visa required
CANADA (commonwealth)	NO visa required
CAPE VERDE	Visa required
CAYMAN ISLANDS (Brit) (Commonwealth)	Visa required
CENTRAL AFRICAN REP.	Visa required
CHAD	Visa required
CHILE	NO visa required for 90 days  NO visa required for holders of Diplomatic & Official passports
CHINA	NO visa required for 30 days (effective Feb 21, 2014 for <b>Tourism ONLY</b> ) NO visa required for holders of Diplomatic & Official passports
COLOMBIA	NO visa required for 30 days (Effective March 16, 2012 for business/tourism/cultural exchanges)  NO visa required for holders of Diplomatic & Official passports
COMOROS	Visa required
COSTA RICA	NO visa required for 30 days
COTED'IVOIRE	Visa required
CROATIA	NO visa required for 30 days or less as tourists (Effective September 22, 2014) providing they have a USA, Canada, UK or Schengen Visa & possess proof of vaccination against Measles, Rubella & Polio



<b>COUNTRY</b>	<b>ENTRY VISA REQUIREMENTS (Foreigners arriving in Jamaica)</b>
CUBA	Visa required NO visa required for holders of Diplomatic & Official passports
CYPRUS (commonwealth)	NO visa required
CZECH REPUBLIC	NO visa required for 30 days effective March 07, 2013 for /tourism/cultural exchanges
DEMOCRATIC REPUBLIC OF CONGO (formerly ZAIRE)	Visa required
DENMARK	NO visa required for 90 days
DJIBOUTI	Visa required
DOMINICA (commonwealth)	NO visa required
DOMINICAN REPUBLIC	(Effective September 22, 2014) NONE – for Ordinary passport holders travelling for 30 days or less as tourists providing they have a USA, Canada, UK or Schengen Visa  (Effective May 15, 2017) NONE for holders of Diplomatic & Official passports providing that the visit does not exceed 90 days
ECUADOR	NO visa required for 30 days
EGYPT	Visa required
EL SALVADOR	NO visa required for 30 days or less as tourists (Effective April 11, 2016) NO visa required for holders of Diplomatic & Official Passports
EQUATORIAL GUINEA	Visa required
ERITREA	Visa required
ESTONIA	<b>NO visa required for 30 days or less as tourists</b> (Effective May 10, 2016) providing they possess proof of vaccination against Measles, Rubella & Polio
ETHIOPIA	Visa required
FIJI (commonwealth)	NO visa required
FINLAND	NO visa required for 90 days
FRANCE	NO visa required for 30 days
GABON	Visa required
GAMBIA(commonwealth)	NO visa required
GEORGIA	Visa required visa may be obtained at the port of entry
GERMANY	NO visa required for 90 days
GHANA (commonwealth)	NO visa required
GREECE	NO visa required for 30 days



<b>COUNTRY</b>	<b>ENTRY VISA REQUIREMENTS (Foreigners arriving in Jamaica)</b>
GRENADA(commonwealth)	NO visa required
GUADELOUPE	NO visa required for 30 days
GUATEMALA	NO visa required for 30 days or less as tourists (Effective April 11, 2016)
GUINEA	Visa required
GUINEA-BISSAU	Visa required
GUINEA-CONAKRAY	Visa required
GUYANA (commonwealth)	NO visa required
HAITI	NONE – Dip. & Off P/P YES – prior to arrival (Ordinary Passport Holders) NONE – bona fide Business persons providing they have either a valid USA, Canada, UK or Schengen visa (Effective July 2, 2018)
HONDURAS	<b>NO visa required for 30 days or less as tourists</b> (Effective September 22, 2014) providing they have a USA, Canada, UK or Schengen Visa
HONG KONG	NO visa required for 30 days
HUNGARY	NO visa required for 30 days Effective March 07, 2013 for tourism/cultural exchanges
ICELAND	NO visa required for 90 days
INDEPENDENT STATES OF SAMOA(commonwealth)	NO visa required
INDIA (commonwealth)	NO visa required
INDONESIA	Visa required
IRAQ	Visa required
IRELAND	NO visa required
ISLAMIC REP. OF IRAN	Visa required
ISRAEL	NO visa required for 90 days
ITALY	NO visa required 90 days
JAPAN	NO visa required for 30 days
JORDAN	Visa required
KAZAKHSTAN	NO visa required for 30 days or less as tourists (Effective September 22, 2014) providing they have a USA, Canada, UK or Schengen Visa & possess proof of vaccination against Measles, Rubella & Polio
KENYA (commonwealth)	NO visa required



<b>COUNTRY</b>	<b>ENTRY VISA REQUIREMENTS (Foreigners arriving in Jamaica)</b>
KINGDOM OF THE NETHERLANDS	NO visa required for 90 days
KIRIBATI (commonwealth)	NO visa required
KOSOVO	Visa required as well as an Affidavit of Identity
KUWAIT	Visa required
KYRGYZSTAN	Visa required visa may be obtained at the port of entry
LAO PEOPLE'S DEM.REP	Visa required
LATVIA	<b>NO visa required for 30 days or less as tourists</b> (Effective May 10, 2016) providing they possess proof of vaccination against Measles, Rubella & Polio
LEBANON	Visa required
LESOTHO (commonwealth)	NO visa required
LIBERIA	Visa required
LIBYAN ARAB JAMAIHRIYA	Visa required
LIECHTENSTEIN	NO visa required for 90 days
LITHUANIA	<b>NO visa required for 30 days or less as tourists</b> (Effective May 10, 2016) providing they possess proof of vaccination against Measles, Rubella & Polio
LUXEMBOURG	NO visa required for 90 days
MACAU	Visa required
MACEDONIA	NO visa required for 30 days or less as tourists (Effective September 22, 2014) providing they have a USA, Canada, UK or Schengen Visa & possess proof of vaccination against Measles, Rubella & Polio
MADAGASCAR	Visa required
MALAWI (commonwealth)	NO visa required
MALAYSIA (commonwealth)	NO visa required
MALDIVES (commonwealth)	NO visa required
MALI	Visa required
MALTA (commonwealth)	NO visa required
MARSHALL ISLANDS	Visa required
MARTINIQUE	NO visa required for 30 DAYS
MAURITANIA	Visa required
MAURITIUS(commonwealth)	NO visa required
MEXICO	NO visa required for 90 days



<b>COUNTRY</b>	<b>ENTRY VISA REQUIREMENTS (Foreigners arriving in Jamaica)</b>
MICRONESIA	Visa required
MOLDOVA	<b>NO visa required for 30 days or less as tourists</b> (Effective September 22, 2014) providing they have a USA, Canada, UK or Schengen Visa & possess proof of vaccination against Measles, Rubella & Polio
MONACO	NO visa required for 30 days
MONGOLIA	Visa required
MONTENEGRO	<b>NO visa required for 30 days or less as tourists</b> (Effective September 22, 2014) providing they have a USA, Canada, UK or Schengen Visa & possess proof of vaccination against Measles, Rubella & Polio
MONTSERRAT (commonwealth)	NO visa required
MOROCCO	Visa required
MOZAMBIQUE (commonwealth)	NO visa required
MYANMAR, UNION OF (formerly Burma)	Visa required
NAMIBIA(commonwealth)	NO visa required
NAURU (commonwealth)	NO visa required
NEPAL	Visa required
Netherlands Antilles: Aruba, Bonaire, Curacao, Sint Maarten, Sint Eustatius, Saba,	NO visa required for 90 days
NEW ZEALAND (commonwealth)	NO visa required
NICARAGUA	Visa required for holders of Ordinary Passports No visa required for holders of Diplomatic, Official & Service Passports for periods not exceeding 90 days
NIGER	Visa required
NIGERIA (commonwealth)	Visa required
NORTH KOREA(DEMOCRATIC PEOPLE'S REPUBLIC of KOREA)	Visa required
NORTH SUDAN (REPUBLIC OF THE SUDAN)	Visa required
NORWAY	NO visa required for 90 days
OMAN	Visa required
PAKISTAN (commonwealth)	Visa required
PALAU	Visa required
PANAMA	NO visa required for 30 days (Effective March 16, 2012 for tourism/cultural exchanges/short business)
PAPUA NEW GUINEA (commonwealth)	NO visa required



<b>COUNTRY</b>	<b>ENTRY VISA REQUIREMENTS (Foreigners arriving in Jamaica)</b>
PARAGUAY	NO visa required 30 days or less as a tourists  Proof of Vaccination against Yellow Fever. (Effective May 17, 2016)
PERU	NO visa required for 30 days or less as tourists  Proof of Vaccination against Yellow Fever. (Effective May 17, 2016)  NO visa required for holders of Diplomatic & Official passports
PHILIPPINES	Visa required
POLAND	<b>NO visa required for 30 days</b>  Effective March 07, 2013 for tourism/cultural exchanges/short business
PORTUGAL	NO visa required for 30 days
QATAR	Visa required
ROMANIA	NO visa required for 30 days or less as tourists  (Effective September 22, 2014) providing they have a USA, Canada, UK or Schengen Visa & possess proof of vaccination against Measles, Rubella & Polio
RUSSIAN FEDERATION	NO visa required for 90 days  Effective October 28, 2014 for tourism/business & cultural exchanges  NO visa required for holders of Diplomatic & Official passports
RWANDA	Visa required
SAMOA (American)	Visa required
SAN MARINO	NO visa required for 90 days
SAO TOME & PRINCIPE	Visa required
SAUDI ARABIA	Visa required
SENEGAL	Visa required
SERBIA, REPUBLIC OF	NO visa required for 30 days or less as tourists  (Effective September 22, 2014) providing they have a USA, Canada, UK or Schengen Visa & possess proof of vaccination against Measles, Rubella & Polio
SEYCHELLES (commonwealth)	NO visa required
SIERRA LEONE (commonwealth)	NO visa required
SINGAPORE (commonwealth)	NO visa required
SLOVAK REPUBLIC	NO visa required for 30 days  Effective March 07, 2013 for tourism/cultural exchanges



<b><i>COUNTRY</i></b>	<b><i>ENTRY VISA REQUIREMENTS (Foreigners arriving in Jamaica)</i></b>
SLOVENIA	NO visa required for 30 days or less as tourists (Effective May 10, 2016) providing they possess proof of vaccination against Measles, Rubella & Polio NO visa required for holders of Diplomatic passports
SOLOMON ISLANDS (commonwealth)	NO visa required
SOMALIA	Visa required
SOUTH AFRICA (commonwealth)	NO visa required
SOUTH KOREA (REPUBLIC OF)	NO visa required for 90 days
SOUTH SUDAN (REPUBLIC OF)	Visa required
SPAIN	NONE – 90 days for tourism, culture or business (Effective July 26, 2018)
SRI LANKA(commonwealth)	Visa required
ST. KITTS AND NEVIS (commonwealth)	NO visa required
ST. LUCIA (commonwealth)	NO visa required
ST. MARTIN	NO visa required for 30 days
ST. VINCENT AND THE GRENADINES (commonwealth)	NO visa required
SURINAME	NO visa required for 90 days
SWAZILAND (commonwealth)	NO visa required
SWEDEN	NO visa required for 90 days
SWITZERLAND	NO visa required for 90 days
SYRIAN ARAB REPUBLIC	Visa required
TAIWAN	Visa required as well an Affidavit of Identity visa may be obtained at the port of entry
TAJIKISTAN	Visa required may be obtained at the port of entry
TANZANIA(commonwealth)	NO visa required
THAILAND	Visa required
TOGO	Visa required
TONGA (commonwealth)	NO visa required
TRINIDAD & TOBAGO (commonwealth)	NO visa required
TUNISIA	Visa required
TURKEY	NO visa required for 90 days



**COUNTRY****ENTRY VISA REQUIREMENTS (Foreigners arriving in Jamaica)**

TURKMENISTAN	Visa required may be obtained at the port of entry
TURKS & CAICOS ISLANDS (commonwealth)	NO visa required
TUVALU (commonwealth)	NO visa required
UGANDA (commonwealth)	NO visa required
UK OF GREAT BRITAIN & NORTHERN IRELAND (commonwealth)	NO visa required
UKRAINE	NO visa required for 30 days Effective March 07, 2013 for tourism/cultural exchanges
UNITED ARAB EMIRATES	Visa required
UNITED STATES OF AMERICA	NO visa required for 6 months
URUGUAY	NO visa required for 30 days
UZBEKISTAN	Visa required may be obtained at the port of entry
VANUATU (commonwealth)	NO visa required
VENEZUELA	NO visa required for 30 days (Effective March 16, 2012 for tourism/cultural exchanges/short business)
VIETNAM	Visa required
YEMEN	Visa required
YUGOSLAVIA	Visa required visa may be obtained at the port of entry
ZAMBIA (commonwealth)	NO visa required
ZIMBABWE (withdrawn from commonwealth)	Visa required

Showing 1 to 209 of 209 entries

PASSPORT, IMMIGRATION & CITIZENSHIP AGENCY – VISA UNIT  
Last updated September 26, 2016

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## **Annex 118**

Jordan, Honorary Consulate of Jordan in Ireland

<http://jordancons.web.ie/visa-eligibility>





Honorary Consulate of Jordan  
in Ireland

Select Page

a

## National eligibility to obtain visas at the Consulate in Dublin

The Consulate in Dublin is authorised to issue visas to citizens of countries which do not require pre-approval from Amman in Jordan.

Citizens of the following countries DO NOT require pre-approval for issuing a Visa to enter Jordan. Accordingly, passport holders of these countries can obtain their Visas either upon arrival in Jordan (24/7) or by applying to the consulate in Dublin before travelling.

All other nationalities, and persons with Travel Documents only, must apply to the Consular Department at the Jordanian embassy in London:  
[www.jordanembassy.org.uk/Consul.html](http://www.jordanembassy.org.uk/Consul.html)

ELIGIBLE NATIONALITIES



INELIGIBLE NATIONALITIES



Translate »



3/27/2019

Visa Eligibility | Honorary Consul of Jordan in Ireland



### Office Hours

9.00am to 5.00pm Monday to Friday  
Visit office by prior appointment only



### Contact Information

Telephone: + 353 86 2423083  
Email: [consul@jordanconsul.ie](mailto:consul@jordanconsul.ie)



### Postal Address

Consulate of The Hashemite Kingdom of Jordan,  
4 Cambridge Terrace Ranelagh, Dublin 6

[Translate »](#)







## **Annex 119**

Mali, Ministère des Affaires Etrangères, de la Coopération Internationale  
et de l'Intégration Africaine, Venir au Mali

[http://www.diplomatie.ml/?page\\_id=5522](http://www.diplomatie.ml/?page_id=5522)



3/27/2019

Venir au Mali | Ministère des Affaires Etrangères, de la Coopération Internationale et de l'Intégration Africaine

Textes & Documents Nous Contacter Consulter les Courriels Connexion g+ f t Recherche...

**MINISTÈRE DES AFFAIRES ÉTRANGÈRES, DE LA COOPÉRATION INTERNATIONALE ET DE L'INTÉGRATION AFRICAINE**

Le Ministère ▾ Structures ▾ Protocole de la République ▾ Politique Étrangère ▾ Réseau Diplomatique ▾ **Conseils aux Voyageurs ▾** Investir au Mali ▾

Accueil - Venir au Mali

## Venir au Mali

### Visas

La carte d'identité en règle ou le passeport en cours de validité suffit pour les ressortissants des pays membres de la CEDEAO, l'Algérie, le Cameroun, Andorre, la Principauté de Monaco, le Tchad, la Gambie, le Maroc, la Mauritanie, la Tunisie. Un passeport avec visa d'entrée et de séjour ou de transit pour tous les autres pays.

Les prorogations et les visas long séjour sont accordés par la direction générale de la Police Nationale à Bamako.

Pour promouvoir le tourisme certains assouplissements ont été apportés à la réglementation relative aux voyageurs qui rentrent au Mali après un voyage à l'étranger ou aux touristes qui viennent séjourner temporairement au Mali.

### Douanes

Outre les objets usagés importés par les voyageurs, les objets neufs ci-après sont exempts de droits de douane.

Il s'agit des vêtements et linge personnels, du tabac dans la limite de 1 000 cigarettes ou cigarillos ou 250 cigares ou 2 000 g de tabac; allumettes (10 petites boîtes ou 500 allumettes), autres objets (2 appareils photographiques ainsi que 2 rouleaux de film, 1 caméra ainsi que 2 rouleaux de films, 1 appareil de projection, 1 écran cinématographique, 1 poste récepteur radio, 1 tourne disque avec 25 disques, 1 magnétophone, 1 machine à écrire portable, 1 canne à pêche, 1 fusil de chasse importé sous le couvert d'une autorisation d'importation) ; les vivres et provision (5 boîtes de conserves, 2 bouteilles de boissons, 2 kg de sucre, 2kg de thé.

Sont exclus des franchises les marchandises prohibées en raison :

de la sécurité publique (armes, explosifs, munitions)

de la santé (stupéfiants, médicaments, substances psychotropes).

Formulaire de demande de visa d'entrée au Mali

### Documents Utiles/ Appel à Candidature

**ERDOGAN chez IBK CE VENDREDI 02 MARS** Le président de la république de Turquie, son Excellence M. Recep Tayib ERDOGAN sera à Bamako ce vendredi 02 Mars 2018. Il sera accueilli par son homologue malien, Son Excellence M. Ibrahim Boubacar KEITA, président de la république, Che de l'Etat.

28 février 2018

**5ème sommet UE-UA Investir dans la jeunesse pour une croissance inclusive accélérée et le développement durable**

8 décembre 2017

**Conférence de presse animée conjointement par le Ministre de l'Éducation nationale et le Coordinateur de la Fondation Maarif de la Turquie sur l'établissement « Les Collèges Horizon »**

28 août 2017

**Avis de recrutement pour le compte du Centre national de Coordination du Mécanisme d'Alerte précoce et de Réponse aux Risques sécuritaires**

6 juillet 2017

**LISTE ACTUALISÉE ET COORDONNÉES DU PERSONNEL DU DÉPARTEMENT CENTRAL**

7 juillet 2016

### Le Ministre



**Kamissa CAMARA**

Biographie

Écrire au Ministre

[http://diplomatie.ml/?page\\_id=5522](http://diplomatie.ml/?page_id=5522)

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## **Annex 120**

Mexico, Government information website on visas, 7 January 2014

Spanish with English translation

<http://www.sectur.gob.mx/guia-de-viaje/visa/>



# Visa

---

Si estás considerando pasar unas vacaciones en México, debes tener en cuenta los requisitos migratorios para entrar a nuestro país.

Al llegar a México sólo deberás presentar tu pasaporte en regla y la Forma Migratoria de Turista, Transmigrante, Visitante persona de negocios o Visitante consejero, un formulario que puedes obtener de forma gratuita en agencias de viaje, líneas aéreas o en el propio punto de entrada.

El agente migratorio en el punto de internación podrá solicitarte además que compruebes tener la solvencia económica necesaria y el boleto de regreso a tu país.

Si eres ciudadano de cualquier otra nacionalidad, debes acudir a la representación consular de México para solicitar el visado de turista. Si tienes un familiar, amigo o conocido en la República Mexicana, él podrá realizar el trámite ante el Instituto Nacional de Migración (<http://www.inm.gob.mx/index.php>).

Países que no requieren visa (contenido abajo)

Países que requieren visa (contenido abajo)

Solicitud de visa ([http://www.inm.gob.mx/index.php/page/Solicitud\\_de\\_Autorizacion\\_Visas](http://www.inm.gob.mx/index.php/page/Solicitud_de_Autorizacion_Visas))

Solicitud de estancia ([http://www.inm.gob.mx/index.php/page/Solicitud\\_de\\_Estancia](http://www.inm.gob.mx/index.php/page/Solicitud_de_Estancia))

Formato Básico ([http://www.inm.gob.mx/static/pdf/Formato\\_Basico.pdf](http://www.inm.gob.mx/static/pdf/Formato_Basico.pdf))

## SUBSECCIÓN

### PAÍSES QUE NO REQUIEREN VISA

Las personas nacionales de los siguientes países o regiones no requieren visa para viajar a México y solicitar su internación como Visitante sin permiso para realizar actividades remuneradas.

En el filtro de revisión migratoria, deberán presentar:

- 1.- Pasaporte o documento de identidad y viaje vigente que sea válido conforme al derecho internacional.
- 2.- FMM debidamente llenada.
- 3.- La autoridad migratoria podrá solicitar a la persona extranjera que compruebe el motivo de su viaje, mediante alguno de los siguientes documentos:
  - a) Reservación de hotel, boletos de regreso (itinerario), boletos de tours (itinerario).



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Visa | Secretaría de Turismo

b) Carta mandato en idioma español de la empresa matriz, filial o subsidiaria extranjera que indique que la persona extranjera es empleada de ella y que el pago de los servicios que prestará en el territorio nacional correrán por cuenta de la misma.

c) Copia del contrato de transferencia de tecnología, patentes y marcas, de compraventa de maquinaria y equipo, de capacitación técnica de personal, o de cualquier otro relacionado con el proceso de producción de una empresa establecida en México o que vinculen a la parte extranjera con la parte mexicana, o constancia de nombramiento por la asamblea de accionistas de empresas legalmente establecidas en México.

d) Carta de organización o institución pública o privada en la que invite a la persona extranjera para participar en alguna actividad no remunerada en territorio nacional, manifieste el objeto de la visita y el tiempo estimado de estancia. En caso de que la organización o institución sufrague los gastos de viaje y permanencia de la persona extranjera en el territorio nacional, se deberá adjuntar carta responsiva.

e) Carta de invitación o de aceptación de alguna institución perteneciente al Sistema Educativo Nacional para realizar cursos, estudios o proyectos de investigación o de formación por una temporalidad máxima de ciento ochenta días.

## A

Alemania

Argentina

Andorra

Aruba

Anguila

Australia

Antillas Holandesas

Austria

B

Bahamas (Comonwealth)

Belize

Barbados

Brasil

Bélgica

Bulgaria

C

Canadá

Corea del Sur

Chile

Costa Rica

Chipre

Croacia



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Colombia

D

Dinamarca

E

Eslovaquia

Estados Unidos de América

Eslovenia

Estonia

España

F

Finlandia

Francia

G

Gibraltar

Guadalupe

Grecia

Guayana Francesa

Groenlandia

H

Hong Kong

Hungría

I

Irlanda

Islas Marshall

Islandia

Islas Navidad

Islas Azores

Islas Niue

Islas Bermudas

Islas Norfolk

Islas Caimán

Islas Pitcairn

Islas Cocos

Islas Reunión



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Islas Cook  
Islas Vírgenes de los EUA  
Islas Faroe  
Islas Wallis y Futura  
Islas Guam  
Islas Vírgenes Británicas  
Islas Malvinas  
Israel  
Islas Marianas  
Italia  
J  
Jamaica  
Japón  
L  
Letonia  
Lituania  
Liechtenstein  
Luxemburgo  
M  
Macao  
Martinica  
Mahore  
Micronesia  
Malasia  
Mónaco  
Malta  
Montserrat  
N  
Noruega  
Nueva Caledonia  
Nueva Zelanda  
P  
Países Bajos (Holanda)  
Polinesia Francesa



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Palau

Polonia

Panamá

Portugal

Paraguay

Puerto Rico

Perú

R

Reino Unido de la Gran Bretaña

Rumania

República Checa

S

Samoa Americana

Singapur

San Marino

Suecia

Santa Helena

Suiza

T

Territorio Británico del Océano Índico

Trinidad y Tobago

Tokelau

Turcos y Caicos

U

Uruguay

V

Venezuela

Más información:

Instituto Nacional de Migración (<http://www.inm.gob.mx/index.php> (<http://www.inm.gob.mx/index.php>))

SUBSECCIÓN

PAISES QUE REQUIEREN VISA



Aquí conocerás los países y regiones que requieren visa para viajar a México

Las personas nacionales de los siguientes países o regiones deben obtener una visa para viajar a México. Para fines de recreo, negocios o cualquier actividad no remunerada en México que no rebase los 180 días, deberán solicitar en algún consulado mexicano la Visa de visitante sin permiso para realizar actividades remuneradas.

No requerirá visa mexicana el extranjero que presente alguno de los siguientes documentos:

- a) Documento que acredite residencia permanente en Canadá, Estados Unidos de América, Japón, el Reino Unido de la Gran Bretaña e Irlanda del Norte, o cualquiera de los países que integran el Espacio Schengen (<http://www.interior.gob.es/atzerritarrak-28/acuerdo-de-schengen-90>)
- b) Visa válida y vigente de los Estados Unidos de América.
- c) Tarjeta de Viajero de Negocios de APEC (ABTC) aprobada por México.
- d) Certificado que lo acredite como miembro de la tripulación de la aeronave en que arriba.
- e) Libreta de mar, si es miembro de la tripulación de la embarcación que arriba a puerto mexicano en travesía internacional. Si el tripulante arriba por vía aérea para enrolarse en un buque surto en puerto nacional, deberá presentar además de la libreta de mar, documento que acredite su enrolamiento, los datos de la embarcación y el puerto mexicano en el que esta se encuentra

#### Lista de países

##### A

Afganistán

Arabia Saudita

Albania

Argelia

Angola

Armenia

Antigua y Barbuda

Azerbaiyán

##### B

Bahrein

Botswana



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Bangladesh  
Brunei Darusalam  
Belarús  
Burkina Faso  
Benin  
Burundi  
Bolivia  
Bután  
Bosnia-Herzegovina  
C  
Cabo Verde  
Congo  
Camboya  
Congo, Rep. Dem. (Zaire)  
Camerún  
Corea del Norte  
Chad  
Costa de Marfil  
China  
Cuba  
Comoras  
D  
Djibuti  
Dominicana República  
Dominica  
E  
Ecuador  
Emiratos Árabes Unidos  
Egipto  
Eritrea  
El Salvador  
Etiopía  
F  
Federación Rusa



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Filipinas  
Fiji Islas  
G  
Gabón  
Guatemala  
Gambia  
Guinea  
Georgia  
Guinea Bissau  
Ghana  
Guinea Ecuatorial  
Grenada  
Guyana  
H  
Haití  
Honduras  
I  
India  
Irak  
Indonesia  
Irán  
  
J  
Jordania  
K  
Kazajistán  
Kiribati  
Kenia  
Kuwait  
Kirguistán  
L  
Laos  
Liberia  
Lesotho



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Libia

Líbano

M

Macedonia

Mauritania

Madagascar

Myanmar

Malawi

Moldova

Maldivas

Mongolia

Mali

Montenegro

Marruecos

Mozambique

Mauricio

N

Namibia

Nicaragua

Nauru

Niger

Nepal

Nigeria

O

Omán

P

Pakistán

Papua Nueva Guinea

Palestina

Q

Qatar

R

República Centroafricana

Ruanda



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República Árabe Saharaui Democrática

S

Salomon Islas

Seychelles Islas

Samoa Occidental

Sierra Leona

San Cristobal y Nieves

Siria

San Vicente y Las Granadinas

Somalia

Santa Lucía

Sri Lanka

Santa Sede

Sudáfrica

Santo Tome y Príncipe

Sudán

Senegal

Surinam

Serbia

Swazilandia

T

Tailandia

Tonga

Taiwán

Túnez

Tanzania

Turkmenistán

Tayikistán

Turquía

Timor Oriental

Tuvalu

Togo

U

Ucrania



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Visa | Secretaría de Turismo

Uzbekistán

Uganda

V

Vanuatu

Vietnam

Y

Yemen

Z

Zambia

Zimbawe

Más información:

Instituto Nacional de Migración (<http://www.inm.gob.mx/index.php> (<http://www.inm.gob.mx/index.php>))

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*La última vez que se actualizo este documento fue el 24 Agosto, 2016*

**Autor:**  
SECTUR

**Fecha de publicación:**  
7 Enero, 2014

### Enlaces

[Portal de Obligaciones de Transparencia \(http://portaltransparencia.gob.mx\)](http://portaltransparencia.gob.mx)

[Sistema Infomex \(https://www.infomex.org.mx/gobiernofederal/home.action\)](https://www.infomex.org.mx/gobiernofederal/home.action)

[INAL \(http://inicio.ifai.org.mx/SitePages/ifai.aspx\)](http://inicio.ifai.org.mx/SitePages/ifai.aspx)

### ¿Qué es gob.mx?

Es el portal único de trámites, información y participación ciudadana. [Leer más \(https://www.gob.mx/que-es-gobmx\)](https://www.gob.mx/que-es-gobmx)

[English \(https://www.gob.mx/en/index\)](https://www.gob.mx/en/index)

[Temas \(https://www.gob.mx/temas\)](https://www.gob.mx/temas)



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[Declaración de Accesibilidad \(https://www.gob.mx/accesibilidad\)](https://www.gob.mx/accesibilidad)[Aviso de privacidad integral \(https://www.gob.mx/privacidadintegral\)](https://www.gob.mx/privacidadintegral)[Aviso de privacidad simplificado \(https://www.gob.mx/privacidadesimplificado\)](https://www.gob.mx/privacidadesimplificado)[Términos y Condiciones \(https://www.gob.mx/terminos\)](https://www.gob.mx/terminos)[Política de seguridad \(https://www.gob.mx/terminos#medidas-seguridad-informacion\)](https://www.gob.mx/terminos#medidas-seguridad-informacion)[Marco Jurídico \(http://www.ordenjuridico.gob.mx\)](http://www.ordenjuridico.gob.mx)[Mapa de sitio \(https://www.gob.mx/sitemap\)](https://www.gob.mx/sitemap)

## Contacto

Mesa de ayuda: dudas e información

gobmx@funcionpublica.gob.mx

[Denuncia contra servidores públicos \(https://www.gob.mx/tramites/ficha/presentacion-de-quejas-y-denuncias-en-la-sfp/SFP54\)](https://www.gob.mx/tramites/ficha/presentacion-de-quejas-y-denuncias-en-la-sfp/SFP54)

Mantente informado. Suscríbete.



Síguenos en

**gob.mx**



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

3/27/2019

Visa / Secretary of Tourism

**Visa**

If you are considering a vacation in Mexico, you must take into account the immigration requirements to enter our country.

When you arrive in Mexico, all you have to do is present your valid passport and the Migratory Form of Tourist, Transmigrant, Business Visitor or Visitor Counselor, a form that you can obtain for free at travel agencies, airlines or at the point of entry.

The immigration agent at the point of entry may also ask you to prove that you have the necessary economic solvency and the return ticket to your country.

If you are citizen of any other nationality, you must go to the consular representation of Mexico to apply for the tourist visa. If you have a family member, friend or acquaintance in the Mexican Republic, he will be able to carry out the procedure before the National Institute of Migration (<http://www.inm.gob.mx/index.php>).

Countries that do not require visa (content below)

Countries that require visa (content below)

Visa application ([http://www.inm.gob.mx/index.php/page/Solicitud\\_de\\_Autorizacion\\_Visas](http://www.inm.gob.mx/index.php/page/Solicitud_de_Autorizacion_Visas))

Request for stay ([http://www.inm.gob.mx/index.php/page/Solicitud\\_de\\_Estancia](http://www.inm.gob.mx/index.php/page/Solicitud_de_Estancia))

Basic Format ([http://www.inm.gob.mx/static/pdf/Formato\\_Basico.pdf](http://www.inm.gob.mx/static/pdf/Formato_Basico.pdf))

**SUBSECTION****COUNTRIES THAT DO NOT REQUIRE A VISA**

Nationals of the following countries or regions do not require a visa to travel to Mexico and apply for admission as a Visitor without permission to engage in paid activities.

In the migratory revision filter, they must present:

- 1.- Passport or identity and travel document valid in accordance with international law.
- 2.- FMM duly filled.
- 3.- The immigration authority may request the foreigner to prove the reason for its travel, through any of the following documents:
  - a) Hotel reservation, return tickets (itinerary), tour tickets (itinerary).



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

b) Letter of mandate in Spanish language of the parent company, affiliate or foreign subsidiary indicating that the foreign person is its employee and that the payment for services rendered in the national territory shall be borne by the same.

c) Copy of the contract for transfer of technology, patents and trademarks, purchase and sale of machinery and equipment, technical training of personnel, or any other related to the production process of a company established in Mexico or linking the foreign party with the Mexican party, or proof of appointment by the shareholders meeting of companies legally incorporated established in Mexico.

d) Letter from a public or private organization or institution inviting the foreign person to participate in any unpaid activity in the national territory, stating the purpose of the visit and the estimated length of stay. In the event that the organization or institution covers the travel expenses and stay of the foreign in the national territory, a letter holding it liable must be attached.

e) Letter of invitation or acceptance from an institution belonging to the National Educational System to carry out courses, studies or research or training projects for a maximum period of one hundred and eighty days.

A

American Samoa

Andorra

Anguilla

Argentina

Aruba

Australia

Austria

Azores Islands

B

Bahamas (Comonwealth)

Barbados



<p><b><u>ENGLISH TRANSLATION</u></b> <b><u>(FROM SPANISH)</u></b></p>
---

Belgium

Belize

Bermuda

Brazil

British Indian Ocean Territory

British Virgin Islands

Bulgaria

C

Canada

Cayman Islands

Chile

Cocos Islands

Colombia

Cook Islands

Costa Rica

Croatia

Christmas Islands

Cyprus

D

Denmark

E

Estonia

F



<p style="text-align: center;"><b><u>ENGLISH TRANSLATION</u></b> <b><u>(FROM SPANISH)</u></b></p>
---

Faroe Islands

Finland

France

French Guiana

French Polynesia

G

Germany

Gibraltar

Greece

Greenland

Guadeloupe

Guam Islands

H

Hong Kong

Hungary

I

Ireland

Iceland

Israel

Italy

J

Jamaica

Japan



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

L

Latvia

Lithuania

Liechtenstein

Luxembourg

M

Macao

Mahore

Malaysia

Malta

Malvinas Islands

Mariana Islands

Marshall Islands

Martinique

Micronesia

Monaco

Montserrat

N

Norfolk Islands

Netherlands Antilles

Netherlands (Holland)

Niue Islands

Norway



<p style="text-align: center;"><b><u>ENGLISH TRANSLATION</u></b> <b><u>(FROM SPANISH)</u></b></p>
---

New Caledonia

New Zealand

P

Palau

Panama

Paraguay

Peru

Pitcairn Islands

Poland

Portugal

Puerto Rico

R

Reunion

Romania

Czech Republic

S

Saint Helena

San Marino

Singapore

Slovakia

Slovenia

South Korea

Spain



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

Sweden

Switzerland

T

Trinidad and Tobago

Tokelau

Turks and Caicos

U

United States of America

United Kingdom of Great Britain and Northern Ireland

Uruguay

U.S. Virgin Islands

V

Venezuela

W

Wallis and Futura Islands

For more information:

National Migration Institute (<http://www.inm.gob.mx/index.php>)

**SUBSECTION**

**COUNTRIES THAT REQUIRE A VISA**

Here you will learn about the countries and regions that require a visa to travel to Mexico.

Nationals of the following countries or regions shall obtain a visa to travel to Mexico. For purposes of recreation, business or any unpaid activity in Mexico that does not exceed 180 days, such national shall apply at a Mexican consulate for a visitor's visa without permission to perform paid activities.



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

A foreign national that presents any of the following documents will not require a Mexican visa:

(a) Document evidencing permanent residence in Canada, Japan, the United Kingdom of Great Britain and Northern Ireland, the United States of America or any of the countries of the Schengen Area (<http://www.interior.gob.es/atzerritarrak-28/acuerdo-de-schengen-90>)

(b) In force and valid visa of the United States of America.

(c) APEC Business Traveler Card (ABTC) approved by Mexico.

(d) Certificate evidencing the foreign national as a member of the crew of the aircraft on which he/she arrives.

(e) Seaman's book, if the foreign national is a member of the crew of the vessel that arrives to Mexican port in international voyage. If the crew member arrives by aircraft to enroll in a southern ship in national port, he/she shall present in addition to the seaman's book, a document proving his/her enrollment, the data of the vessel and the Mexican port in which it is located.

List of countries

A

Afghanistan

Albania

Algeria

Angola

Antigua and Barbuda

Armenia

Azerbaijan

B

Bahrain

Bangladesh

Belarus



<p><b><u>ENGLISH TRANSLATION</u></b> <b><u>(FROM SPANISH)</u></b></p>
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Benin

Bolivia

Bosnia-Herzegovina

Botswana

Bhutan

Brunei Darussalam

Burkina Faso

Burundi

C

Cambodia

Cameroon

Cape Verde

Central African Republic

Chad

China

Comoros

Congo

Congo, Dem. Rep. (Zaire)

Cuba

D

Djibouti

Dominican

Dominica



<p><b><u>ENGLISH TRANSLATION</u></b> <b><u>(FROM SPANISH)</u></b></p>
---

E

Ecuador

Egypt

El Salvador

Eritrea

Ethiopia

Equatorial Guinea

F

Fiji Islands

G

Gabon

Gambia

Georgia

Ghanaian

Grenada

Guatemala

Guinea

Guinea Bissau

Guyana

H

Haiti

Honduras

I



<p><b><u>ENGLISH TRANSLATION</u></b> <b><u>(FROM SPANISH)</u></b></p>
---

India

Indonesia

Iran

Iraq

Ivory Coast

J

Jordan

K

Kazakhstan

Kenya

Kiribati

Kuwait

Kyrgyzstan

L

Laos

Lebanon

Lesotho

Liberia

Libya

M

Macedonia

Madagascar

Malawi



<p><b><u>ENGLISH TRANSLATION</u></b> <b><u>(FROM SPANISH)</u></b></p>
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Maldives

Mali

Mauritania

Mauritius

Moldova

Mongolia

Montenegro

Morocco

Mozambique

Myanmar

N

Namibia

Nauru

Nepal

Nicaragua

Niger

Nigeria

North Korea

O

Oman

P

Palestine

Papua New Guinea



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

Pakistan

Philippines

Q

Qatar

R

Russian Federation

Rwanda

S

Saharawi Arab Democratic Republic

Saint Kitts and Nevis

Saint Lucia

Saint Vincent and the Grenadines

Sao Tome and Principe

Saudi Arabia

Serbia

Senegal

Seychelles Islands

Sierra Leone

Solomon Islands

Somalia

South Africa

Sri Lanka

Sudan



<p style="text-align: center;"><b><u>ENGLISH TRANSLATION</u></b> <b><u>(FROM SPANISH)</u></b></p>
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Suriname

Syria

Swaziland

T

Taiwan

Tajikistan

Tanzania

Thailand

Timor-Leste

Togo

Tonga

Tunisia

Turkey

Turkmenistan

Tuvalu

U

Uganda

Ukraine

United Arab Emirates

Uzbekistan

V

Vanuatu

Vatican



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

Vietnam

W

Western Samoa

Y

Yemen

Z

Zambia

Zimbabwe

For more information:

National Migration Institute (<http://www.inm.gob.mx/index.php>)



## **Annex 121**

Mexico, Agreement by which visa requirements are waived with  
regard to passports of nationals of Ecuador, 27 November 2018,  
Article 1

Spanish with English translation (extract)



3/27/2019

DOF - Diario Oficial de la Federación

DOF: 29/11/2018

**ACUERDO por el que se suprime el requisito de visa en pasaportes ordinarios a los nacionales de la República del Ecuador.****Al margen un sello con el Escudo Nacional, que dice: Estados Unidos Mexicanos.- Secretaría de Gobernación.- Secretario.**

JESÚS ALFONSO NAVARRETE PRIDA, Secretario de Gobernación, con fundamento en lo dispuesto por los artículos 9 y 27, fracción XXXIII de la Ley Orgánica de la Administración Pública Federal; 4 de la Ley Federal de Procedimiento Administrativo; 1, 3, fracción XXXI, 18, fracciones I y III, 20, fracciones I, II y III, 34, 35, 37, fracciones I, inciso a), II y III, inciso a) y 52, fracción I de la Ley de Migración; 5, 55 y 130 del Reglamento de la Ley de Migración; así como 1 y 5, fracción XLI del Reglamento Interior de la Secretaría de Gobernación, y

**CONSIDERANDO**

Que el Plan Nacional de Desarrollo 2013-2018 establece, en su meta denominada "México con Responsabilidad Global", que el país debe ser una fuerza positiva y propositiva en el mundo, recobrando el liderazgo en beneficio de las grandes causas globales y reafirmando el compromiso con el libre comercio, la movilidad de capitales, la integración productiva, la movilidad segura de personas y la atracción de talento e inversión al país;

Que las estrategias 5.1.2 y 5.4.3 de la meta nacional mencionada establecen que México debe consolidar su posición como un actor regional relevante, mediante la profundización de los procesos de integración en marcha y la ampliación del diálogo y la cooperación con los países de América Latina; asimismo dispone el deber de promover la facilitación de la movilidad internacional de personas en beneficio del desarrollo nacional, al establecer una línea de acción para diseñar mecanismos de facilitación migratoria que permitan consolidar la posición de México como destino turístico y de negocios, así como facilitar la movilidad transfronteriza de personas y mercancías para dinamizar la economía regional, mediante la simplificación de procesos de gestión migratoria tanto para las personas que ingresan como para las que radican en México;

Que en congruencia con el Plan Nacional de Desarrollo 2013-2018, el Programa Especial de Migración 2014-2018, en su objetivo 3, prevé consolidar una gestión migratoria eficaz, fundamentada en criterios de facilitación, corresponsabilidad internacional, seguridad fronteriza y seguridad humana, a través, entre otras líneas de acción, de la promoción y fortalecimiento de mecanismos y medidas de facilitación migratoria para agilizar la movilidad documentada de la población mexicana y extranjera, así como afianzar la posición de México como destino turístico y de negocios;

Que de acuerdo con lo previsto en el artículo 37, fracción I, inciso b) de la Ley de Migración, para ingresar al país las personas extranjeras deben presentar entre otros requisitos, visa, y que actualmente el gobierno mexicano requiere visa de visitante sin permiso para realizar actividades remuneradas a los nacionales de la República del Ecuador, y dicho país no requiere visa de ingreso a nuestros connacionales en condiciones migratorias similares;

Que la Secretaría de Gobernación de conformidad con lo dispuesto por el artículo 18, fracciones I y III de la Ley de Migración, cuenta con la atribución de formular y dirigir la política del Estado mexicano en materia migratoria; así como establecer o suprimir requisitos para el ingreso de extranjeros al territorio nacional, mediante disposiciones de carácter general publicadas en el Diario Oficial de la Federación, tomando en cuenta la opinión de las autoridades que al efecto se establezcan en el Reglamento de la Ley de Migración;

Que con el objetivo de afianzar la posición de México como destino turístico y de negocios, y con la finalidad de facilitar la movilidad internacional de los nacionales de ambos países en cortas estancias con fines de turismo, culturales, de negocios, entre otros, en un marco de respeto, protección y salvaguarda de los derechos humanos, de contribución al desarrollo nacional, así como de preservación de la soberanía y de la seguridad pública y nacional, y tomando como base los principios de responsabilidad compartida y facilitación de la movilidad internacional de personas, salvaguardando el orden y la seguridad que entre otros, sustentan la política migratoria del Estado mexicano, se ha considerado suprimir de manera unilateral, el requisito de visa en pasaportes ordinarios para nacionales de la República de Ecuador;

Que en el marco de la I Reunión del Grupo de Trabajo sobre Asuntos Migratorios y Consulares México-Ecuador celebrada en la Ciudad de México en febrero de 2015, ambos países establecieron una hoja de ruta para la supresión de visa mexicana en pasaportes ordinarios a nacionales ecuatorianos, la cual quedó concluida;

Que previa opinión de las autoridades competentes y teniendo en cuenta que la hoja de ruta establecida para la supresión de visa mexicana, se ha abordado en diversas reuniones del Grupo de Trabajo y encuentros sostenidos por los mandatarios de ambos países, y que actualmente se implementa a satisfacción de las Partes, he tenido a bien expedir el siguiente

**ACUERDO POR EL QUE SE SUPRIME EL REQUISITO DE VISA EN PASAPORTES ORDINARIOS A LOS NACIONALES DE LA REPÚBLICA DEL ECUADOR**

**Artículo 1.** Se suprime el requisito de visa en pasaportes ordinarios a los nacionales de la República del Ecuador que pretendan ingresar al territorio de los Estados Unidos Mexicanos en la condición de estancia de Visitante sin permiso para realizar actividades remuneradas.

Para ingresar al territorio nacional en la condición de estancia señalada, los nacionales de la República del Ecuador deberán cumplir con el trámite de internación a territorio nacional en la modalidad de internación de personas extranjeras que no requieren visa, previsto en los Lineamientos para trámites y procedimientos migratorios.

**Artículo 2.** La Secretaría de Relaciones Exteriores en términos de la normativa aplicable, notificará al gobierno de la República del Ecuador la decisión del gobierno mexicano de suprimir el requisito de visa en pasaportes ordinarios a los



3/27/2019

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nacionales ecuatorianos.

**Artículo 3.** El Estado mexicano podrá suspender el presente Acuerdo de manera temporal o permanente por razones de seguridad nacional, orden o salud pública, para lo cual podrá atender las opiniones de las autoridades competentes.

**Artículo 4.** Esta Secretaría, en conjunto con la Secretaría de Relaciones Exteriores, llevará a cabo las acciones necesarias en el ámbito de su competencia para actualizar los procedimientos, sistemas y bases de información sobre el ingreso de personas extranjeras al país con el objetivo de incorporar la medida señalada en el artículo 1 del presente Acuerdo; asimismo, en términos de lo dispuesto en el artículo 26, fracción I de la Ley de Migración, solicitarán el apoyo de la Secretaría de Turismo para difundirla.

#### TRANSITORIOS

**Primero.** El presente Acuerdo entrará en vigor el día de su publicación en el Diario Oficial de la Federación.

**Segundo.** La Secretaría de Relaciones Exteriores, de acuerdo a sus atribuciones y en términos de lo establecido en los artículos 77 de la Ley de Migración, y 3, fracción II, 11, fracción IV, 16, fracción X y 57, fracción V de la Ley Federal de Procedimiento Administrativo, resolverá como solicitudes sin materia los trámites de solicitud de visa de visitante sin permiso para realizar actividades remuneradas que los nacionales de la República del Ecuador hayan presentado previo a la entrada en vigor del presente Acuerdo, y que a la fecha de su entrada en vigor todavía no se hayan resuelto.

**Tercero.** Esta Secretaría, en coordinación con la Secretaría de Relaciones Exteriores, llevará a cabo las acciones necesarias para dar cumplimiento a lo previsto en el artículo 4 del Acuerdo en la fecha señalada en el artículo Primero transitorio del presente.

Dado en la Ciudad de México, a 27 de noviembre de 2018.- El Secretario de Gobernación, **Jesús Alfonso Navarrete Prida**.-  
Rúbrica.



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

**Mexican Federal Official Gazette**

**DOF: 29/11/2018**

**AGREEMENT by which visa requirements are waived with regard to ordinary passports  
of nationals of the Republic of Ecuador**

[...]

Article 1. The visa requirement in ordinary passports is waived for nationals of the Republic of Ecuador who intend to enter the territory of the United Mexican States as a Visitor without permission to engage in remunerated activities.

To enter the national territory in the condition of stay indicated, nationals of the Republic of Ecuador shall comply with the procedure of admission to national territory in the mode of entry of foreign persons who do not require visa, provided in the Guidelines for immigration procedures and formalities.

[...]



## **Annex 122**

Morocco, Loi n° 02-03 relative à l'entrée et au séjour des étrangers au  
Royaume du Maroc, à l'émigration et l'immigration irrégulières



**Dahir n° 1-03-196 du 16 ramadan 1424 (11 novembre 2003) portant promulgation de la loi n° 02-03 relative à l'entrée et au séjour des étrangers au Royaume du Maroc, à l'émigration et l'immigration irrégulières**

Bulletin Officiel n° 5162 du Jeudi 20 Novembre 2003.

**LOUANGE A DIEU SEUL !**

(Grand Sceau de Sa Majesté Mohammed VI)

Que l'on sache par les présentes - puisse Dieu en élever et en fortifier la teneur !

Que Notre Majesté Chérifienne,

Vu la Constitution, notamment ses articles 26 et 58,

A décidé ce qui suit :

Est promulguée et sera publiée au Bulletin officiel, à la suite du présent dahir, la loi n° 02-03 relative à l'entrée et au séjour des étrangers au Royaume du Maroc, à l'émigration et l'immigration irrégulières, telle qu'adoptée par la Chambre des représentants et la Chambre des conseillers.

Fait à Rabat, le 16 ramadan 1424 (11 novembre 2003),

Pour contresign :

Le Premier ministre,

Driss Jettou

**Loi n° 02-03 relative à l'entrée et du séjour des étrangers au Royaume du Maroc, à l'émigration et l'immigration irrégulières**

**Titre Premier :**

De l'entrée et au séjour des étrangers au royaume du Maroc

**Chapitre Premier : Dispositions générales**

Article Premier : Sous réserve de l'effet des conventions internationales dûment publiées, l'entrée et le séjour des étrangers au Royaume du Maroc sont régis par les dispositions de la présente loi.

On entend par " étrangers ", au sens de la présente loi, les personnes n'ayant pas la nationalité marocaine, n'ayant pas de nationalité connue, ou dont la nationalité n'a pas pu être déterminée.

Article 2 : Sous réserve de la réciprocité, les dispositions de la présente loi ne sont pas applicables aux agents des missions diplomatiques et consulaires et à leurs membres accrédités au Maroc, ayant le statut diplomatique.



**Article 3 :** Tout étranger débarquant ou arrivant sur le territoire marocain est tenu de se présenter aux autorités compétentes, chargées du contrôle aux postes frontières, muni d'un passeport délivré par l'Etat dont il est ressortissant, ou de tout autre document en cours de validité reconnu par l'Etat marocain comme titre de voyage en cours de validité et assorti, le cas échéant, du visa exigible, délivré par l'administration.

**Article 4 :** Le contrôle effectué à l'occasion de la vérification d'un des documents visés à l'article 3 ci-dessus peut, également, porter sur les moyens d'existence et les motifs de la venue au Maroc de la personne concernée et aux garanties de son rapatriement, eu égard notamment aux lois et règlements relatifs à l'immigration.

L'autorité compétente, chargée du contrôle aux postes frontières, peut refuser l'entrée au territoire marocain à toute personne qui ne remplit pas ces obligations ou ne satisfait pas aux justifications prévues par les dispositions ci-dessus ou par les lois et règlements relatifs à l'immigration.

L'accès au territoire marocain peut également être refusé à tout étranger dont la présence constituerait une menace pour l'ordre public ou qui fait l'objet soit d'une interdiction du territoire soit d'une expulsion.

Tout étranger auquel est opposé un refus d'entrée a le droit d'avertir ou de faire avertir la personne chez laquelle il a indiqué qu'il devait se rendre, le consulat de son pays ou l'avocat de son choix.

L'étranger auquel est opposé un refus d'entrée au territoire marocain peut être maintenu dans les locaux prévus au premier alinéa de l'article 34 ci-dessous.

La décision prononçant le refus peut être exécutée d'office par les autorités compétentes chargées du contrôle aux postes frontières.

## **Chapitre II : Des titres de séjour**

**Article 5 :** Les titres de séjour sur le territoire marocain sont :

- la carte d'immatriculation ;
- la carte de résidence.

**Article 6 :** L'étranger en séjour sur le territoire marocain, âgé de plus de dix-huit ans, doit être titulaire d'une carte d'immatriculation ou d'une carte de résidence.

L'étranger, âgé de seize à dix-huit ans, qui déclare vouloir exercer une activité professionnelle salariée, reçoit, de plein droit, une carte d'immatriculation si l'un de ses parents est titulaire de la même carte.

L'étranger peut, dans les autres cas, solliciter une carte d'immatriculation.



Sous réserve des conventions internationales, les mineurs âgés de moins de dix-huit ans dont l'un des parents est titulaire d'un titre de séjour, ceux parmi ces mineurs qui remplissent les conditions prévues à l'article 17 ci-dessous, ainsi que les mineurs

entrés au territoire marocain pour y suivre des études sous couvert d'un visa de séjour d'une durée supérieure à trois mois, reçoivent, sur leur demande, un document de circulation qui est délivré dans des conditions fixées par voie réglementaire.

Article 7 : Les titres de séjour sont soumis, lors de leur délivrance, de leur renouvellement ou de leur duplication, aux droits de timbre prévus par la section IV de l'article 8 du chapitre III du livre II du décret n° 2-58-1151 du 12 joumada II 1378 (24 décembre 1958) portant codification des textes sur l'enregistrement et le timbre.

#### Section Première : De la carte d'immatriculation

Article 8 : L'étranger désireux de séjourner sur le territoire marocain est tenu de demander à l'administration, dans les conditions et selon les modalités déterminées par voie réglementaire, la délivrance d'une carte d'immatriculation renouvelable, qu'il doit détenir ou être en mesure de présenter à l'administration dans un délai de 48 heures.

La carte d'immatriculation est remplacée provisoirement par le récépissé de la demande de délivrance ou de renouvellement de ladite carte.

Article 9 : Sont dispensés de souscrire à une demande de carte d'immatriculation :

1) outre les agents et membres des missions diplomatiques et consulaires visés par l'article 2 ci-dessus, leurs conjoints, leurs ascendants et leurs enfants mineurs ou non mariés vivant sous leur toit :

2) les étrangers séjournant au Maroc pendant une durée maximale de 90 jours, sous couvert d'un titre régulier de voyage.

Article 10 : La carte d'immatriculation emporte autorisation de séjour pour une durée de 1 à 10 ans au maximum, renouvelable pour la même période, selon les raisons invoquées par l'étranger pour justifier son séjour sur le territoire marocain à l'administration marocaine compétente.

L'étranger doit déclarer aux autorités marocaines le changement de son lieu de résidence dans les délais et selon les formes fixés par voie réglementaire.

Article 11 : Lorsque la carte d'immatriculation est refusée ou retirée, l'étranger intéressé doit quitter le territoire marocain dans le délai de 15 jours, à compter du jour de la notification du refus ou du retrait par l'administration.

Article 12 : L'étranger doit quitter le territoire marocain à l'expiration de la durée de validité de sa carte d'immatriculation, à moins qu'il en obtienne le renouvellement ou que lui soit délivrée une carte de résidence.



Article 13 : La carte d'immatriculation délivrée à l'étranger, qui apporte la preuve qu'il peut vivre de ses seules ressources et qui prend l'engagement de n'exercer au Maroc aucune activité professionnelle soumise à autorisation, porte la mention " visiteur ".

La carte d'immatriculation délivrée à l'étranger qui établit qu'il suit au Maroc un enseignement ou qu'il y fait des études et qui justifie de moyens d'existence suffisants, porte la mention " étudiant ".

La carte d'immatriculation délivrée à l'étranger désirant exercer au Maroc une activité professionnelle soumise à autorisation et qui justifie l'avoir obtenue, porte la mention de cette activité.

Article 14 : La carte d'immatriculation peut être refusée à tout étranger dont la présence au Maroc constitue une menace pour l'ordre public.

Article 15 : L'octroi de la carte d'immatriculation peut être subordonné à la production par l'étranger d'un visa de séjour d'une durée supérieure à trois mois.

## Section II : De la carte de Résidence

Article 16 : Peut obtenir une carte dite carte de résidence, l'étranger qui justifie d'une résidence sur le territoire marocain, non interrompue, conforme aux lois et règlements en vigueur, d'au moins 4 années.

La décision d'accorder ou de refuser la carte de résidence est prise en tenant compte notamment des moyens d'existence dont l'étranger dispose, parmi lesquels les conditions de son activité professionnelle et, le cas échéant, des faits qu'il peut invoquer à l'appui de son intention de s'établir durablement sur le territoire marocain.

La carte de résidence peut être refusée à tout étranger dont la présence sur le territoire marocain constitue une menace pour l'ordre public.

Article 17 : Sous réserve de la régularité du séjour et de celle de l'entrée au territoire marocain, et sauf dérogation, la carte de résidence est délivrée :

- 1 - au conjoint étranger d'un ressortissant de nationalité marocaine ;
- 2 - à l'enfant étranger, d'une mère marocaine, et à l'enfant apatride d'une mère marocaine, qui ne bénéficie pas des dispositions de l'article 7 (1°) du dahir n° 1-58-250 du 21 safar 1378 (6 septembre 1958) portant code de la nationalité marocaine si cet enfant a atteint l'âge de majorité civile, ou s'il est à la charge de sa mère, ainsi qu'aux ascendants étrangers d'un ressortissant marocain et de son conjoint, qui sont à sa charge ;
- 3 - à l'étranger, qui est père ou mère d'un enfant résident et né au Maroc, et qui a acquis la nationalité marocaine par le bienfait de la loi, dans les deux ans précédant sa majorité, en application des dispositions de l'article 9 du dahir n° 1-58-250 du 21 safar 1378 (6 septembre 1958) précité, à la condition qu'il exerce la représentation légale de l'enfant, le droit de garde ou qu'il subviennne effectivement aux besoins de cet enfant ;
- 4 - au conjoint et aux enfants mineurs d'un étranger titulaire de la carte de résidence.

Toutefois, à leur majorité civile, les enfants peuvent solliciter individuellement une carte de résidence conformément aux conditions requises ;



5 -à l'étranger qui a obtenu le statut de réfugié en application du décret du 2 safar 1377 (29 août 1957), fixant les modalités d'application de la convention relative au statut des réfugiés, signée à Genève le 28 juillet 1951, ainsi qu'à son conjoint et à ses enfants mineurs ou dans l'année qui suit leur majorité civile ;

6- à l'étranger qui justifie par tous moyens avoir sa résidence habituelle au Maroc depuis plus de quinze ans ou depuis qu'il a atteint, au plus, l'âge de dix ans ou qu'il est en situation régulière depuis plus de dix ans.

Toutefois, la carte de résidence ne peut être délivrée dans les cas ci-dessus mentionnés, si la présence de l'étranger au Maroc constitue une menace pour l'ordre public.

Article 18 :L'étranger doit déclarer aux autorités marocaines le changement de son lieu de résidence dans les délais et selon les formes fixés par voie réglementaire.

La carte de résidence d'un étranger, qui aura quitté le territoire marocain pendant une période de plus de deux ans est considérée périmée.

### Section III : Du refus de délivrance ou de renouvellement d'un titre de séjour

Article 19 : La délivrance d'un titre de séjour est refusée à l'étranger, qui ne remplit pas les conditions auxquelles les dispositions de la présente loi subordonnent la délivrance des titres de séjour ou qui, sollicitant la délivrance d'une carte d'immatriculation au titre de l'exercice d'une activité professionnelle, n'est pas autorisé à exercer celle-ci.

Le titre de séjour peut être retiré si :

- l'étranger ne fournit pas les documents et justifications prévus par voie réglementaire ;
- le détenteur du titre fait l'objet d'une mesure d'expulsion ou d'une décision judiciaire d'interdiction du territoire marocain.

Dans les cas prévus aux deux alinéas précédents, l'intéressé doit quitter le territoire marocain.

Article 20 :L'étranger dont la demande d'obtention ou de renouvellement d'un titre de séjour a été refusée ou qui s'est vu retirer, ce titre peut formuler un recours devant le président du tribunal administratif en sa qualité de juge des référés dans le délai de quinze (15) jours suivant la date de notification de la décision du refus ou du retrait.

Le recours mentionné au premier alinéa ci-dessus n'empêche pas la prise d'une décision de reconduite à la frontière ou d'expulsion conformément aux chapitres III, IV et V du Titre Premier de la présente loi.

### Chapitre III : De la Reconduite à la Frontière

Article 21 : La reconduite à la frontière peut être ordonnée par l'administration, par décision motivée, dans les cas suivants :

1 - si l'étranger ne peut justifier être entré régulièrement sur le territoire marocain, à moins que sa situation n'ait été régularisée postérieurement à son entrée ;

2 - si l'étranger s'est maintenu sur le territoire marocain au-delà de la durée de validité de son visa ou, s'il n'est pas soumis à l'obligation du visa, à l'expiration d'un délai de trois mois à



compter de son entrée au territoire marocain, sans être titulaire d'une carte d'immatriculation régulièrement délivrée ;

3 - si l'étranger, auquel la délivrance ou le renouvellement d'un titre de séjour a été refusé ou a été retiré, s'est maintenu sur le territoire marocain au-delà du délai de 15 jours, à compter de la date de notification du refus ou du retrait ;

4 - si l'étranger n'a pas demandé le renouvellement de son titre de séjour et s'est maintenu sur le territoire marocain au-delà du délai de 15 jours, suivant l'expiration du titre du séjour ;

5 - si l'étranger a fait l'objet d'une condamnation par jugement définitif pour contrefaçon, falsification, établissement. sous un autre nom que le sien ou défaut de titre de séjour ;

6 - si le récépissé de la demande de carte d'immatriculation qui avait été délivré à l'étranger lui a été retiré ;

7 - si l'étranger a fait l'objet d'un retrait de sa carte d'immatriculation ou de résidence, ou d'un refus de délivrance ou de renouvellement de l'une de ces deux cartes, dans les cas où ce retrait ou ce refus ont été prononcés, en application des dispositions législatives et réglementaires en vigueur, en raison d'une menace à l'ordre public.

Article 22 : La décision de reconduite à la frontière peut, en raison de la gravité du comportement l'ayant motivé, et en tenant compte de la situation personnelle de l'intéressé, être accompagnée d'une décision d'interdiction du territoire, d'une durée maximale d'un an, à compter de l'exécution de la reconduite à la frontière.

La décision prononçant l'interdiction du territoire marocain constitue une décision distincte de celle de reconduite à la frontière. Elle est motivée et ne peut intervenir qu'après que l'intéressé ait présenté ses observations. Elle comporte de plein droit reconduite à la frontière de l'étranger concerné.

Article 23 : L'étranger, qui fait l'objet d'une décision de reconduite à la frontière, peut, dans les quarante-huit heures suivant la notification, demander l'annulation de cette décision au président du tribunal administratif, en sa qualité de juge des référés.

Le président ou son délégué statue dans un délai de 4 jours francs à compter de la saisine. Il peut se transporter au siège de l'instance judiciaire la plus proche du lieu où se trouve l'étranger, si celui-ci est retenu en application de l'article 34 de la présente loi.

L'étranger peut demander au président du tribunal administratif ou à son délégué le concours d'un interprète et la communication du dossier, contenant les pièces sur la base desquelles la décision attaquée a été prise.

L'audience est publique ; elle se déroule en présence de l'intéressé, sauf si celui-ci, dûment convoqué, ne se présente pas à l'audience.

L'étranger est assisté de son avocat s'il en a un. Il peut demander au président ou à son délégué la désignation d'office d'un avocat.



Article 24 : Les dispositions de l'article 34 de la présente loi peuvent être appliquées dès l'intervention de la décision de reconduite à la frontière. Cette décision ne peut être exécutée avant l'expiration d'un délai de quarante-huit heures suivant sa notification ou, si le président du tribunal administratif est saisi, avant qu'il n'ait statué.

Si la décision de reconduite à la frontière est annulée, il est immédiatement mis fin aux mesures de surveillance prévues à l'article 34 ci-dessous, et l'étranger est muni d'une autorisation provisoire de séjour jusqu'à ce qu'une décision relative à sa situation soit de nouveau prononcée par l'administration.

Le jugement du président du tribunal administratif est susceptible d'appel devant la chambre administrative de la Cour suprême dans un délai d'un mois à compter de la date de notification. Cet appel n'est pas suspensif.

Dès notification de la décision de reconduite à la frontière, l'étranger est immédiatement mis en mesure d'avertir un avocat, le consulat de son pays ou une personne de son choix.

#### Chapitre IV : De l'expulsion

Article 25 :L'expulsion peut être prononcée par l'administration si la présence d'un étranger sur le territoire marocain constitue une menace grave pour l'ordre public sous réserve des dispositions de l'article 26 ci-dessous.

La décision d'expulsion peut à tout moment être abrogée ou rapportée.

Article 26 :Ne peuvent faire l'objet d'une décision d'expulsion :

- 1 - l'étranger qui justifie par tous moyens qu'il réside au Maroc habituellement depuis qu'il a atteint au plus l'âge de six ans ;
- 2 - l'étranger qui justifie par tous moyens qu'il réside au Maroc habituellement depuis plus de quinze ans ;
- 3 - l'étranger qui réside régulièrement sur le territoire marocain depuis dix ans, sauf s'il a été étudiant pendant toute cette période ;
- 4 - l'étranger, marié depuis au moins un an, avec un conjoint marocain ;
- 5 - l'étranger qui est père ou mère d'un enfant résidant au Maroc, qui a acquis la nationalité marocaine par le bienfait de la loi, en application des dispositions de l'article 9 du dahir n° 1 - 58-250 du 21 safar 1378 (6 septembre 1958) précité, à condition qu'il exerce effectivement la tutelle légale à l'égard de cet enfant et qu'il subviennne à ses besoins ;
- 6 - l'étranger résidant régulièrement au Maroc sous couvert de l'un des titres de séjour prévus par la présente loi ou les conventions internationales, qui n'a pas été condamné définitivement à une peine au moins égale à un an d'emprisonnement sans sursis ;
- 7 - la femme étrangère enceinte ;



## 8 - l'étranger mineur.

Aucune durée n'est exigée pour l'expulsion si la condamnation a pour objet une infraction relative à une entreprise en relation avec le terrorisme, aux mœurs ou aux stupéfiants.

Article 27 :Lorsque l'expulsion constitue une nécessité impérieuse pour la sûreté de l'Etat ou pour la sécurité publique, elle peut être prononcée par dérogation à l'article 26 de la présente loi.

## Chapitre V : Dispositions communes à la reconduite à la frontière et à l'expulsion

Article 28 :La décision prononçant l'expulsion d'un étranger peut être exécutée d'office par l'administration. Il en est de même de la décision de reconduite à la frontière, qui n'a pas été contestée devant le président du tribunal administratif ou son délégué en sa qualité de juge des référés, dans le délai prévu à l'article 23 de la présente loi, ou qui n'a pas fait l'objet d'une annulation en première instance ou en appel, dans les conditions fixées au même article.

Article 29 :L'étranger qui fait l'objet d'une décision d'expulsion ou qui doit être reconduit à la frontière, est éloigné :

- a) à destination du pays dont il a la nationalité, sauf si le statut de réfugié lui a été reconnu ou s'il n'a pas encore été statué sur sa demande d'asile ;
- b) à destination du pays qui lui a délivré un document de voyage en cours de validité ;
- c) à destination d'un autre pays, dans lequel il est légalement admissible.

Aucune femme étrangère enceinte et aucun mineur étranger ne peuvent être éloignés. De même, aucun étranger ne peut être éloigné à destination d'un pays s'il établit que sa vie ou sa liberté y sont menacées ou qu'il y est exposé à des traitements inhumains, cruels ou dégradants.

Article 30 :La décision fixant le pays de renvoi constitue une décision distincte de la mesure d'éloignement elle-même.

Le recours contre cette décision n'a pas d'effet suspensif dans les conditions prévues à l'article 24 si l'intéressé n'a pas formé le recours prévu à l'article 28 ci-dessus contre la décision d'expulsion ou de reconduite prononcée à son encontre.

Article 31 :L'étranger qui fait l'objet d'une décision d'expulsion ou qui doit être reconduit à la frontière et qui justifie être dans l'impossibilité de quitter le territoire marocain en établissant qu'il ne peut regagner son pays d'origine ou se rendre dans un autre pays, pour les raisons indiquées au dernier alinéa de l'article 29, peut, par dérogation à l'article 34 ci-dessous, être astreint à résider dans les lieux qui lui sont fixés par l'administration. Il doit se présenter périodiquement aux services de police ou à ceux de la gendarmerie royale.

La même mesure peut, en cas de nécessité urgente, être appliquée aux étrangers qui font l'objet d'une proposition d'expulsion émanant de l'administration. Dans ce cas, la mesure ne peut excéder un mois.



La décision est prise, en cas d'expulsion, par l'administration.

Article 32 : Il ne peut être fait droit à une demande de relèvement d'une interdiction du territoire ou d'abrogation d'une décision d'expulsion ou de reconduite à la frontière, présentée après l'expiration du délai de recours administratif, que si le ressortissant étranger réside hors du Maroc.

Toutefois, cette disposition ne s'applique pas pendant la période où le ressortissant étranger subit au Maroc une peine privative de liberté ou fait l'objet d'une décision d'assignation à résidence prise en application de l'article 31.

Article 33 : L'étranger qui a fait l'objet d'une mesure administrative de reconduite à la frontière et qui saisit le président du tribunal administratif, en sa qualité de juge des référés, peut assortir son recours d'une demande de sursis à exécution.

#### Chapitre VI : Dispositions diverses

Article 34 : Peut être maintenu, s'il y a nécessité absolue, par décision écrite et motivée de l'administration, dans des locaux ne relevant pas de l'administration pénitentiaire, pendant le temps strictement nécessaire à son départ, l'étranger qui :

- 1 - n'est pas en mesure de déférer immédiatement à la décision lui refusant l'autorisation d'entrer sur le territoire marocain ;
- 2 - faisant l'objet d'une décision d'expulsion, ne peut quitter immédiatement le territoire marocain ;
- 3 - devant être reconduit à la frontière et qui ne peut quitter immédiatement le territoire marocain.

L'étranger est immédiatement informé de ses droits, par l'intermédiaire d'un interprète. le cas échéant.

Le procureur du Roi est immédiatement informé.

Les sièges des locaux visés au présent article et les modalités de leur fonctionnement et de leur organisation sont fixés par voie réglementaire.

Article 35 : Quand un délai de vingt-quatre heures s'est écoulé depuis la décision de maintien de l'étranger, le président du tribunal de première instance ou son délégué est saisi en sa qualité de juge des référés par l'autorité compétente. Il lui appartient de statuer par ordonnance, en présence du représentant du ministère public, après audition du représentant de l'administration, si celui-ci dûment convoqué est présent, de l'intéressé en présence de son avocat, s'il en a un, ou ledit avocat dûment averti, sur une ou plusieurs des mesures de surveillance et de contrôle nécessaires au départ de l'intéressé.

Les mesures visées sont :



1 - la prolongation du maintien dans les locaux visés au premier alinéa de l'article 34 ci-dessus;

2 - l'assignation à résidence après remise aux services de police ou de la gendarmerie royale du passeport et de tous documents justificatifs de l'identité. Un récépissé valant justification de l'identité et sur lequel est portée la mention de la mesure d'éloignement en instance d'exécution, est délivré à l'intéressé.

L'ordonnance de prolongation du maintien court à compter de l'expiration du délai de vingt-quatre heures, fixé au premier alinéa ci-dessus.

L'application de ces mesures prend fin au plus tard à l'expiration d'un délai de 15 jours à compter de l'ordonnance mentionnée ci-dessus.

Ce délai peut être prorogé d'une durée maximale de dix jours par ordonnance du président du tribunal de première instance ou du magistrat délégué, en sa qualité de juge des référés, et dans les formes indiquées ci-dessus, en cas d'urgence absolue ou de menaces d'une particulière gravité pour l'ordre public. Il peut l'être aussi lorsque l'étranger n'a pas présenté à l'autorité administrative compétente le document de voyage permettant l'exécution des mesures prévues aux 1er et 2e alinéas du présent article et que des éléments de fait montrent que ce délai supplémentaire est de nature à permettre l'obtention de ce document.

Lesdites ordonnances sont susceptibles d'appel devant le premier président de la cour d'appel ou son délégué, qui est saisi sans formes et doit statuer, le délai courant à compter de sa saisine, dans les quarante-huit heures.

Outre l'intéressé et le ministère public, le droit d'appel appartient au wali et au gouverneur.

Ce recours n'est pas suspensif.

Il est tenu, dans tous les locaux recevant des personnes maintenues au titre de l'article 34 et du présent article, un registre mentionnant l'état civil de ces personnes ainsi que les conditions de leur maintien. Ils font l'objet de toutes mesures et opérations permettant leur identification.

Article 36 : Pendant toute la durée du maintien de l'étranger, le procureur du Roi est tenu de se transporter sur les lieux, vérifier les conditions du maintien et se faire communiquer le registre prévu au dernier alinéa de l'article 35 ci-dessus.

Pendant cette même période, l'intéressé peut demander l'assistance d'un interprète, d'un médecin ou d'un avocat et peut, s'il le désire, communiquer avec le consulat de son pays ou avec une personne de son choix ; il en est informé au moment de la notification de la décision de maintien. Mention en est faite sur le registre, prévu ci-dessus, émargé par l'intéressé.

Article 37 : Lorsque l'entrée au territoire marocain par voie aérienne ou maritime est refusée à un étranger, l'entreprise de transport qui l'a acheminé est tenue de ramener cet étranger, sans délai, à la requête des autorités compétentes chargées du contrôle aux postes frontières, au point où il a commencé à utiliser le moyen de transport de cette entreprise ou, en cas d'impossibilité, dans le pays qui a délivré le document de voyage avec lequel il a voyagé ou en tout autre lieu où il peut être admis.



Les dispositions de l'alinéa précédent sont applicables lorsque l'entrée au territoire marocain est refusée à un étranger en transit :

1 - si l'entreprise de transport qui devait l'acheminer dans le pays de destination ultérieure refuse de l'embarquer ;

2 - si les autorités du pays de destination lui ont refusé l'entrée et l'ont renvoyé au Maroc.

Lorsqu'un refus d'entrée a été prononcé pour défaut de l'un des documents visés à l'article 3 ci-dessus, et à compter de la prise de la décision, les frais de séjour de l'étranger, pendant le délai nécessaire à son réacheminement, ainsi que les frais de réacheminement, incombent à l'entreprise de transport qui l'a débarqué au Maroc.

Article 38 :L'étranger qui arrive au territoire marocain, par voie maritime ou aérienne, et qui n'est pas autorisé à y entrer, ou demande son admission au titre de l'asile, peut être maintenu dans la zone d'attente du port ou de l'aéroport pendant le temps strictement nécessaire à son départ ou à l'examen tendant à déterminer si sa demande n'est pas manifestement infondée.

La zone d'attente est délimitée par l'administration. Elle s'étend des points d'embarquement et de débarquement à ceux où sont effectués les contrôles de personnes. Elle peut inclure, sur l'emprise du port ou de l'aéroport, un ou plusieurs lieux d'hébergement assurant aux étrangers concernés les prestations nécessaires.

Le maintien en zone d'attente est prononcé pour une durée qui ne peut excéder quarante-huit heures par une décision écrite et motivée de l'administration. Cette décision est inscrite sur un registre mentionnant l'état civil de l'intéressé ainsi que la date et l'heure de la notification de la décision de maintien. Elle est portée, sans délai, à la connaissance du procureur du Roi. Elle peut être renouvelée dans les mêmes conditions et pour la même durée.

L'étranger est libre de quitter à tout moment la zone d'attente pour toute destination située hors du territoire marocain. Il peut demander l'assistance d'un interprète et d'un médecin et communiquer avec un avocat ou toute personne de son choix.

Le maintien de l'étranger en zone d'attente au-delà de quatre jours, à compter de la décision initiale, peut être autorisé par le président du tribunal de première instance ou un magistrat du siège délégué par lui, en sa qualité de juge des référés pour une durée qui ne peut être supérieure à huit jours. L'autorité administrative expose dans sa saisine les raisons pour lesquelles l'étranger n'a pu être rapatrié ou, s'il a demandé l'asile, il n'a pu être admis et le délai nécessaire pour assurer son départ de la zone d'attente. Le président du tribunal ou son délégué statue après audition de l'intéressé, en présence de son avocat s'il en a un, ou celui-ci dûment averti. L'étranger peut également demander au président ou à son délégué le concours d'un interprète et la communication de son dossier.

L'ordonnance rendue par le président ou son délégué est susceptible d'appel sans formes devant le premier président de la Cour d'appel ou son délégué. Celui-ci doit statuer sur l'appel dans les quarante-huit heures, de sa saisine. Le droit d'appel appartient à l'intéressé, au ministère public et au représentant de l'autorité administrative locale. L'appel n'est pas suspensif.



A titre exceptionnel, le maintien en zone d'attente au-delà de douze jours peut être renouvelé, dans les conditions prévues au 5<sup>e</sup> alinéa du présent article, par le président du tribunal de première instance ou son délégué, pour une durée qu'il détermine et qui ne peut être supérieure à huit jours.

Pendant toute la durée du maintien en zone d'attente, l'étranger dispose des droits qui lui sont reconnus au présent article. Le procureur du Roi ainsi que le président du tribunal de première instance ou son délégué, peuvent se rendre sur place pour vérifier les conditions de ce maintien et se faire communiquer le registre mentionné au 3<sup>e</sup> alinéa du présent article.

Si le maintien en zone d'attente n'est pas prolongé au terme du délai fixé par la dernière décision de maintien, l'étranger est autorisé à entrer sur le territoire marocain sous couvert d'un visa de régularisation de huit jours. Il devra avoir quitté le territoire marocain à l'expiration de ce délai, sauf s'il obtient une autorisation provisoire de séjour ou un récépissé de demande de la carte d'immatriculation.

Les dispositions du présent article s'appliquent également à l'étranger qui se trouve en transit dans un port ou un aéroport si l'entreprise de transport qui devait l'acheminer dans le pays de destination ultérieure refuse de l'embarquer ou si les autorités du pays de destination lui ont refusé l'entrée et l'on renvoyé au Maroc.

Toutefois l'étranger résidant au Maroc, quelle que soit la nature de son titre de séjour, peut être obligé par décision de l'administration, de déclarer à l'autorité administrative son intention de quitter le territoire marocain et de fournir à ladite autorité ce qui justifie son respect de cette obligation.

Article 39 : Tout étranger résident au Maroc, quelle que soit la nature de son titre de séjour, peut quitter librement le territoire national à l'exception de l'étranger à l'encontre duquel est prononcée une décision administrative l'obligeant à déclarer à l'autorité administrative son intention de quitter le territoire marocain.

## Chapitre VII : Circulation des étrangers

Article 40 : L'étranger doit être en mesure de présenter à toute réquisition des agents de l'autorité et des services chargés du contrôle, les pièces et documents sous le couvert desquels il est autorisé à séjourner sur le territoire marocain.

Lorsqu'un étranger est autorisé à séjourner au Maroc, sous couvert d'un titre de voyage revêtu d'un visa requis pour les séjours n'excédant pas trois mois, ce visa peut être annulé si l'étranger exerce au Maroc une activité lucrative, sans avoir été régulièrement autorisé, ou s'il existe des indices concordants permettant de présumer que l'intéressé est venu au Maroc pour s'y établir, ou si son comportement trouble l'ordre public.

Article 41 : Sous réserve des dispositions de l'article 40 ci-dessus, les étrangers séjournent et circulent sur l'ensemble du territoire marocain.

Toutefois, lorsqu'un étranger non titulaire de la carte de résidence doit, en raison de son attitude ou de ses antécédents, être soumis à une surveillance spéciale, l'administration peut lui interdire de résider dans une ou plusieurs provinces ou préfectures ou lui indiquer, à



l'intérieur de ces dernières, une ou plusieurs circonscriptions de son choix. Mention de la décision est portée sur le titre de séjour de l'intéressé.

Les étrangers visés à l'alinéa précédent ne peuvent se déplacer en dehors de la zone de validité de leur titre de séjour sans être munis d'un sauf-conduit délivré par les services de police ou, à défaut, ceux de la gendarmerie royale.

## Chapitre VII : Dispositions pénales

Article 42 :Est puni d'une amende de 2.000 à 20.000 dirhams et d'un emprisonnement de un mois à six mois, ou de l'une de ces deux peines seulement, tout étranger pénétrant ou tentant de pénétrer sur le territoire marocain, en violation des dispositions de l'article3 de la présente loi, ou qui s'est maintenu sur le territoire marocain au-delà de la durée autorisée par son visa, sauf cas de force majeure ou excuses reconnues valables. En cas de récidive, la peine est portée au double.

L'autorité administrative peut, toutefois, eu égard aux impératifs découlant de la sécurité et de l'ordre public, expulser l'étranger vers le pays dont il est ressortissant ou vers un autre pays, selon le souhait formulé par l'intéressé.

Article 43 :Est puni d'une amende de 5.000 à 30.000 dirhams et d'un emprisonnement de un mois à un an, ou l'une de ces deux peines seulement, tout étranger qui réside au Maroc sans être titulaire de la carte d'immatriculation ou de la carte de résidence prévues par la présente loi. En cas de récidive, la peine est portée au double.

Article 44 :Est puni d'une amende de 3.000 à 10.000 dirhams et d'un emprisonnement de un mois à six mois, ou de l'une de ces deux peines seulement, tout étranger dont la carte d'immatriculation ou la carte de résidence est arrivée à expiration et qui ne formule pas, dans les délais prescrits par la loi, une demande de renouvellement, sauf cas de force majeure ou d'excuses reconnues valables. En cas de récidive, la peine est portée au double.

Article 45 :Est puni d'un emprisonnement de six mois à deux ans tout étranger qui se sera soustrait ou qui aura tenté de se soustraire à l'exécution d'une décision d'expulsion ou d'une mesure de reconduite à la frontière ou qui, expulsé ou ayant fait l'objet d'une interdiction du territoire marocain, aura pénétré de nouveau sans autorisation sur ce territoire. En cas de récidive, la peine est portée au double.

Le tribunal peut, en outre, prononcer à l'encontre du condamné l'interdiction du territoire marocain pour une durée de deux à dix ans.

L'interdiction du territoire marocain emporte de plein droit reconduite à la frontière à l'expiration de la peine d'emprisonnement du condamné.

Article 46 :Est puni d'une amende de 3.000 à 10.000 dirhams et d'un emprisonnement de trois mois à un an, ou de l'une de ces deux peines seulement l'étranger, qui n'a pas rejoint dans les délais prescrits la résidence qui lui est assignée en vertu des dispositions de l'article31 ou qui, ultérieurement, a quitté cette résidence sans autorisation.



Article 47 :Est puni d'une amende de 1.000 à 3.000 dirhams, l'étranger qui n'a pas déclaré le changement de son lieu de résidence, conformément au 2e alinéa de l'article 10 et au 1er alinéa de l'article 18 ci-dessus.

Est puni d'une amende de 3.000 à 10.000 dirhams et d'un emprisonnement de trois mois à un an, ou de l'une de ces deux peines seulement l'étranger, qui a établi son domicile ou qui séjourne dans une circonscription territoriale en infraction aux dispositions de l'article 41.

Article 48 :Est puni d'une amende de 5.000 à 10.000 dirhams par passager, le transporteur ou l'entreprise de transport, qui débarque sur le territoire marocain, en provenance d'un autre pays, un étranger démuné du document de voyage et, le cas échéant, du visa requis par la loi ou l'accord international qui lui est applicable en raison de sa nationalité.

L'infraction est constatée par un procès-verbal établi par un officier de police judiciaire. Copie du procès-verbal est remise au transporteur ou à l'entreprise de transport intéressée.

Le transporteur ou l'entreprise de transport a accès au dossier. Il est mis à même de présenter ses observations écrites dans un délai d'un mois.

L'amende prévue au présent article n'est pas infligée lorsque :

1 - l'étranger qui demande l'asile a été admis sur le territoire marocain ou lorsque la demande d'asile n'était pas manifestement infondée ;

2 - le transporteur ou l'entreprise de transport établit que les documents requis lui ont été présentés, au moment de l'embarquement, ou que les documents présentés ne comportent pas un élément d'irrégularité manifeste ;

3 - le transporteur ou l'entreprise n'a pu procéder, au moment de l'embarquement, à la vérification du document de voyage et, le cas échéant, du visa des passagers empruntant ses services, à condition d'avoir justifié d'un contrôle à l'entrée sur le territoire marocain.

Article 49 :Toute personne condamnée est dans le cas de récidive si elle a commis l'un des actes mentionnés aux articles 42 à 48 ci-dessus durant les cinq ans qui suivent la date d'un jugement ayant acquis la force de la chose Jugée prononcé à son encontre pour des actes similaires.

## Titre II : Dispositions Pénales Relatives à L'émigration et L'immigration Irrégulières

Article 50 :Est punie d'une amende de 3000 à 10.000 dirhams et d'un emprisonnement de un mois à six mois, ou de l'une de ces deux peines seulement, sans préjudice des dispositions du code pénal applicables en la matière, toute personne qui quitte le territoire marocain d'une façon clandestine, en utilisant, au moment de traverser l'un des postes frontières terrestres, maritimes ou aériens, un moyen frauduleux pour se soustraire à la présentation des pièces officielles nécessaires ou à l'accomplissement des formalités prescrites par la loi et les règlements en vigueur, ou en utilisant des pièces falsifiées ou par usurpation de nom, ainsi que toute personne qui s'introduit dans le territoire marocain ou le quitte par des issues ou des lieux autres que les postes frontières créés à cet effet.



Article 51 :Est puni d'un emprisonnement de deux ans à cinq ans et d'une amende de 50.000 à 500.000 dirhams toute personne, qui prête son concours ou son assistance pour l'accomplissement des faits visés ci-dessus, si elle exerce un commandement des forces publiques ou en fait partie, ou qu'elle est chargée d'une mission de contrôle, ou si cette personne est l'un des responsables ou des agent ou employés dans les transports terrestres, maritimes ou aériens, ou dans tout autre moyen de transport, quel que soit le but de l'utilisation de ce moyen de transport.

Article 52 :Est puni d'un emprisonnement de six mois à trois ans et d'une amende de 50.000 à 500.000 dirhams, quiconque organise ou facilite l'entrée ou la sortie des nationaux ou des étrangers de manière clandestine du territoire marocain, par l'un des moyens visées aux deux articles précédents, notamment en effectuant leur transport, à titre gratuit ou onéreux.

Le coupable est puni de la réclusion de dix ans à quinze ans et d'une amende de 500.000 à 1.000.000 de dirhams lorsque les faits prévus au premier alinéa du présent articlesont commis de manière habituelle.

Sont punis des mêmes peines les membres de toute association ou entente, formée ou établie dans le but de préparer ou de commettre les faits susvisés.

Les dirigeants de l'association ou de l'entente, ainsi que ceux qui y ont exercé ou qui y exercent un commandement quelconque, sont punis des peines prévues par le deuxième alinéa de l'article 294 du code pénal.

S'il résulte du transport des personnes dont l'entrée ou la sortie clandestine du territoire marocain est organisée, une incapacité permanente, la peine prévue au premier alinéa ci-dessus est la réclusion de quinze à vingt ans.

La peine est la réclusion perpétuelle, lorsqu'il en est résulté la mort.

Article 53 :En cas de condamnation pour l'une des infractions prévues au présent titre, la juridiction doit ordonner la confiscation des moyens de transport utilisés pour commettre l'infraction, qu'ils soient utilisés pour le transport privé, public ou à la location, à condition que ces moyens de transport soient la propriété des auteurs de l'infraction, de leurs complices ou des membres de l'association de malfaiteurs, même ceux qui n'ont pas participé à l'infraction, ou la propriété d'un tiers, qui savait qu'ils ont été utilisés ou seront utilisés pour commettre l'infraction.

Article 54 :La personne morale reconnue coupable de l'une des infractions prévues au présent titre est punie d'une amende de 10.000 à 1.000.000 de dirhams.

En outre, la personne morale est condamnée à la confiscation prévue à l'article 53 ci-dessus.

Article 55 :La juridiction peut ordonner la publication d'extraits de sa décision de condamnation dans trois journaux, expressément désignés par cette juridiction. Elle peut également ordonner l'affichage de cette décision à l'extérieur des bureaux de la personne condamnée ou des locaux occupés par elle, aux frais de celle-ci.



Article 56 :Les juridictions du Royaume sont compétentes pour statuer sur toute infraction prévue par le présent titre, même lorsque l'infraction ou certains éléments constitutifs de cette infraction ont été commis à l'étranger.

La compétence des juridictions du Royaume s'étend à tous les actes de participation ou de recel même si ces actes ont été commis en dehors du territoire marocain par des étrangers.

### Titre III : Dispositions transitoires

Article 57 :Les personnes titulaires d'un titre de séjour doivent en demander le renouvellement dans un délai de 6 mois à compter de la date d'entrée en vigueur de la présente loi.

Les personnes qui séjournent au Maroc, en violation des dispositions de la présente loi, doivent demander la régularisation de leur situation dans un délai de deux mois à partir de la date de son entrée en vigueur. Passée cette date, les peines prévues ci-dessus leur seront applicables.

Article 58 :La présente loi, entre en vigueur à compter de la date de sa publication au Bulletin officiel.

Elle abroge toutes les dispositions relatives aux mêmes objets, notamment celles du :

- Dahir du 7 chaabane 1353 (15 novembre 1934) réglementant l'immigration en zone française du Maroc ;
- Dahir du 21 kaada 1358 (2 janvier 1940) réglementant le séjour de certaines personnes ;
- Dahir du 19 rabii II 1360 (16 mai 1941) relatif aux autorisations de séjour ;
- Dahir du 1er kaada 1366 (17 septembre 1947) relatif aux mesures de contrôle établies dans l'intérêt de la sécurité publique ;
- Dahir du 16 moharrem 1369 (8 novembre 1949) portant réglementation de l'émigration des travailleurs marocains.

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Le texte en langue arabe a été publié dans l'édition générale du " Bulletin officiel " n° 5160 du







## **Annex 123**

Morocco, Consulate General of the Kingdom of Morocco in London,  
“Visa”

<http://www.moroccanconsulate.org.uk/en/Visa.html>



## Welcome to the Consulate General of the Kingdom of Morocco

Please read the requirements carefully

### What is the visa processing time?

The processing time is a maximum of two weeks. Some applications may take longer as they are processed on case by case basis. If you have an emergency you may walk in and ask the visa officer about the arrangements available. This does not mean a visa will be issued right away. You may apply one month in advance.

#### Very important notice:

Travel documents holders are advised to apply 3 months in advance as the process may take much longer than 2 weeks.

### Can I get my visa at airport on arrival to Morocco?

All visas have to be issued by our Consulate. No visas are issued at the airports or ports of the Kingdom of Morocco.

### What is the validity of passports?

All passports, including British passports, should be 3 months valid at the time of your entry to the Kingdom of Morocco and in all the cases, higher than the duration of the stay.

If you are submitting for a visa your resident permit should be 3 months valid and in all the cases, higher than the duration of the stay.

### Do UK citizens need a visa?

Citizens of the UK and Northern Ireland travelling on a British passport do not require a visa to enter Morocco.

### Do UK travel document holders need a visa?

Yes holders of UK travel documents do need a visa to enter the Kingdom of Morocco.

Applicants on any kind of UK travel document need a visa to enter Morocco even if married to a British citizen travelling with them.



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**Do I need a visa if I have leave to remain in the UK?**

Citizens from countries not listed below need a visa need a visa to Morocco even if they have leave to remain in the UK and are married to UK citizens.

**Can I apply if I am on a tourist visa to the UK?**

Applicants on a tourist visa to the UK cannot apply to this Consulate. They need to apply at the Moroccan Embassy based on their country of residence or nearest country.

**How do I submit my application?**

All visa applicants are required to submit their application in person if they live in Greater London. If you live outside Greater London you may apply by post as explained bellow.

**Can I apply by post?**

Only applicants who live outside the greater London area can apply by post. Any application submitted from inside greater London will be resent back without a visa.

**What should I do if applying by post?**

If you qualify for applying by post please enclose the following:

- \* The original of your passport and all required documents mentioned below (copies only),
- \* The amounts of £20 (one entry) £27 (multiple) in Cash enclosed in a separate envelope to be enclosed in the package with the other documents.
- \* Make sure you include a PREPAID (500G STAMP) self-addressed envelope special delivery with your name and address on it for return. If you do not include a prepaid special delivery envelope your passport will not be sent back to you.

**How do I know my application is being processed?**

When submitting by post, keep your special delivery for tracking. If you see that your mail has been received by the Consulate it means we are processing it and you do not need to call us as we will contact you if something is missing.

**Where should I send my application if applying by post?**

Do not submit any original documents (except the passport) as none of them will be returned to you.



All the documents should be sent to the following address:

THE CONSULATE GENERAL OF THE KINGDOM OF MOROCCO  
DIAMOND HOUSE  
97 / 99 PRAED STREET, PADDINGTON  
LONDON W2 1NT

Please add your name and your address at the back of the envelope.

### **Who needs a visa?**

Citizens holding passports of the following countries do not need a visa to enter the Kingdom of Morocco (If your stay is longer than 90 days, a resident permit is required and can be issued by the Police Department of your place of residence in Morocco):

**Administrative area of Macao - Algeria - Andorra - Argentina - Australia - Austria - Bahrain - Belgium - Benign - Brazil - Bulgaria - Canada - Chile - Congo (Brazzaville) - Croatia - Cyprus - Czech Republic - Denmark - Divided into volumes Sao and Principale - Estonia - Finland - France - Gabon - Germany - Greece - Guinea (Conakry) - Hong-Kong (a stay limited to 30 days) - Hungary (a stay limited to 30 days)- Iceland - Indonesia - Ireland - Italy - Ivory Coast - Japan - Kuwait - Latvia - Liechtenstein - Lithuania - Luxemburg -Mali - Malta - Mexico - Monaco - Netherlands - New Zealand - Niger - Norway - Oman - Peru - Philippines - Poland - Portugal - Puerto Rico - Qatar - China - Romania - Russian Federation - San Marino -Saudi Arabia - Senegal - Singapore - Slovakia - Slovenia - South Korea - Spain - Sweden - Switzerland - Tunisia - Turkey - United Arab Emirates - United Kingdom - United States of America .**

Citizens from countries not listed above do need a visa and must submit all the following documents:

### **Are there different applications for each kind of visa?**

The application below is good for all kinds of visas (tourist, study, business....). You just need to specify the type of visa on the application.

Please make an appointment before coming with the following documents:

<b>Tourism</b>	<b>+</b>
<b>Work</b>	<b>+</b>
<b>Businesses</b>	<b>+</b>



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The Consulate General of the Kingdom of Morocco in London

<b>Investor</b>	+
<b>Conference</b>	+
<b>Student, Trainee, Researcher</b>	+
<b>Family reunification (mixed marriage or relationship)</b>	+
<b>Journalists</b>	+
<b>Visitor</b>	+
<b>Medical stay</b>	+
<b>Refugees and stateless persons</b>	+
<b>Members of aircraft crew</b>	+
<b>Sailors</b>	+
<b>Technical Assistance</b>	+
<b>Cultural or sporting events</b>	+
<b>Artistic Animations</b>	+



- Application form in three pages (downloading)

Please place all documents, in the order above, in a plastic folder to avoid loss and delay.

#### What if I am not working?

A spouse who is not working may submit husband/wife bank statement and work verification and enclose a letter for explanation.

#### Method of payment:



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The amounts of £20 (one entry) £26 (multiple) in Cash enclosed in a separate envelope to be enclosed in the package with the other documents.

### **Processing your application:**

Your application will be processed only if you provide all the items listed by the above guidelines. The processing time is within two weeks. But it may take longer depending on the application.

The visa section is open Monday to Thursday: from 10 am to 11:30 am.  
Please book your online appointment before attending.  
Collection of passports: at 1:00 pm on the day specified by the visa officer.

### **Can I take a pet to Morocco?**

Yes you may take a pet to Morocco provided you do the following:  
Get a vaccination history from your Vet which should be legalized by the British Agricultural Department and then by the British Foreign Office.

### **NOTE:**

The visa officer reserves the right to ask for more documents if necessary.  
The satisfaction of these requirements does not necessarily entitle the applicant to a visa to enter Morocco.

The Decision to issue or decline a visa is made once the applicant documents are checked at the Consulate by the officer in charge.

### **Disclaimer:**

The General Consulate of the Kingdom of Morocco shall have no liability to any visa applicant, or any other person relying on or benefiting from any visa application, for any commitment, cost or expenditure incurred in reliance on or anticipation of receiving a Moroccan visa, whether within a particular timescale or at all, including but not limited to air travel, hotel, and other travel and accommodation arrangements, and any other arrangements made.

### **What is the best way to contact the Consulate?**

Due to a great number of calls we urge you to send your questions by email. We make sure to answer your emails as soon as possible. However you may call us at:

Tel : 02077240624  
Fax : 02077067407  
Email: [cg.london@maec.gov.ma](mailto:cg.london@maec.gov.ma).

Residents of countries other than the UK must contact the nearest Moroccan



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Consulate or Embassy of country of residence. If you need assistance, you are kindly requested to contact the Visa Department.

**Important notice:**

Visa Issuance will be carried out at the sole discretion of the Consulate General.

Thank you for your interest in visiting our country. We wish you a pleasant and enjoyable trip.

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## **Annex 124**

New Zealand, Immigration Act 2009, s. 69



**Reprint  
as at 2 August 2010**



## Immigration Act 2009

Public Act    2009 No 51  
Date of assent    16 November 2009  
Commencement    see section 2

### Contents

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### Part 1

#### Preliminary provisions

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Department of Labour.**



(b) he or she is outside New Zealand.

Compare: 1987 No 74 ss 19, 32

**67 Cancellation of visa for administrative error**

An immigration officer may cancel a visa that the officer believes on reasonable grounds was granted as a result of an administrative error if—

- (a) the visa was granted to a person in a place designated by the chief executive under section 383 and—
  - (i) the person is still in the designated place; or
  - (ii) the person has not left the arrival hall of the airport or port at which he or she arrived in New Zealand; or
- (b) the visa was granted to a person in an immigration control area, or an office of the Department, in New Zealand and the person is still in the control area or office; or
- (c) advice of the grant of the visa has not been sent or given to the person concerned, in any other case.

**68 Grant of further visa where visa granted in error**

- (1) If the Minister or an immigration officer determines that a visa was granted as a result of an administrative error but the visa was not cancelled under section 67, the Minister or immigration officer may, in his or her absolute discretion,—
  - (a) offer the holder a visa of such class and type, and subject to such conditions, as the Minister or immigration officer considers appropriate; and
  - (b) if the holder agrees, grant such a visa.
- (2) If the holder does not agree, he or she remains liable for deportation under section 155(1).
- (3) Subsection (2) is for the avoidance of doubt.

*Waiver of requirement for visa permitting travel  
to New Zealand in certain cases*

**69 Waiver of requirement for visa permitting travel to New Zealand in certain cases**

- (1) Regulations made under section 400 may waive the requirement to hold a visa permitting travel to New Zealand in rela-



tion to any class of persons, and provide for any conditions of such a waiver.

- (2) The Minister may, by special direction,—
  - (a) waive for a period not exceeding 3 months the requirement to hold a visa permitting travel to New Zealand in relation to any class of persons, subject to any conditions specified by the Minister:
  - (b) suspend for a period not exceeding 3 months a waiver made by regulations referred to in subsection (1):
  - (c) waive, in any individual case, the requirement to hold a visa permitting travel to New Zealand:
  - (d) suspend, in any individual case, a waiver made by regulations referred to in subsection (1).
- (3) Any waiver or suspension of a waiver made in accordance with subsection (1) or (2)(a) or (b) may, without limiting the generality of the manner in which persons may be classified, classify persons to whom the waiver or suspension of waiver applies by reference to any or all of the following:
  - (a) their nationality:
  - (b) the country or place from which they are travelling (whether it be their original or an intermediate point of departure):
  - (c) their immediate or ultimate destination after being in or transiting through New Zealand:
  - (d) whether or not they hold, or are required to hold, any particular type of travel or immigration documentation, by whomever issued.
- (4) Any special direction made under subsection (2)(a) or (b)—
  - (a) must be published in the *Gazette*, and notified in writing through diplomatic channels to any country concerned:
  - (b) expires at the end of the period of 3 months (or such shorter period as is specified in the direction) following the day on which the direction was made, unless sooner cancelled by the Minister by a further special direction, or by regulations:
  - (c) is to be treated for the purposes of the Regulations (Disallowance) Act 1989 (but not for the purposes of the Acts and Regulations Publication Act 1989) as if it were a regulation within the meaning of that Act.



- (5) A special direction under subsection (2)(a) or (b) may not be effectively continued in force by the making of a further special direction to the same or similar effect.
- (6) A waiver under this section does not of itself entitle a person subject to the waiver to be granted entry permission.

Compare: 1987 No 74 ss 11, 12

## Subpart 2—Classes of visa

### 70 Classes of visa

The following classes of visa may be granted under this Act:

- (a) residence class visas, consisting of—
  - (i) permanent resident visas:
  - (ii) resident visas:
- (b) temporary entry class visas, consisting of—
  - (i) temporary visas:
  - (ii) limited visas:
  - (iii) interim visas:
- (c) transit visas.

Compare: 1987 No 74 s 14

### *Residence class visas*

### 71 Who may apply for residence class visa

- (1) The following persons may apply for a residence class visa:
  - (a) a person who is outside New Zealand and who wishes to come to New Zealand and stay indefinitely:
  - (b) a person who is—
    - (i) onshore; and
    - (ii) the holder of a temporary visa or a resident visa; and
    - (iii) not subject to section 150:
  - (c) a person to whom a visa waiver applies, and who falls within a class prescribed by regulations as a person who may apply for a residence class visa—
    - (i) in a place designated by the chief executive under section 383; or
    - (ii) in an immigration control area; or
    - (iii) in a prescribed place.







## **Annex 125**

New Zealand, Immigration (Visa, Entry Permission, and  
Related Matters) Regulations 2010, Schedule 2



**Reprint  
as at 5 November 2018**



# **Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010** (SR 2010/241)

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 9th day of August 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 400 to 402 of the Immigration Act 2009, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Business, Innovation, and Employment.**



## Schedule 2

### People to whom waiver to travel to New Zealand applies

rr 16(d)(viii), 18(1)

Schedule 2 heading: amended, at 2 am on 29 November 2010, by regulation 33 of the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2010 (SR 2010/382).

- 1 Citizens of Australia and people who hold a current permanent residence visa (including a resident return visa) issued by the Government of Australia.
- 2 British citizens and British passport holders who produce evidence of the right to reside permanently in the United Kingdom, but only if—
  - (a) the person concerned is seeking a temporary visa that is current for no more than 6 months; and
  - (b) the purpose of the visit does not include medical consultation or treatment.
- 3 Members of, or any person associated with, a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty (within the meaning of the Antarctica Act 1960) or any person to whom section 5 of that Act applies, but only if—
  - (a) the person concerned is seeking a temporary entry class visa; and
  - (b) the application is made at an immigration control area.
- 4 Each member of a visiting force (including a member of the civilian component of the visiting force), but only if—
  - (a) each person is travelling to New Zealand in the ordinary course of the person's duty or employment; and
  - (b) each person is seeking a temporary entry class visa at an immigration control area; and
  - (c) the craft transporting the visiting force is a commercial craft.

Schedule 2 clause 4: substituted, at 2 am on 29 November 2010, by regulation 33(3) of the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2010 (SR 2010/382).
- 5 Residents of Hong Kong travelling on Hong Kong Special Administrative Region or British National (Overseas) Passports, but only if—
  - (a) the person concerned is seeking a temporary visa that is current for no more than 3 months; and
  - (b) the purpose of the visit does not include medical consultation or treatment.
- 5A Residents of Macau travelling on Macau Special Administrative Region passports, but only if—



- (a) the person concerned is seeking a temporary visa that is current for no more than 3 months; and
- (b) the purpose of the visit does not include medical consultation or treatment.

Schedule 2 clause 5A: inserted, on 30 June 2014, by regulation 5 of the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 2) 2014 (LI 2014/176).

- 6 Permanent residents of Taiwan travelling on Taiwanese passports, but only if—
  - (a) the person concerned is seeking a temporary visa that is current for no more than 3 months; and
  - (b) the purpose of the visit does not include medical consultation or treatment.
- 7 People—
  - (a) who are seeking a temporary visa current for no more than 3 months; and
  - (b) who are travelling on a United Nations laissez passer that was issued by the Secretariat of the United Nations pursuant to either the—
    - (i) United Nations Convention on the Privileges and Immunities of the United Nations, done at New York on 13 February 1946; or
    - (ii) United Nations Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations, done at New York on 21 November 1947.
- 8 Citizens of the following countries, but only if the person concerned is seeking entry permission and a temporary visa that is current for no more than 3 months and the purpose of the visit does not include medical consultation or treatment:
  - (1) Andorra, Principality of:
  - (2) Argentina:
  - (3) Austria:
  - (4) Bahrain:
  - (5) Belgium:
  - (6) Brazil:
  - (7) Brunei:
  - (8) Bulgaria:
  - (9) Canada:
  - (10) Chile:
  - (10A) Croatia:
  - (11) Cyprus:



Schedule 2	<b>Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010</b>	Reprinted as at 5 November 2018
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- (12) Czech Republic:
- (13) Denmark:
- (14) Estonia:
- (15) Finland:
- (16) France:
- (17) Germany:
- (18) Greece:
- (19) Hungary:
- (20) Iceland:
- (21) Ireland:
- (22) Israel:
- (23) Italy:
- (24) Japan:
- (25) Korea, Republic of:
- (26) Kuwait:
- (27) Latvia:
- (28) Liechtenstein:
- (29) Lithuania:
- (30) Luxembourg:
- (31) Malaysia:
- (32) Malta:
- (32A) Mauritius, Republic of:
- (33) Mexico:
- (34) Monaco:
- (35) Netherlands:
- (36) Norway:
- (37) Oman:
- (38) Poland:
- (39) Portugal (having the right of permanent residence in Portugal):
- (40) Qatar:
- (41) Romania:
- (42) San Marino, Republic of:
- (43) Saudi Arabia:
- (43A) Seychelles, Republic of:
- (44) Singapore:



Reprinted as at  
5 November 2018

**Immigration (Visa, Entry Permission, and Related  
Matters) Regulations 2010**

Schedule 2A

- (45) Slovak Republic:
- (46) Slovenia:
- (47) *[Revoked]*
- (48) Spain:
- (49) Sweden:
- (50) Switzerland:
- (51) United Arab Emirates:
- (52) United States of America (including Nationals of USA):
- (53) Uruguay:
- (54) Vatican City, State of the.

Schedule 2 clause 8(10A): inserted, on 1 July 2013, by regulation 4 of the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 2) 2013 (SR 2013/229).

Schedule 2 clause 8(32A): inserted, on 21 November 2016, by regulation 4(1) of the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2016 (LI 2016/237).

Schedule 2 clause 8(43A): inserted, on 21 November 2016, by regulation 4(2) of the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2016 (LI 2016/237).

Schedule 2 clause 8(47): revoked, on 21 November 2016, by regulation 4(3) of the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2016 (LI 2016/237).

**Schedule 2A**

**People to whom temporary waiver to travel to New Zealand during  
Cricket World Cup 2015 applies**

*[Revoked]*

rr 16(e), 18(1A)

Schedule 2A: revoked, on 6 April 2015, by regulation 12(2) of the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2014 (LI 2014/283).



## **Annex 126**

Nigeria, Immigration Service, Visa on Arrival

<https://immigration.gov.ng/visa-on-arrival/>



3/27/2019

Visa on Arrival – Nigeria Immigration Service


**NIGERIA  
IMMIGRATION  
SERVICE**

ABOUT US

SERVICES

OPERATIONS

MEDIA CENTRE

FAQS

CONTACT US

# Visa on Arrival

Visa on Arrival is issued at the port of entry in Nigeria.

**Note:** Successful online payment is not an approval. Applicant should not proceed to Nigeria until receipt of 'Visa on Arr

The VoA facility is available to frequently travelled High Net Worth Investors and Intending Visitors who may not be able to enter their countries of residence due to the absence of a Nigerian mission in those countries or exigencies of urgent business travel.

## Eligibility

- Frequently travelled Business Persons of International Repute
- Executives of Multi-national Companies
- Members of Government Delegations
- Holders of United Nations Laissez-Passer
- Holders of African Union Laissez-Passer,
- Holders of ECOWAS Laissez-Passer,
- Holders of any other Official travel documents of other recognized International Organizations who intend to visit Nigeria

**Note:** Visa on Arrival is available to citizens of all countries except ECOWAS Nationals who do not require visa to visit Nigeria under visa abolition agreements.

## How to Apply for Visa on Arrival

<https://immigration.gov.ng/visa-on-arrival/>

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3/27/2019

Visa on Arrival – Nigeria Immigration Service

**Step 1: Get Visa on Arrival Approval Letter**

There are two methods to obtaining VoA approval letter: applying through email or in person or application by represent

**Applying through Email**

Applicant/Representative shall write an Application Letter to The Comptroller General of Immigration, NIS HQ, Abuja stat  
[oa@nigeriaimmigration.gov.ng](mailto:oa@nigeriaimmigration.gov.ng)

- Name of Applicant indicating Nationality
- Passport number of Applicant
- Purpose of visit
- Proposed date of visit
- Proposed port of entry
- Flight itinerary
- Address in Nigeria or Hotel Reservation

Attach the following documents:

- Copy of Passport Data Page
- Copy of Airline Return ticket reservation

**Note:** After Approval, a letter will be forwarded to your email with a copy sent to the Airline stated in your application and

**Applying through your representative in Nigeria**

1. Contact your Representative (Business partners, Company Representative, Protocol/Liaison Officer, etc) in Nigeria.
2. The Representative files a formal request for Visa on Arrival Approval on your behalf by writing an application letter to stating the following:

- Name of Applicant indicating Nationality, Passport number of visitor
- Purpose of visit
- Proposed date of visit
- Proposed port of entry
- Proposed airline
- Flight itinerary
- Address in Nigeria
- Email address of the visitor
- Acceptance of Immigration Responsibility

3. The representative shall attach the following documents in support of the application

<https://immigration.gov.ng/visa-on-arrival/>

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Visa on Arrival – Nigeria Immigration Service

- Copy of visitor's passport data page
- Copy of Airline Return ticket Reservation

**Note:** After Approval Letter is obtained, (Hard Copy) by your representative, copies of the same document will be forwarded to the Port of Entry.

**Step 2: Pay for Visa on Arrival**

Fill in the application form with your correct details and make payment online **here**.

*Online Payment may also be made at point of arrival subject to presentation of Visa on Arrival Approval Letter. Master C*

**Step 3: Arrive at the Port of Entry and proceed for Immigration Clearance**

Upon arrival at the Port of Entry, proceed to the desk marked 'Visa on Arrival' for issuance of entry Visa. Present the following:

- Visa Approval Letter (Pre-approved visa letter), valid for 14 days from the date of issuance
- Evidence of online payment
- Valid Passport with minimum of six months validity
- Valid return ticket
- Two recent passport sized photographs

**Timeline:**

The request shall be processed and approval letter issued within 48hrs (2 working days).



3/27/2019

Visa on Arrival – Nigeria Immigration Service

## Contact Us

### Address: NIS HQ

Shehu Shagari Complex, Airport Road,  
Sauka, Abuja, FCT Nigeria.

## Complaints/Enquiries:

## Contact Centre

### Phone:

+234-708-0607-900

+234-814-7199-908

### Hours of Operation: 07:00 -

20:00hours (GMT+1)

### Email:

nis.servicom@nigeriaimmigration.gov.ng

**Phone :+234-811-9753-844**

## News

### Commencement (New Passport)

January 31, 2019

### Official Commissioning of Seme-Krake

Joint Border Patrol Post by President

Muhammadu Buhari GCFR

October 24, 2018

### Minister Decorates New DCG

April 13, 2018

### Nigeria and Niger Affirm Commitment

To Joint Border Security

April 13, 2018

### NIS Reinforces Border Patrol in Benue

State

April 13, 2018

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## **Annex 127**

South Africa, Immigration Act 13 of 2002, s. 9 and 10





# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

**Vol. 443   Cape Town   31   May   2002   No. 23478**

## THE PRESIDENCY

No. 766 31 May 2002

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**No. 13 of 2002: Immigration Act, 2002.**



**AIDS HELPLINE: 0800-123-22 Prevention is the cure**



**Adjudication and review procedures**

8. (1) Before making a determination adversely affecting a person, the *Department* shall notify the contemplated decision and related motivation to such affected person and give such person at least 10 calendar days to make representations, after which the *Department* shall notify such person that either such decision has been withdrawn or modified, or that it shall become effective, subject to subsection (2). 5

(2) Within 20 calendar days of its notification, the person aggrieved by an effective decision of the *Department* may appeal against it—

- (a) to the *Director-General*, who may reverse or modify it within 10 calendar days, failing which the decision shall be deemed to have been confirmed; or 10
- (b) within 20 calendar days of modification or confirmation by the *Director-General*, if any, to the *Minister*, who may reverse or modify it within 20 calendar days, failing which the decision shall be deemed to have been confirmed, and be final, provided that in exceptional circumstances or when such person stands to be deported as a consequence of such decision— 15
  - (i) the *Minister* may extend such deadline; and
  - (ii) at the request of the *Department*, the *Minister* may request such person to post a bond to defray his or her *deportation* costs, if applicable; or
- (c) within 20 calendar days of modification or confirmation by the *Minister*, if any, to a *Court*, which may suspend, reverse or modify it in accordance with its rules. 20

(3) If not appealed in terms of subsection (2), a decision of the *Department* is final, subject to section 37 of *this Act*.

(4) Any person adversely affected by a decision of the *Department* shall be notified in writing of his or her rights under this section and other *prescribed* matters, and may not be deported before the relevant decision is final. 25

(5) Notwithstanding subsection (1), as soon as notified to the person concerned in terms of subsection (4), the decision of an immigration officer refusing entry into the *Republic* shall be effective for the purpose of subsection (1), and final for purposes of *deportation*, but subject to subsections (2) and (3). 30

**ADMISSION AND DEPARTURE****Admission and departure**

9. (1) Subject to *this Act*, no person shall enter the *Republic* at a place other than a *port of entry*.

(2) Subject to *this Act*, a *citizen* or a *resident* shall be admitted, provided that he or she identifies himself or herself as such in the *prescribed* manner and, in the case of a *resident*, the immigration officer records his or her entrance. 35

(3) No person shall leave the *Republic*—

- (a) unless in possession of a *passport*, or a certificate issued by the *Department* upon *application* in lieu thereof; 40
- (b) unless, if he or she is a person under the age of 16 years who does not hold a *passport*, he or she is accompanied by his or her parent who holds a *passport* in which his or her name was entered in terms of the provisions of the South African Passports and Travel Documents Act, 1994 or on behalf of any government or international organisation recognised by the Government of the *Republic*; and 45
- (c) except at a *port of entry*, unless—



## Act No. 13, 2002

## IMMIGRATION ACT, 2002

- (i) in possession of a certificate by the *Department* granting permission upon *application* to leave the *Republic* at a place other than a *port of entry* within a certain period not exceeding six months at a time, provided that for good cause an immigration officer may withdraw such permission; or 5
- (ii) exempted by the *Minister*, as he or she deems fit, on recommendation of the *Director-General*, which exemption may be withdrawn by the *Director-General* at any time; and
- (d) unless, in the case of a *resident*, the *departure* is recorded by an immigration officer. 10
- (4) A *foreigner* may only enter the *Republic*—
  - (a) by producing to an immigration officer his or her *passport* to be valid for no less than 30 days after the expiry of the intended stay, and
  - (b) if issued with a valid *temporary residence*, as set out in this Act, and may only depart as set out in this Act. 15

**TEMPORARY RESIDENCE*****Temporary residence permits***

- 10. (1) Upon *admission*, a *foreigner* may enter and sojourn in the *Republic* only if in possession of a *temporary residence*.
- (2) Subject to this Act, upon *application* and upon *prescribed* examination at the *port of entry*, one of the *temporary residences* set out in sections 11 to 23 may be issued to a *foreigner*. 20
- (3) If issued outside the *Republic*, a *temporary residence* is deemed to be of force and effect only after an *admission*.
- (4) A *temporary residence* is to be issued on condition that the holder is not or does not become a *prohibited* or an *undesirable person*. 25
- (5) For good cause, as *prescribed*, the *Department* may attach reasonable individual terms and conditions to a *temporary residence*.
- (6) Subject to this Act, a *foreigner* may change his or her *status* while in the *Republic*.

**Visitor's Permit**

30

- 11. (1) A visitor's permit may be issued by the *Department* in respect of a *foreigner* who—
  - (a) holds a *visa*; or
  - (b) is a *citizen* of a *foreign state* *prescribed* from time to time and provides the financial or other guarantees *prescribed* from time to time in respect of his or her *departure*, 35
 provided that such permit—
  - (i) cannot exceed three months and upon *application* may be renewed by the *Department*, or
  - (ii) may be issued by the *Department* upon *application* for any period not to exceed three years to a *foreigner* who has satisfied the *Department* that he or she controls sufficient available financial resources, which may be *prescribed* from time to time, and is engaged in the *Republic* in—
    - (aa) academic sabbaticals;
    - (bb) voluntary or charitable activities; 45
    - (cc) research; or
    - (dd) other *prescribed* activities and cases.
- (2) The holder of a visitor's permit may not conduct work.



## **Annex 128**

South Africa, Department of Home Affairs, Passport holders  
who are exempt from visas for South Africa

<http://www.home-affairs.gov.za/index.php/countries-exempt-from-sa-visa>





*We Care!*



(/)

## Countries exempt from South African Visas

Tweet Share

### PASSPORT HOLDERS WHO ARE EXEMPT FROM VISAS FOR SOUTH AFRICA

#### ***SUBJECT TO CHANGE WITHOUT NOTICE***

The citizen who is a holder of a national passport (diplomatic, official and ordinary) of the foreign countries / territories / international organisations listed below are not required to hold a visa when reporting to an immigration officer for an examination at a South African port of entry, subject to the terms and conditions set out in this list, including inter alia the intended period of stay in the Republic.

1. The holder of a national South African passport, travel document and document for travel purposes.

2. The citizen who is a holder of a national passport (diplomatic, official or ordinary) of the following countries / territories / international organisations is not required to hold a visa in respect of purposes for which a port of entry visa may be issued or by virtue of being a person contemplated in section 31(3)(b) [accredited in SA] for an intended stay of 90 days or less and when in transit:

African Union Laissez Passer

Andorra

Angola (ordinary passports 90 days per annum visits not to exceed 30 days)

Argentina

Australia

Austria

Belgium

Botswana

Brazil

Canada

Chile

Czech Republic

Denmark

Ecuador

Finland

France

Germany (except in diplomatic staff due to assume duty at the Embassy and Consulates of Germany in SA)

Greece

Iceland

Ireland

Israel

Italy

Jamaica



Japan	
Liechtenstein	
Luxemburg	
Malta	
Monaco	
Namibia (only ordinary passport holders 90 days per annum)	
Netherlands	
Norway	
Panama	
Paraguay	
Portugal	
Russian Federation	
San Marino	
Singapore	
Spain	
St Vincent & the Grenadines	
Sweden	
Switzerland	
Tanzania (90 days per annum)	
Trinidad & Tobago (only ordinary passport holders)	
United Kingdom of Great Britain and Northern Ireland (only ordinary passport holders)	
British Islands Bailiwick of Guernsey and Jersey, Isle of Man. British Overseas Territories namely: Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and Dependencies (Ascension Island, Gough Island and Tristan da Cunha), Pitcairn, Henderson, Ducie and Oeno Islands, the Sovereign Base Areas of Cyprus South Georgia and South Sandwich Islands and the Turks and Caicos Island.	
United States of America (only diplomatic and ordinary passport holders. However, diplomatic passport holders who are due to assume duty at the Embassy and Consulates of the USA in South Africa, require visas for accreditation purposes)	
Uruguay	
Venezuela	
Zambia (90 days per annum)	
Zimbabwe	
3. The citizen who is a holder of a national passport (diplomatic, official and ordinary) of the following countries / territories / international organisations is not required to hold a visa in respect of purposes for which a port of entry visa may be issued or by virtue of being a person contemplated in section 31(3)(b) [accredited in SA] for an intended stay of 30 days or less and when in transit:	
Antigua and Barbuda	
Bahamas (only ordinary passport holders)	
Barbados	
Belize	
Benin	
Bolivia	
Cape Verde	
Costa Rica	
Cyprus (only ordinary passport holders)	
Gabon	
Guyana	
Hong Kong [only with regard to holders of Hong Kong British National Overseas passports and Hong Kong Special Administrative Region passports]	
Hungary (only ordinary passport holders)	



Jordan  
 Kingdom of Eswatini  
 Lesotho  
 Macau [only with regard to holders of Macau Special Administrative Region passports (MSAR)]  
 Malaysia  
 Malawi  
 Maldives  
 Mauritius  
 Mozambique (only ordinary passport holders)  
 Peru  
 Poland (only ordinary passport holders)  
 Seychelles  
 South Korea  
 Thailand (only ordinary passport holders)  
 Turkey

4. Agreements have also been concluded with the following countries for holders of diplomatic and official passport holders.

Citizens who are holders of diplomatic, official and service passports of the following countries do not require visas in respect of purposes for which a port of entry visa may be issued or by virtue of being a person contemplated in section 31(3)(b) [accredited in SA] for the period indicated and transit:

Albania (120 days)  
 Algeria (30 days)  
 Angola (90 days)  
 Belarus (90 days)  
 Benelux states (90 days)  
 Bulgaria (90 days)  
 China (PROC) (30 days)  
 Cyprus (90 days)  
 Comoros (90 days)  
 Croatia (90 days)  
 Cuba (90 days)  
 Democratic Republic of Congo (DRC) (90 days) (official visits only)  
 Egypt (30 days)  
 Ghana (90 days)  
 Guinea (90 days)  
 Hungary (120 days)  
 India (90 days)  
 Indonesia (30 days)  
 Ivory Coast (Cote d'Ivoire) (30 days)  
 Kenya (90 days, including civil servants holding ordinary passports travelling for official government business)  
 Liberia (90 days)  
 Mexico (90 days)  
 Madagascar (30 days)  
 Morocco (30 days)  
 Mozambique (90 days)  
 Namibia (30 days)  
 Nigeria (90 days)



Paraguay (120 days)

Poland (90 days)

Romania (90 days)

Rwanda (30 days)

Senegal (90 days)

Slovak Republic (90 days)

Thailand (90 days)

Tunisia (90 days) (also special passports)

Uganda (90 days)

Vietnam (90 days)

5. Notwithstanding this Schedule, a foreigner whose visa exemption has been withdrawn shall comply with the visa requirements until notified by the Department that his or her visa exemption has been re-instated by the Department on petition or of its own accord.

6. General Work Visas are not required by commercial heavy duty vehicle drivers who are employed by South African companies and originate from countries which enjoy visa free movement into South Africa, on condition that they can produce a letter confirming their employment on entry. In accordance with a High Court ruling by the North Gauteng High Court on 31 March 2011, foreign commercial heavy duty vehicle drivers may be issued with visitor's visas in terms of section 11(1)(a) of the Immigration Act, with authorisation to conduct work in terms of section 11(2) of the said Act for the period of their visa exemption, which period may not exceed 90 days at a time.

7. Port of entry visas are not required by foreign employed commercial heavy-duty vehicle drivers from Lesotho, Botswana, Kingdom of Eswatini, Namibia, Zambia, Zimbabwe and Malawi who are entering the Republic, provided their visits do not exceed the period of their visa exemption and on condition that they can produce a letter confirming their employment with a transport company abroad on entry. Visitor's visas in terms of section 11(1)(a) of the Immigration Act, with authorisation to conduct work in terms of section 11(2) of the said Act for the period of their visa exemption, which period may not exceed 90 days at a time

8. Staff members of the Southern African Development Community (SADC) who travel on SADC laissez-passers are exempt from visa requirements for bona fide official business visits up to 90 days and transit.

9. The following categories of the UN as well as their spouses, dependent relatives and other members of the households are exempt from visa requirements when visiting the Republic for periods not exceeding 90 days for purposes for which a port of entry visa may be issued, and for official business purposes and transits and when accredited for placement at a UN mission in the Republic for the duration of their accreditation, provided they are in possession of the relevant letters or identification documents to identify themselves at ports of entry as personnel of an UN agency.

- Holders of United Nations Laissez-passers
- Volunteers attached to the UN
- Persons involved in any United Nations agency
- Persons performing services on behalf of the UN

10. Members of military forces attending any military related matters with the South African National Defence Force are exempt from visa and study visa requirements; irrespective of their duration of stay provided they are in possession of letters of invitation from the SANDF as well as letters of consent from the military force of which they are members.

11. With effect from 18 December 2015 travellers, with the exception of deportees, who transit through O R Tambo International Airport; Cape Town International Airport; King Shaka International Airport and Lanseria International Airport do not require transit visas as contemplated in section 10B(4)(a) of the Immigration Act, 2002 (Act No 13 of 2002). However, transiting passengers will be subjected to biometric capturing. Deportees transiting at any port of entry are required to be in possession of a transit visa at all times and must be escorted.

**DATE LAST UPDATED 2018. 08.14**







## **Annex 129**

Thailand, Ministry of Foreign Affairs, Summary of Countries and Territories entitled for Visa Exemption and Visa on Arrival to Thailand

<http://www.consular.go.th/main/contents/filemanager/VISA/Visa%20on%20Arrival/VOA.pdf>



### Summary of Countries and Territories entitled for Visa Exemption and Visa on Arrival to Thailand

Ordinary Passport							Diplomatic/Official Passport		
Nationals of the following countries may apply for Visa on Arrival	Nationals of the following countries may enter Thailand without a visa						Nationals of the following countries may enter Thailand without a visa		
	Tourist Visa Exemption Scheme			Bilateral Agreement			Bilateral Agreement		
Period of stay	Period of stay			Period of stay			Period of stay		
15 days	** 30 days			14 days	30 days	90 days	30 days	90 days	
Andorra	Australia	Oman	* Brazil	Cambodia	Hong Kong	Argentina	Cambodia	Albania	The Philippines
Bulgaria	Austria	The Philippines	* Korea (ROK)		Laos	Brazil	China	Argentina	Poland
Bhutan	Belgium	Poland	* Peru		Macau	Chile	Ecuador	Austria	Romania
China	Bahrain	Portugal			Mongolia	Korea (ROK)	Hong Kong	Belgium	Russia
Cyprus	Brunei	Qatar			Russia	Peru	Indonesia	Bhutan	Slovakia
Ethiopia	Canada	Singapore			Vietnam		Laos	Brazil	South Africa
India	Czech Republic	Slovak					Macau	Chile	<u>Spain</u>
Kazakhstan	Denmark	Slovenia					Mongolia	Colombia	(Diplomatic only)
Latvia	Estonia	Spain					Myanmar	Costa Rica	
Lithuania	Finland	South Africa					Oman	Croatia	Sri Lanka
Maldives	France	Sweden					<u>Pakistan</u>	Czech Republic	Switzerland
Malta	Germany	Switzerland					(Diplomatic only)	<u>Estonia</u>	Tajikistan
Mauritius	Greece	Turkey					Singapore	(Diplomatic only)	Tunisia
Romania	Hong Kong	UAE					Vietnam	<u>France</u>	Turkey
San Marino	Hungary	UK						(Diplomatic only)	Ukraine
Saudi Arabia	Iceland	USA						Germany	Uruguay
Taiwan	Indonesia	Vietnam						Hungary	
Ukraine	Ireland							India	
Uzbekistan	Israel							Israel	
	Italy							Italy	
	Japan							Japan	
	Kuwait							Korea (ROK)	
	Liechtenstein							Liechtenstein	
	Luxembourg							Luxembourg	
	Malaysia							Malaysia	
	Monaco							Mexico	
	The Netherlands							The Netherlands	
	New Zealand							Nepal	
	Norway							Panama	
								Peru	

Department of Consular Affairs, 23 December 2014

#### Remarks

\* Nationals of Brazil, Republic of Korea and Peru are entitled for tourist visa exemption scheme. Meanwhile, Thailand also holds bilateral agreements on visa exemption for holders of diplomatic, official and ordinary passports for a visit of not exceeding 90 days with Brazil, Republic of Korea and Peru.

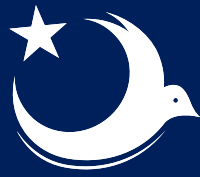
\*\* If such nationals enter the Kingdom at the immigration checkpoints which border neighboring countries, they will be allowed to stay for 15 days each time, except (1) Malaysian nationals who cross the borderline from Malaysia, (2) Nationals of the G7 countries: USA, UK, Canada, France, Germany, Italy and Japan, whose granted period of stay will not exceed 30 days each time. In addition, such nationals who hold diplomatic and official passports are also practically exempted from visa for tourism.



## **Annex 130**

Turkey, Law on Foreigners and International Protection  
(Yabancılar ve Uluslararası Koruma Kanunu), No 6458,  
Article 12





REPUBLIC OF TURKEY  
MINISTRY OF INTERIOR  
DIRECTORATE GENERAL OF  
MIGRATION MANAGEMENT



# **LAW ON FOREIGNERS AND INTERNATIONAL PROTECTION**



REPUBLIC OF TURKEY MINISTRY OF INTERIOR  
DIRECTORATE GENERAL OF MIGRATION MANAGEMENT

Publishing Number: 6  
APRIL 2014

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sas issued for such purposes shall immediately be reported to the Ministry and the Foreign Ministry in accordance with the general visa procedures. These visas are not subject to fee.

- (7) The principles and procedures governing visa types and processes shall be stipulated in a Directive.

### Visa exemption

#### **ARTICLE 12 –**

- (1) Visa for entry into Turkey shall not be required from those foreigners who are:
- a) exempt from visa obligation pursuant to agreements to which the Republic of Turkey is party to or with a Council of Ministers' decree;
  - b) holders of a residence or a work permit valid on the date of entry into Turkey;
  - c) holders of a valid "reserved for foreigners" passport issued pursuant to Article 18 of the Passport Law № 5682 of 15/07/1950;
  - ç) within the scope of Article 28 of the Turkish Citizenship Law № 5901 of 29/05/2009.
- (2) Visa requirement for entry into Turkey may not be sought from those foreigners who:
- a) disembark at a port city from a carrier, which has been obliged to use Turkish air and sea ports due to force majeure;
  - b) arrive at seaports for the purpose of touristic visits to the port city or nearby cities, provided



that their visit does not exceed seventy two hours.

Border visa [Visas issued at border gates]

#### **ARTICLE 13 –**

- (1) On exceptional cases, foreigners arriving at border gates without a visa, may be issued a visa provided that they document their [intended] departure from Turkey within due time.
- (2) Border visa shall be issued by the governorates in charge of the respective border gates. Governorates may delegate this authority to the law enforcement unit stationed at the border. Such visas shall authorise stay in Turkey for a maximum of fifteen days, unless a different duration is determined by the Council of Ministers.
- (3) The medical insurance requirement may be waived for humanitarian reasons for persons issued a visa at the border.

Airside transit visas

#### **ARTICLE 14 –**

- (1) Foreigners who shall be transiting through Turkey may be required to obtain an airside transit visa. Airside transit visas shall be issued by the consulates, to be used no later than six months.
- (2) Foreigners who would be required to obtain an airside transit a visa shall be jointly determined by the Ministry and Ministry of Foreign Affairs.







## **Annex 131**

Uganda, immigration website

<http://visas.immigration.go.ug/#/help>



3/27/2019

Welcome to Uganda Electronic Visa/Permit Application System



DIRECTORATE of CITIZENSHIP and IMMIGRATION CONTROL  
MINISTRY of INTERNAL AFFAIRS  
REPUBLIC of UGANDA  
**UGANDA E-IMMIGRATION SYSTEM**



## Frequent Asked Questions

Click on a question to learn more about it

### Which nationalities are visa exempt?

If your nationality is one of the list, you don't need to apply for a Visa for entering in Uganda:

Angola  
Eritrea  
Malawi  
Madagascar  
Seychelles  
Swaziland  
Zambia  
Comoros  
Kenya  
Mauritius  
Zimbabwe  
Tanzania  
Rwanda  
Burundi  
Antigua  
Barbados  
Fiji  
Grenada  
Lesotho  
Sierra Leone  
Solomon Islands, The Grenadines  
Vanuatu  
Ghana  
Cyprus  
Bahamas  
Belize  
Gambia  
Jamaica  
Malta  
Singapore  
St. Vincent-Tonga

**What is the difference between the approval letter and the visa or permit?**

**What does "mandatory online payment" mean?**

**Is there a fee to pay online?**

**Is my credit card information safe?**

**Do you only accept credit cards?**

**If approved, does this guarantee my admission to Uganda?**

**How I can check my application status?**

**How I can pay my application after submission?**

<https://visas.immigration.go.ug/#/help>

1/2



## **Annex 132**

United Kingdom, Immigration Rules, Appendix V (Visitor Rules),  
Part V1.2 and Appendix 2





1. Home (<https://www.gov.uk/>)
2. Entering and staying in the UK (<https://www.gov.uk/entering-staying-uk>)
3. Immigration adviser services (<https://www.gov.uk/entering-staying-uk/immigration-adviser-services>)

## Immigration Rules

From:: **Home Office**  
Published:: **25 February 2016**  
Updated:: **1 February 2019, see all updates**

### Immigration Rules Appendix V: visitor rules

Immigration Rules for visitors.

#### APPENDIX V: Immigration Rules for visitors

##### Introduction

A visitor is a person who is coming to the UK, usually for up to six months, for a temporary purpose, for example as a tourist, to visit friends or family or to carry out a business activity.

Visitors cannot work or study in the UK unless this is allowed by the permitted activities that are set out in these Visitor Rules.

Each visitor must meet the requirements of these Visitor Rules, even if they are travelling as, for example, a family group, a tour group or a school party.

Applications are decided based on the information provided by the applicant and any other relevant circumstances at the date of decision.

Definitions of terms and phrases used in these Visitor Rules are in Appendix 1. Defined words are in *italics*.

#### PART V1. Entry to the UK

##### Types of permission to enter the UK

V 1.1 A person who wishes to enter the UK as a visitor must have permission to do so. That permission may be granted as a visit visa or as leave to enter.

##### Who needs a visit visa

V 1.2 A visa national must obtain a visit visa before they arrive in the UK. Appendix 2 sets out who is a visa national. A visa national who arrives in the UK without a visit visa will be refused leave to enter. Appendix 1 of Appendix V sets out the format of visit visas that are valid for entry to the UK.

V 1.3 A non-visa national may apply for a visit visa, but is not required to unless they are: (a) visiting the UK to marry or to form a civil partnership, or to give notice of this; or (b) seeking to visit the UK for more than 6 months.



3/27/2019

Immigration Rules Appendix V: visitor rules - Immigration Rules - Guidance - GOV.UK

### Who can apply for leave to enter on arrival

V 1.4 A non-visa national may apply for leave to enter as a visitor on arrival at the UK border, unless V 1.3 (a) or (b) applies.

### Types and lengths of visit visa and leave to enter or remain

V 1.5 There are four types of visitor routes which depend on the purpose of the visit:

	<b>Types of visit visa/Leave to enter or remain</b>	<b>Visitors of this type can:</b>	<b>The maximum length of stay that can be granted for each type of visitor:</b>
(a)	Visit (standard)	Do the permitted activities in Appendix 3 except visitors entering under the Approved Destination Status agreement who may only do the activities in paragraph 3 of Appendix 3 to these Rules;	up to 6 months, except: (i) a visitor who is coming to the UK for private medical treatment may be granted a visit visa of up to 11 months; or (ii) an academic, who is employed by an overseas institution and is carrying out the specific permitted activities paragraph 12 of Appendix 3, of these Rules, along with their spouse or partner and children, may be granted a visit visa of up to 12 months; or (iii) a visitor under the Approved Destination Status Agreement (ADS Agreement) may be granted a visit visa for a period of up to 30 days.
(b)	Marriage / civil partnership visit	Visit to marry or to form a civil partnership, or to give notice of this, in the UK, and do the permitted activities in Appendix 3;	up to 6 months.
(c)	Permitted Paid Engagements (PPE) visit	Do the paid engagements in Appendix 4 and do the permitted activities in Appendix 3;	up to 1 month.
(d)	Transit visit	Transit the UK.	up to 48 hours, except for leave to enter as a transit visitor under the Transit Without Visa Scheme which may be granted until 23:59 hours on the next day after the day the applicant arrived.



3/27/2019

Immigration Rules Appendix V: visitor rules - Immigration Rules - Guidance - GOV.UK

V 1.6 Within the period for which the visit visa is valid, a visitor may enter and leave the UK multiple times, unless the visit visa is endorsed as a single- or dual-entry visa.

## **PART V2. Making an application for a visit visa**

### **How to apply for a visit visa**

V 2.1 An application for a visit visa must be made while the applicant is outside the UK and to a post designated to accept such applications.

V 2.2 To apply for a visit visa the applicant must:

- (a) complete the online application process on the visas and immigration pages of the gov.uk website; and
- (b) pay any fee that applies; and
- (c) provide their biometrics if required; and
- (d) provide a valid travel document. Where the online application process is not available, the applicant must follow the instructions provided by the local visa post or application centre on how to make an application.

### **Date of application**

V 2.3 An application for a visit visa is made on the date on which the fee is paid.

V 2.4 Where a fee is not required, the date of application is the date on which the application is submitted online.

V 2.5 Where a fee is not required and an online application is not available, the date of application is the date on which the paper application form is received by the relevant visa post or application centre.

### **Withdrawing an application and return of a travel document**

V 2.6 An applicant may withdraw their application at any time before a decision is made on it. The request must be made in writing or email to the visa post or application centre where the application was submitted. When notice of withdrawal is received no decision will be made on the application and the applicant's travel document and any other documents will be returned. The fee will not be refunded.

V 2.7 A request from an applicant for return of their travel document after an application has been submitted must be made in writing or email to the visa post or application centre where the application was submitted. It will be treated as a notice of withdrawal of the application, unless the visa post states otherwise.

## **PART V3. SUITABILITY REQUIREMENTS FOR ALL VISITORS**

V 3.1 This Part applies to all applications for visit visas, leave to enter, and an extension of stay as a visitor except where explicitly stated otherwise.

### **Not conducive to the public good: exclusion and deportation**

V 3.2 An application will be refused if:

- (a) the Secretary of State has personally directed that the applicant's exclusion from the UK is conducive to the public good; or
- (b) the applicant is currently the subject of a deportation order or a decision to make a deportation order.

V 3.3 An application will be refused if the decision maker believes that exclusion of the applicant from the UK is conducive to the public good because, for example, the applicant's conduct (including convictions which do not fall within paragraph V 3.4), character, associations, or other reasons, make it undesirable to grant their application.



**Not conducive to the public good: criminal convictions, etc.**

V 3.4 An application (except for an application for an extension of stay as a visitor) will be refused if the applicant has been convicted of a criminal offence for which they have been sentenced to a period of imprisonment of:

- (a) at least 4 years; or
- (b) between 12 months and 4 years, unless at least 10 years have passed since the end of the sentence; or
- (c) less than 12 months, unless at least 5 years has passed since the end of the sentence.

V 3.4A An application will be refused if the presence of the applicant in the UK is not conducive to the public good because they are a person to whom the Secretary of State:

- (a) has at any time decided that paragraph 339AA, 339AC, 339D or 339GB of these rules applies; or
- (b) has decided that paragraph 339AA, 339AC, 339D or 339GB of these rules would apply, but for the fact that (a) the person has not made a protection claim in the UK, or that (b) the person made a protection claim which was finally determined without reference to any of the relevant matters described in paragraphs 339AA, 339AC, 339D or 339GB.

V 3.5 An application will normally be refused if:

- (a) within the period of 12 months before the application is decided, the applicant has been convicted of or admitted an offence for which they received a non-custodial sentence or out of court disposal that is recorded on their criminal record (except for an application for an extension of stay as a visitor); or
- (b) in the view of the Secretary of State the applicant's offending has caused serious harm; or
- (c) in the view of the Secretary of State the applicant is a persistent offender who shows a particular disregard for the law.

**False information in relation to an application**

V 3.6 An application will be refused where:

- (a) false representations have been made or false documents or information have been submitted (whether or not material to the application, and whether or not to the applicant's knowledge); or
- (b) material facts have not been disclosed, in relation to their application or in order to obtain documents from the Secretary of State or a third party provided in support of their application.

**Breaches of UK immigration laws**

V 3.7 An application, except an application for an extension of stay as a visitor, will be refused if:

- (a) the applicant previously breached UK immigration laws as described at V 3.9; and
- (b) the application is made within the relevant re-entry ban time period in V 3.10 (which time period is relevant will depend on the manner in which the applicant left the UK).

V 3.8 If the applicant has previously breached UK immigration laws but is outside the relevant re-entry ban time period the application will normally be refused if there are other aggravating circumstances, such as a failure to cooperate with immigration control or enforcement processes. This applies even where paragraph V3.9A applies.

V 3.9 An applicant, when aged 18 years or over, breached the UK's immigration laws:

- (a) by overstaying (except where paragraph V3.9A applies); or
- (b) by breaching a condition attached to their leave, unless leave was subsequently granted in the knowledge of the breach; or
- (c) by being an illegal entrant; or



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(d) if deception was used in relation to an application or documents used in support of an application (whether successful or not).

V3.9A This paragraph applies where:

(i) the overstaying was for-

(a) 90 days or less, where the overstaying began before 6 April 2017; or

(b) 30 days or less, where the overstaying began on or after 6 April 2017; and

(ii) in either case the applicant left the UK voluntarily, not at the expense (directly or indirectly) of the Secretary of State.

For the purposes of calculating the period of overstaying, the following will be disregarded:

(aa) overstaying of up to 28 days, where, prior to 24 November 2016, an application for leave was made during that time, together with any period of overstaying pending the determination of that application and any related appeal or administrative review;

(bb) overstaying in relation to which paragraph 39E of the Immigration Rules (concerning out of time applications made on or after 24 November 2016) applied, together with any period of overstaying pending the determination of any related appeal or administrative review;

(cc) overstaying arising from a decision of the Secretary of State which is subsequently withdrawn, quashed, or which the Court or Tribunal has required the Secretary of State to reconsider in whole or in part, unless the challenge to the decision was brought more than three months from the date of the decision.

V 3.10 The duration of a re-entry ban is as follows:

<b>Duration of re entry ban from date they left the UK (or date of refusal of entry clearance under paragraph f)</b>	<b>This applies where the applicant</b>	<b>and</b>	<b>and</b>
(a) 12 months	left voluntarily	at their own expense.	-
(b) 2 years	left voluntarily	at public expense	Within 6 months of being given notice of liability for removal or when they no longer had a pending appeal or administrative review, whichever is later.
(c) 5 years	left voluntarily	at public expense,	more than 6 months after being given notice of liability for removal or when they no longer had a pending appeal or administrative review, whichever is later.



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<b>Duration of re entry ban from date they left the UK (or date of refusal of entry clearance under paragraph f)</b>	<b>This applies where the applicant</b>	<b>and</b>	<b>and</b>
(d) 5 years	left or was removed from the UK	as a condition of a caution issued in accordance with section 22 of the Criminal Justice Act 2003 (and providing that any condition prohibiting their return to the UK has itself expired)	-
(e) 10 years	was deported from the UK or was removed from the UK	at public expense	-
(f) 10 years	used deception in an application for entry clearance (including a visit visa).	-	-

V 3.11 Where more than one breach of the UK's immigration laws has occurred, only the breach which leads to the longest period of absence from the UK will be relevant.

### **Failure to produce satisfactory identity documents or provide other information**

V 3.12 An applicant will be refused where the applicant:

- (a) fails to produce a valid travel document that satisfies the decision maker as to their identity and nationality except where paragraph V3.12A applies.
- (b) fails without reasonable excuse to comply with a requirement to:
  - (i) attend an interview; or
  - (ii) provide information; or
  - (iii) provide biometrics; or
  - (iv) undergo a medical examination or provide a medical report.

V3.12A The document referred to in paragraph V3.12(a) does not need to satisfy the decision maker as to nationality where it was issued by the national authority of a state of which the person is not a national and the person's statelessness or other status prevents the person from obtaining a document satisfactorily establishing the person's nationality.



## Medical

V 3.13 An applicant will normally be refused where, on the advice of the medical inspector, it is undesirable to grant the application for medical reasons.

## Debt to the NHS

V 3.14 An applicant will normally be refused where a relevant NHS body has notified the Secretary of State that the applicant has failed to pay charges under relevant NHS regulations on charges to overseas visitors and the outstanding charges have a total value of at least £500.

## Litigation costs

V3.14A An applicant will normally be refused where the applicant has failed to pay litigation costs awarded to the Home Office.

## Admission to the Common Travel Area or other countries

V 3.15 An applicant will be refused where they are seeking entry to the UK with the intention of entering another part of the Common Travel Area, and fails to satisfy the decision maker that they are acceptable to the immigration authorities there.

V 3.16 An applicant will normally be refused where they fail to satisfy the decision maker that they will be admitted to another country after a stay in the UK.

## PART V4. ELIGIBILITY REQUIREMENTS FOR VISITORS (STANDARD)

V 4.1 The decision maker must be satisfied that the applicant meets all of the eligibility requirements in paragraphs V 4.2 – V 4.10. The decision maker must be satisfied that the applicant meets any additional eligibility requirements, where the applicant:

- (a) is a child at the date of application, they must also meet the additional requirements at V 4.11 – V 4.13; or
- (b) is coming to the UK to receive private medical treatment, they must also meet the additional requirements at V 4.14 – V 4.16; or
- (c) is coming to the UK as an organ donor, they must also meet the additional requirements at V 4.17 – V 4.20; or
- (d) is coming to the UK under the ADS agreement, they must also meet the additional requirements at V 4.21; or
- (e) is an academic seeking a 12 month visit visa, they must also meet the additional requirements at V 4.22.

## Genuine intention to visit

V 4.2 The applicant must satisfy the decision maker that they are a genuine visitor. This means that the applicant:

- (a) will leave the UK at the end of their visit; and
- (b) will not live in the UK for extended periods through frequent or successive visits, or make the UK their main home; and
- (c) is genuinely seeking entry for a purpose that is permitted by the visitor routes (these are listed in Appendices 3, 4 and 5); and
- (d) will not undertake any prohibited activities set out in V 4.5 – V 4.10; and



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(e) must have sufficient funds to cover **all** reasonable costs in relation to their visit without working or accessing public funds. This includes the cost of the return or onward journey, any costs relating to dependants, and the cost of planned activities such as private medical treatment.

### **Funds, maintenance and accommodation provided by a third party**

V 4.3 A visitor's travel, maintenance and accommodation may be provided by a third party where the decision maker is satisfied that they:

- (a) have a genuine professional or personal relationship with the visitor; and
- (b) are not, or **will not be**, in breach of UK immigration laws at the time of decision or the visitor's entry to the UK; and
- (c) can and **will** provide support to the visitor for the intended duration of their stay.

V 4.4 The third party may be asked to give an undertaking in writing to be responsible for the applicant's maintenance and accommodation. In this case paragraph 35 of Part 1 of these Rules applies also to Visitors. An applicant **will** normally be refused where, having been requested to do so, the applicant fails to provide a valid written undertaking from a third party to be responsible for their maintenance and accommodation for the period of any visit.

### **Prohibited activities**

#### **Work**

V 4.5 The applicant must not intend to work in the UK, which includes the following:

- (a) taking employment in the UK;
  - (b) doing work for an organisation or business in the UK;
  - (c) establishing or running a business as a self-employed person;
  - (d) doing a work placement or internship;
  - (e) direct selling to the public;
  - (f) providing goods and services;
- unless expressly allowed by the permitted activities in Appendices 3, 4 or 5.

V 4.6 Permitted activities must not amount to the applicant taking employment, or doing work which amounts to them filling a role or providing short-term cover for a role within a UK based organisation. In addition, where the applicant is already paid and employed outside of the UK, they must remain so. Payment may only be **allowed** in specific circumstances set out in V 4.7.

#### **Payment**

V 4.7 The applicant must not receive payment from a UK source for any activities undertaken in the UK, except for the following:

- (a) reasonable expenses to cover the cost of their travel and subsistence, including fees for directors attending board-level meetings; or
- (b) prize money; or
- (c) billing a UK client for their time in the UK, where the applicant's overseas employer is contracted to provide services to a UK company, and the majority of the contract work is carried out overseas. Payment must be lower than the amount of the applicant's salary; or
- (d) multi-national companies who, for administrative reasons, handle payment of their employees' salaries from the UK; or



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- (e) where the applicant is engaged in Permitted Paid Engagements (PPE) as listed at Appendix 4, provided the applicant holds a visa or leave to enter as a PPE visitor; or
- (f) paid performances at a permit free festival as listed in Appendix 5.

## Study

V 4.8 The applicant must not intend to study in the UK, except as permitted by paragraph 25 of Appendix 3.

## Medical

V 4.9 The applicant must not intend to access medical treatment other than private medical treatment or to donate an organ (for either of these activities they must meet the relevant additional requirements).

## Marriage or civil partnership

V 4.10 The applicant must not intend to marry or form a civil partnership, or to give notice of this, in the UK, except where they have a visit visa endorsed for marriage or civil partnership.

## Additional eligibility requirements for children

V 4.11 Adequate arrangements must have been made for their travel to, reception and care in the UK.

V 4.12 If the applicant is not applying or travelling with a parent or guardian based in their home country or country of ordinary residence who is responsible for their care; that parent or guardian must confirm that they consent to the arrangements for the child's travel to, and reception and care in the UK. Where requested, this consent must be given in writing.

V 4.13 A child who holds a visit visa must either:

- (a) hold a valid visit visa that states they are accompanied and will be travelling with an adult identified on that visit visa; or
- (b) hold a visit visa which states they are unaccompanied; if neither applies, the child may be refused entry unless they meet the requirements of V 4.12.

## Additional eligibility requirements for visitors coming to the UK to receive private medical treatment

V 4.14 If the applicant is suffering from a communicable disease, they must have satisfied the medical inspector that they are not a danger to public health.

V 4.15 The applicant must have arranged their private medical treatment before they travel to the UK, and must provide a letter from their doctor or consultant detailing:

- (a) the medical condition requiring consultation or treatment; and
- (b) the estimated costs and likely duration of any treatment which must be of a finite duration; and
- (c) where the consultation or treatment will take place.

V 4.16 If the applicant is applying for an 11 month visit visa for the purposes of private medical treatment they must also:

- (a) provide evidence from their medical practitioner in the UK that the proposed treatment is likely to exceed 6 months but not more than 11 months; and
- (b) if required under paragraph A39 and Appendix T Part 1 of these Rules, provide a valid medical certificate issued by a medical practitioner listed in Appendix T Part 2 of these Rules confirming that they have



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undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

### **Additional eligibility requirements for visitors coming to the UK to donate an organ**

V 4.17 An applicant must satisfy the decision maker that they genuinely intend to donate an organ, or be assessed as a potential organ donor, to an identified recipient in the UK with whom they have a genetic or close personal relationship.

V 4.18 The applicant must provide written confirmation of medical tests to show that they are a donor match to the identified recipient, or that they are undergoing further tests to be assessed as a potential donor to the identified recipient.

V 4.19 The applicant must provide a letter, dated no more than three months prior to the applicant's intended date of arrival in the UK from either:

- (a) the lead nurse or coordinator of the UK's NHS Trust's Living Donor kidney Transplant team; or
- (b) a UK registered medical practitioner who holds an NHS consultant post or who appears in the Specialist Register of the General Medical Council; which confirms that the visitor meets the requirements in V 4.17 and V 4.18 and confirms when and where the planned organ transplant or medical tests will take place.

V 4.20 The applicant must be able to demonstrate, if required to do so, that the identified recipient is legally present in the United Kingdom or will be at the time of the planned organ transplant.

### **Additional eligibility requirements for visitors coming under the ADS agreement**

V 4.21 An applicant under the Approved Destination Status (ADS) Agreement with China must:

- (a) be a national of the People's Republic of China; and
- (b) intend to enter, leave and travel within the UK as a member of a tourist group under the ADS agreement.

### **Additional eligibility requirements for academics**

V 4.22 An academic applying for a 12 month visit visa (standard) must intend to do one (or more) of the permitted activities set out in paragraph 12 of Appendix 3; and:

- (a) be highly qualified within their own field of expertise; and
- (b) currently working in that field at an academic institution or institution of higher education overseas; and
- (c) if required under paragraph A39 and Appendix T Part 1 of these Rules, provide a valid medical certificate issued by a medical practitioner listed in Appendix T Part 2 of these Rules confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant

### **Conditions**

V 4.23 Visit visas, leave to enter or an extension of stay as a visitor will be subject to the following conditions:

- (a) no recourse to public funds; and
- (b) no study, except as permitted by paragraph 25 of Appendix 3; and
- (c) no work (which does not prohibit the permitted activities in Appendix 3, 4 or 5 as set out in V1.5).

## **PART V5. ELIGIBILITY REQUIREMENTS FOR A PPE VISITOR**



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V 5.1 An applicant for permitted paid engagements must satisfy the decision maker that they meet the requirements at V 4.2 - V 4.10.

### **Additional eligibility requirements for a permitted paid engagements visit visa or leave to enter**

V 5.2 An applicant must intend to do one (or more) of the permitted paid engagements set out in Appendix 4 to these Rules, which must:

- (a) be arranged before the applicant travels to the UK; and
- (b) be declared as part of the application for a visit visa or leave to enter; and
- (c) be evidenced by a formal invitation, as required by Appendix 4; and
- (d) relate to the applicant's area of expertise and occupation overseas.

V 5.3 An applicant must not be a child.

## **PART V6. ELIGIBILITY REQUIREMENTS FOR A MARRIAGE OR CIVIL PARTNERSHIP VISIT VISA**

V 6.1 An applicant for a marriage or civil partnership visit visa must satisfy the decision maker that they meet the requirements at V 4.2 - V 4.10 and must be aged 18 or over.

V 6.2 On arrival in the UK a visitor coming to marry or form a civil partnership, or give notice of this, in the UK must have a valid visit visa endorsed with this purpose and the name of the holder's fiancé(e) or proposed civil partner.

### **Additional eligibility requirements for a marriage or civil partnership visit visa**

V 6.3 An applicant seeking to come to the UK as a visitor who wishes to give notice of marriage or civil partnership, or marry or form a civil partnership, in the UK during that visit must satisfy the decision maker that they:

- (a) intend to give notice of marriage or civil partnership; or
- (b) intend to marry or form a civil partnership; and
- (c) do not intend to give notice of or enter into a sham marriage or sham civil partnership, within the validity period covered by their visit visa.

## **PART V7. TRANSIT VISITOR**

### **Transit visitor**

V 7.1 A transit visitor is a person who seeks to travel via the UK en route to another destination country outside the common travel area.

V 7.2 Individuals seeking to transit the UK without passing through the UK border may need a Direct Airside Transit Visa. These are provided for by the Immigration (Passenger Transit Visa) Order 2014 (as amended).

V 7.3 This Part does not apply to crew members who are employed in the working or service of their ship, aircraft, hovercraft, hydrofoil or train who fall under section 8(1) of the Immigration Act 1971.

V 7.4 A visa national must either hold a type of visit visa set out in paragraph V1.5(a) or (b) or a transit visit visa or, if they meet the requirements for admission under the transit without visa scheme in V 7.6 – V 7.8, they may seek leave to enter at the UK border.



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## Eligibility requirements for a transit visa or leave to enter for transit

V 7.5 An applicant must satisfy the decision maker that they:

- (a) are genuinely in transit to another country outside the common travel area, meaning the main purpose of their visit is to transit the UK and that the applicant is taking a reasonable transit route; and
- (b) will not access public funds or medical treatment, work or study in the UK; and
- (c) genuinely intend and are able to leave the UK within 48 hours after their arrival; and
- (d) are assured entry to their country of destination and any other countries they are transiting on their way there.

## Transit Without Visa Scheme

V 7.6 To be granted leave to enter under the transit without visa scheme a visa national must meet all the requirements at V 7.7 and one of the requirements at V 7.8.

V 7.7 The applicant must:

- (a) have arrived by air and will be departing by air; and
- (b) be genuinely in transit to another country, meaning the purpose of their visit is to transit the UK and that the applicant is taking a reasonable transit route; and
- (c) not access public funds or medical treatment, work or study in the UK; and
- (d) genuinely intend and be able to leave the UK before 23:59 hours on the day after the day when they arrived; and
- (e) have a confirmed booking on a flight departing the UK before 23:59 hours on the day after the day when they arrived; and
- (f) be assured entry to their country of destination and any other countries they are transiting through on their way there.

V 7.8 The applicant must also:

- (a) be travelling to or from (or on part of a reasonable journey to or from) Australia, Canada, New Zealand or the USA and have a valid visa for that country; or
- (b) be travelling from (or on part of a reasonable journey from) Australia, Canada, New Zealand or the USA and it is less than 6 months since he last entered that country with a valid entry visa; or
- (c) hold a valid permanent residence permit issued by either:
  - (i) Australia;
  - (ii) Canada, issued after 28 June 2002;
  - (iii) New Zealand; or
- (d) hold a valid USA, I-551 permanent resident card issued on or after 21 April 1998; or
- (e) hold a valid USA I-551 temporary immigrant visa (a wet-ink stamp version will not be accepted); or
- (f) hold an expired USA I-551 permanent resident card issued on or after 21 April 1998, provided it is accompanied by a valid I-797 letter authorising extension of the period of permanent residency; or
- (g) hold a valid standalone US immigration form 155A/155B attached to a sealed brown envelope; or
- (h) hold a valid common format residence permit issued by an EEA state (pursuant to Council Regulation (EC) No. 1030/2002) or Switzerland; or
- (i) hold a valid uniform format category D visa for entry to a state in the European Economic Area (EEA) or Switzerland; or
- (j) be travelling on to the Republic of Ireland and have a valid Irish biometric visa; or
- (k) be travelling from the Republic of Ireland and it is less than three months since the applicant was last given permission to land or be in the Republic by the Irish authorities with a valid Irish biometric visa.



V 7.8.1 Paragraph V 7.8 (a) and (b) shall not apply where the transit passenger is a citizen or national of Syria holding a B1 or B2 category visa for entry to the United States of America.

V 7.9 Electronic versions of any documents listed in paragraph V7.8, such as electronic visas (including printed versions), will not be accepted.

## **PART V8. EXTENSION OF STAY AS A VISITOR**

### **Who can apply for an extension of stay as a visitor**

V 8.1 It is not possible to switch to become a visitor while in the UK where a person is in the UK in breach of immigration laws or has entry clearance or leave to enter or remain for another purpose.

### **Making an application for an extension of stay as a visitor in the UK**

V 8.2 An application for an extension of stay as a visitor must comply with the requirements in paragraphs 34 – 34C of Part 1 of these Rules.

### **Eligibility requirements for an extension of stay in the UK as a visitor**

V 8.3 The applicant must be in the UK as a visitor. Visitors for permitted paid engagements and transit visitors may not apply for an extension of stay as a visitor.

V 8.4 An application for an extension of stay as a visitor must satisfy the decision maker that they continue to meet all the suitability and eligibility requirements for a visit visa.

V 8.5 The applicant must not be in the UK in breach of immigration laws, except that where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

V 8.6 If the applicant is applying for an extension of stay as a visitor for the purpose of receiving private medical treatment they must also satisfy the decision maker they:

- (a) have met the costs of any medical treatment received so far; and
- (b) provide a letter from a registered medical practitioner, at a private practice or NHS hospital, who holds an NHS consultant post or who appears in the Specialist Register of the General Medical Council, detailing the medical condition requiring further treatment.

### **How long can a visitor extend their stay in the UK**

V 8.7 A visitor (standard) and a visitor for marriage or civil partnership, who was granted a visit visa or leave to enter for less than 6 months may be granted an extension of stay as a visitor so that the total period they can remain in the UK (including both the original grant and the extension of stay) does not exceed 6 months.

V 8.8 A visitor (standard) who is in the UK for private medical treatment may be granted an extension of stay as a visitor for a further 6 months, provided this is for private medical treatment.

V 8.9 A visitor (standard) who is an academic on sabbatical leave and is in the UK undertaking their own research, or the spouse, partner or child accompanying such an academic, can be granted an extension of stay as a visitor so that the total period they can remain in the UK (including both the original grant and the extension of stay) does not exceed 12 months.



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V 8.10 A visitor (standard) may be granted an extension of stay as a visitor for up to 6 months in order to resit the Professional and Linguistic Assessment Board (PLAB) Test, provided they meet the requirements at Appendix 3, paragraph 22(b)(i).

V 8.11 A visitor (standard) who is successful in the Professional and Linguistic Assessment Board Test may be granted an extension of stay as a visitor to undertake an unpaid clinical attachment, provided they meet the requirements of Appendix 3, paragraph 22(a) so that the total period they can remain in the UK (including both the original grant and the extension of stay) does not exceed 18 months.

## **PART V9. GROUNDS FOR CANCELLATION OF A VISIT VISA OR LEAVE BEFORE OR ON ARRIVAL AT THE UK BORDER AND CURTAILMENT OF LEAVE**

### **Cancellation of a visit visa or leave to enter or remain as a visitor on or before arrival at the UK border**

V 9.1 A current visit visa or leave to enter or remain as a visitor may be cancelled whilst the person is outside the UK or on arrival in the UK, if any of paragraphs V 9.2 – V 9.7 apply.

#### **Change of circumstances**

V 9.2 Where there has been such a change in the circumstances of the case since the visit visa or leave to enter or remain was granted that the basis of the visitor's claim to admission or stay has been removed and the visa or leave should be cancelled.

#### **Change of purpose**

V 9.3 Where the visitor holds a visit visa and their purpose in arriving in the United Kingdom is different from the purpose specified in the visit visa.

#### **False information or failure to disclose a material fact**

V 9.4 Where:

- (a) false representations were made or false documents or information submitted (whether or not material to the application, and whether or not to the applicant's knowledge); or
- (b) material facts were not disclosed, in relation to the application for a visit visa or leave to enter or remain as a visitor, or in order to obtain documents from the Secretary of State or a third party provided in support of their application.

#### **Medical**

V 9.5 Where it is undesirable to admit the visitor to the UK for medical reasons, unless there are strong compassionate reasons justifying admission.

#### **Not conducive to the public good**

V 9.6 Where the criteria in V 3.2 - V 3.5. apply.

#### **Failure to supply information**



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	has the meaning given in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004.	
supplementary control zone	means the supplementary control zone within the meaning of Article 2(1) and Schedule 1 to the Channel Tunnel (International Agreements) Order 1993 (SI 1993/1813).	
travel document	means a valid passport or other document that allows the holder to travel internationally and which  (i) complies with international passport practice;  (ii) is not issued by a territory that: is not recognised by Her Majesty's government as a state; or is not dealt with as a government by them; or does not accept valid UK passports for the purpose of its own immigration control.	
UK border	means immigration control at a UK port and a control zone in France or Belgium or a supplementary control zone in France as defined by Article 2(1) and Schedule 1 to the Channel Tunnel (International Arrangements) Order 1993 (SI 1993/1813) and Article 3 of the Nationality Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (SI 2003/2818).	
UK Higher Education Institution	means a body that receives public funding as a UK Higher Education Institution from the:  - Department for Employment and Learning in Northern Ireland; - Higher Education Funding Council for England; - Higher Education Funding Council for Wales; or - Scottish Funding Council. And Richmond, the American International University in London.	
visa national	persons specified in Appendix 2 to Appendix V: Visitors who need a visa for the United Kingdom for a visit or for any other purposes where seeking entry for 6 months or less.	
visa post	means a British Diplomatic Mission or Consular Post overseas or other office nominated by the Secretary of State where entry clearance applications are considered. Applicants can find the relevant local application centre on gov.uk.	
visit visa	means an entry clearance for the purpose of a visit under section 33 of the Immigration Act 1971. It is normally a vignette in the holder's passport but may be issued in electronic form. It includes entry clearances for visitors that were issued under paragraphs 40-56, 56D-56J, 56N-56Z, 75A-75M of these Rules and Appendix V.	

## APPENDIX 2. VISA NATIONAL LIST



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1 People who meet one or more of the criteria below need a visa in advance of travel to the UK as a visitor or for any other purpose for less than six months, unless they meet one of the exceptions set out in this Appendix:

(a) Nationals or citizens of the following countries or territorial entities (a “\*” indicates there are exceptions in paragraphs 2 - 19):

Afghanistan	Laos	
Albania	Lebanon	
Algeria	Lesotho	
Angola	Liberia	
Armenia	Libya	
Azerbaijan	Macedonia	
Bahrain*	Madagascar	
Bangladesh	Malawi	
Belarus	Mali	
Benin	Mauritania	
Bhutan	Moldova	
Bolivia	Mongolia	
Bosnia Herzegovina	Montenegro	
Burkina Faso	Morocco	
Burma	Mozambique	
Burundi	Nepal	
Cambodia	Niger	
Cameroon	Nigeria	
Cape Verde	Oman*	
Central African Republic	Pakistan	



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Chad	Peru	
People's Republic of China*	Philippines	
Colombia	Qatar*	
Comoros	Russia	
Congo	Rwanda	
Cuba	Sao Tome e Principe	
Democratic Republic of the Congo	Saudi Arabia	
Djibouti	Senegal	
Dominican Republic	Serbia	
Ecuador	Sierra Leone	
Egypt	Somalia	
Equatorial Guinea	South Africa*	
Eritrea	South Sudan	
Ethiopia	Sri Lanka	
Fiji	Sudan	
Gabon	Suriname	
Gambia	Swaziland	
Georgia	Syria	
Ghana	Taiwan*	
Guinea	Tajikistan	
Guinea Bissau	Tanzania	
Guyana	Thailand	



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Haiti	Togo	
India	Tunisia	
Indonesia*	Turkey *	
Iran	Turkmenistan	
Iraq	Uganda	
Ivory Coast	Ukraine	
Jamaica	United Arab Emirates*	
Jordan	Uzbekistan	
Kazakhstan	Venezuela	
Kenya	Vietnam*	
Korea (North)	Yemen	
Kosovo	Zambia	
Kuwait *	Zimbabwe	
Kyrgyzstan		

(b) Stateless people. (c) People travelling on any document other than a national passport, regardless of whether the document is issued by or evidences nationality of a state not listed in (a), except where that document has been issued by the UK.

### Exceptions to the list of visa nationals

#### Holders of specified travel documents

A2 It is not necessary for a transit visitor to hold a visa before they travel to the UK if they are travelling on an emergency travel document issued by, and evidencing the nationality of, a state not listed in paragraph 1(a) and the purpose of their transit visit is to travel to the state in which they are ordinarily resident.

2 Subject to paragraph 3, the following people do not need a visa before they travel to the UK as a visitor:

- a) nationals or citizens of the People's Republic of China who hold a passport issued by the Hong Kong Special Administrative Region; or



- b) nationals or citizens of the People's Republic of China who hold a passport issued by the Macao Special Administrative Region; or
- c) nationals or citizens of Taiwan who hold a passport issued by Taiwan that includes in it the number of the identification card issued by the competent authority in Taiwan; or
- d) people who hold a Service, Temporary Service or Diplomatic passport issued by the Holy See; or
- e) nationals or citizens of Oman who hold a diplomatic or special passport issued by Oman; or
- f) nationals or citizens of Qatar who hold a diplomatic or special passport issued by Qatar; or
- g) nationals or citizens of the United Arab Emirates who hold a diplomatic or special passport issued by the United Arab Emirates; or
- h) nationals or citizens of Turkey who hold a diplomatic passport issued by Turkey; or
- i) nationals or citizens of Kuwait who hold a diplomatic or special passport issued by Kuwait; or
- j) nationals or citizens of Bahrain who hold a diplomatic or special passport issued by Bahrain; or
- k) nationals or citizens of South Africa who hold a diplomatic passport issued by South Africa; or
- l) nationals or citizens of Vietnam who hold a diplomatic passport issued by Vietnam; or
- m) nationals or citizens of Indonesia who hold a diplomatic passport issued by Indonesia.

3 Paragraph 2 does not apply where a person is :

- 1. visiting the UK to marry or to form a civil partnership, or to give notice of this; or
- 2. seeking to visit the UK for more than 6 months.

### **Exception to visa nationals where the applicant holds an Electronic Visa Waiver Document (Kuwait, Oman, Qatar and United Arab Emirates nationals or citizens only)**

#### **Objective**

4 Subject to paragraphs 1 (c) and 5A, under the Electronic Visa Waiver (EVW) scheme, holders of a valid EVW document (i.e. a document which meets the validity requirements in paragraphs A8 – 13 of this Appendix) do not need to obtain a visit visa, or a visa for entry for six months or less where there is no mandatory entry clearance requirement, in advance of arrival in the UK, but can instead apply for leave to enter at the UK border.

5 Only passport holders who are nationals or citizens of Kuwait, Oman, Qatar or the United Arab Emirates can hold and use an EVW document.

5A Holders of a EVW Document will need to obtain a visa where the EVW Document is not used in the manner specified in paragraphs 14-18 of this Appendix (meaning that they will normally be refused entry to the UK).

6 An EVW Document relates to one person and may only be used for one application for leave to enter the UK or, where applicable, one crossing of the land border from the Republic of Ireland.

#### **Obtaining an Electronic Visa Waiver Document**

7 To obtain an EVW, a person mentioned in paragraph 5 of this Appendix must provide the required biographic and travel information at the website established by the UK Government at <https://www.electronic-visa-waiver.service.gov.uk/>

7A EVW Documents are issued to the applicant in electronic form.

#### **Electronic Visa Waiver Document validity requirements**

A8 The biographic details on the EVW Document must match those of the holder's passport. Where such details do not match, the EVW Document is not valid. However, the following errors are permissible and will not invalidate the EVW Document:



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- a) where an apostrophe, space or hyphen is present in the holder's name on their EVW Document but is not present in the holder's name on their passport; or,
- b) where an apostrophe, space or hyphen is present in the holder's name on their passport but is not present in the holder's name on their EVW Document.

8 The EVW Document must specify the flight, train or ship on which the holder intends to arrive in the UK, including the port of departure and arrival, and the scheduled date and time of departure and arrival, unless paragraph 9 or 10 of this Appendix applies.

9 Where the holder of an EVW Document is seeking to arrive in the UK by entering a control zone in France or Belgium or supplementary control zone in France, the EVW must specify the train or ship on which they intend to arrive in the UK, including:

- (a) the railway station or port where the holder intends to enter the control zone or supplementary control zone and from which the holder intends to depart for the UK; and
- (b) the railway station or port at which the holder intends to leave the train or ship after arrival in the UK; and
- (c) the scheduled date and time of departure from, and arrival at, the specified railway stations or ports.

10 Where the holder of an EVW Document intends to cross the land border from the Republic of Ireland to the UK by train, car or any other means, the EVW must specify the place at which it is intended to cross the border and the intended date and time of arrival in the UK.

11 When the EVW Document is issued, the holder must be able to present it:

- a) in clear, legible format;
- b) in English; and
- c) electronically or in printed form.

12 An EVW Document is only valid if the required information has been submitted at least 48 hours before the holder departs on a flight, train or ship to the UK or crosses the UK land border from the Republic of Ireland by train, car or any other means.

13 An EVW Document may not be issued more than 3 months before the date of the holder's scheduled departure to the UK as specified on the EVW Document or, where the holder intends to cross the land border with the Republic of Ireland, before the intended date of the holder's arrival in the UK as specified on the EVW Document.

### **How an Electronic Visa Waiver Document must be used**

14 The holder must present the EVW Document to an Immigration Officer on request upon the holder's arrival at the UK Border or, where the holder is seeking to arrive in the UK by entering a control zone in France or Belgium or a supplementary control zone in France, upon arrival in that zone.

15 Where the holder has presented a printed copy of the EVW Document, it must be surrendered to an Immigration Officer upon request.

16 The holder must travel on the flight, train or ship specified on the EVW Document unless 18 applies.

17 If the holder travels on a different flight, train or ship this must depart from the same port or railway station and arrive at the same UK port or railway station as specified on the EVW Document; and either

- (a) depart after the departure time specified on the EVW Document and arrive in the UK no more than 8 hours after the arrival time specified on the EVW Document; or
- (b) if the holder is seeking to arrive in the UK by entering a control zone in France or Belgium or a supplementary control zone in France, arrive no more than 8 hours after the departure time specified on the EVW Document.

18 If the holder is seeking to arrive in the UK by crossing the land border from the Republic of Ireland, the holder must cross at the time specified on the EVW Document or no more than 8 hours after the time specified on the EVW Document.







## **Annex 133**

United States of America, 8 U.S.C. § 1187(a)(2)



## 8 U.S. Code § 1187. Visa waiver program for certain visitors

U.S. Code   Notes

**(a) ESTABLISHMENT OF PROGRAM** The Secretary of Homeland Security and the Secretary of State are authorized to establish a program (hereinafter in this section referred to as the “program”) under which the requirement of paragraph (7)(B)(i)(II) of section 1182(a) of this title may be waived by the Secretary of Homeland Security, in consultation with the Secretary of State and in accordance with this section, in the case of an alien who meets the following requirements:

**(1) SEEKING ENTRY AS TOURIST FOR 90 DAYS OR LESS**

The alien is applying for admission during the program as a nonimmigrant visitor (described in section 1101(a)(15)(B) of this title) for a period not exceeding 90 days.

**(2) NATIONAL OF PROGRAM COUNTRY** The alien is a national of, and presents a passport issued by, a country which—

**(A)** extends (or agrees to extend), either on its own or in conjunction with one or more other countries that are described in subparagraph (B) and that have established with it a common area for immigration admissions, reciprocal privileges to citizens and nationals of the United States, and

**(B)** is designated as a pilot program country under subsection (c).



## **Annex 134**

United Kingdom, Representation of the People Act 2000,  
s. 1 and s. 2



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*Changes to legislation: There are currently no known outstanding effects for the Representation of the People Act 2000. (See end of Document for details)*

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# Representation of the People Act 2000

## 2000 CHAPTER 2

An Act to make new provision with respect to the registration of voters for the purposes of parliamentary and local government elections; to make other provision in relation to voting at such elections; and for connected purposes. [9th March 2000]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Annotations:

#### Modifications etc. (not altering text)

- C1** Act modified (E.W.) (2.4.2001) by [S.I. 2001/1298, reg. 10\(1\)\(c\)](#)  
 Act applied (E.W.) (2.4.2001) by [S.I. 2001/1298, reg. 10\(4\)](#)  
 Act modified (E.W.) (2.4.2001) by [S.I. 2001/1298, reg. 15\(8\)](#)  
 Act modified (E.W.) (2.4.2001) by [S.I. 2001/1298, reg. 16\(2\)](#)  
 Act modified (E.W.) (1.2.2002) by [S.I. 2002/185, reg. 3\(2\), Sch. 2](#)
- C2** Act: [Electoral Administration Act 2006 \(c. 22\)](#), s. 46(1)-(4) to be construed as part of the Representation of the People Acts (1.1.2007 for E.W.S and 1.7.2008 for N.I.) by virtue of [Electoral Administration Act 2006 \(c. 22\)](#), ss. {46(5)}, 77; [S.I. 2006/3412, art. 3, Sch. 1 para. 14](#) (subject to transitional provisions in [Sch. 2](#)); [S.I. 2008/1316, art. 2\(2\)](#), 4
- C3** Act: Power to amend conferred (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 72, 77; [S.I. 2006/3412, art. 3, Sch. 1 para. 10](#) (subject to transitional provisions in [Sch. 2](#))
- C4** Act: power to modify conferred by [Government of Wales Act 2006 \(c. 32\)](#), s. 4(4)(a) (with [Sch. 11 para. 22](#)), the affecting provision coming into force immediately after the 2007 election (held on 3.5.2007) subject to s. 161(4)(5) of the affecting Act, which provides for certain provisions to come into force for specified purposes immediately after the end of the initial period (which ended with the day of the first appointment of a First Minister on 25.5.2007) see ss. 46, 161(1)(4)(5) of the affecting Act.
- C5** Act: power to modify conferred by [Government of Wales Act 2006 \(c. 32\)](#), s. 13(4)(5)(a) (with [Sch. 11 para. 22](#)), the affecting provision coming into force immediately after the 2007 election (held on 3.5.2007) subject to s. 161(4)(5) of the affecting Act, which provides for certain provisions to come into force for specified purposes immediately after the end of the initial period (which ended with the



*Changes to legislation: There are currently no known outstanding effects for the Representation of the People Act 2000. (See end of Document for details)*

day of the first appointment of a First Minister on 25.5.2007) see ss. 46, 161(1)(4)(5) of the affecting Act.

- C6** Act: certain provisions applied (with modifications) (27.3.2007) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007](#) (S.I. 2007/1024), [reg. 3\(2\)\(3\)\(c\)\(4\)](#), [Sch. 2](#) (as amended (E.W.) (10.1.2018) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) \(Amendment\) Regulations 2018](#) (S.I. 2018/20), [regs. 1, 2](#)
- C7** Act functions made exercisable concurrently (18.8.2010) by [Lord President of the Council Order 2010](#) (S.I. 2010/1837), [arts. 1\(2\), 3](#)
- C8** Act power to apply or incorporate (with modifications) conferred (15.9.2011) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [s. 58\(1\)-\(3\)](#), (7)
- C9** Act power to apply or incorporate (with modifications) conferred (25.4.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [s. 54\(2\)-\(5\)](#), 157(1); S.I. 2012/1129, [art. 2\(b\)](#)
- C10** Act functions transferred (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015](#) (S.I. 2015/1376), [arts. 1\(2\), 3\(1\)](#), [Sch. 1](#) (with [art. 9](#))
- C11** Act functions transferred (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016](#) (S.I. 2016/997), [arts. 1\(2\), 3\(1\)](#), [Sch. 1\(g\)](#) (with [arts. 3\(2\), 6, 12](#))
- C12** Act applied (with modifications) (E.W.) (31.1.2017) by [The Combined Authorities \(Mayoral Elections\) Order 2017](#) (S.I. 2017/67), [art. 3\(2\)-\(4\)](#), [Sch. 2](#)
- C13** Act: power to apply (with modifications) conferred by 1998 c. 46, s. 12(4)(5) (as substituted (18.5.2017) by [Scotland Act 2016](#) (c. 11), [ss. 4\(1\)](#), 72(4)(a); S.I. 2017/608, [reg. 2\(1\)\(b\)](#))
- C14** Act functions transferred (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018](#) (S.I. 2018/644), [arts. 1\(1\), 45](#), [Sch. 1 para. 2](#)

## PART I

### ELECTORAL REGISTRATION AND FRANCHISE

#### *New system of registration*

#### **1 New system of electoral registration.**

- (1) For sections 1 and 2 of the Representation of the <sup>MI</sup>People Act 1983 (“the 1983 Act”) there shall be substituted—

##### **“1 Parliamentary electors.**

- (1) A person is entitled to vote as an elector at a parliamentary election in any constituency if on the date of the poll he—
  - (a) is registered in the register of parliamentary electors for that constituency;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is either a Commonwealth citizen or a citizen of the Republic of Ireland; and
  - (d) is of voting age (that is, 18 years or over).
- (2) A person is not entitled to vote as an elector—
  - (a) more than once in the same constituency at any parliamentary election; or
  - (b) in more than one constituency at a general election.



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*Changes to legislation:* There are currently no known outstanding effects for the Representation of the People Act 2000. (See end of Document for details)

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## 2 Local government electors.

- (1) A person is entitled to vote as an elector at a local government election in any electoral area if on the date of the poll he—
  - (a) is registered in the register of local government electors for that area;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and
  - (d) is of voting age (that is, 18 years or over).
- (2) A person is not entitled to vote as an elector—
  - (a) more than once in the same electoral area at any local government election; or
  - (b) in more than one electoral area at an ordinary election for a local government area which is not a single electoral area.”
- (2) For section 4 of the 1983 Act there shall be substituted—

*“ Entitlement to registration*

## 4 Entitlement to be registered as parliamentary or local government elector.

- (1) A person is entitled to be registered in the register of parliamentary electors for any constituency or part of a constituency if on the relevant date he—
  - (a) is resident in the constituency or that part of it;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is either a qualifying Commonwealth citizen or a citizen of the Republic of Ireland; and
  - (d) is of voting age.
- (2) A person is not entitled to be registered in the register of parliamentary electors for any constituency in Northern Ireland unless, in addition to complying with subsection (1) above, he has been resident in Northern Ireland during the whole of the period of three months ending on the relevant date.
- (3) A person is entitled to be registered in the register of local government electors for any electoral area if on the relevant date he—
  - (a) is resident in that area;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and
  - (d) is of voting age.
- (4) The preceding provisions have effect—
  - (a) subject to—
    - (i) any enactment imposing a disqualification for registration as a parliamentary, or (as the case may be) local government, elector; and
    - (ii) compliance with any prescribed requirements; and



## **Annex 135**

Barbados, Representation of the People Act 1991, s. 7



## **CHAPTER 12**

### **REPRESENTATION OF THE PEOPLE**

#### **ARRANGEMENT OF SECTIONS**

##### **PART I**

##### *Preliminary*

##### **SECTION**

1. Short Title.
2. Interpretation.
3. *Repealed*
4. *Repealed*.
5. Date of casual vacancies and address of writ.

##### **PART II**

##### *House of Assembly Franchise and Registration of Electors*

#### **QUALIFICATION OF ELECTORS**

6. Electors.
7. Qualifications for registration.
8. Disqualification for registration.
9. Right to remain registered.
10. Requirement to register.
11. Provision as to incomplete registration.
12. Registering Officers.
13. Registers of electors.
14. Revised register and register for elections.
15. *Repealed*.
16. Claims and objections.
17. Revised Register.
18. Special electoral registration period and publication of the preliminary list and the register for elections.
19. Register for elections to be used for any election.

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(2) Where a casual vacancy, whether caused by death, resignation, expulsion or otherwise, arises in the membership of the House of Assembly, an address shall forthwith be passed and forwarded to the Governor-General asking him to issue a writ for an election to fill the vacancy.

## PART II

### *House of Assembly Franchise and Registration of Electors*

#### QUALIFICATIONS OF ELECTORS

6. (1) Subject to this Act, a person is entitled to vote as an elector at an election in a constituency if on polling day he is qualified to be an elector for that constituency and is on that day registered in the register of electors to be used at that election in that constituency. Electors.

(2) A person is not entitled to vote as an elector at an election in a constituency unless he is registered in the register of electors to be used at that election in that constituency.

(3) A person who is subject under any enactment to any incapacity to vote is not entitled to vote as an elector at an election in a constituency.

(4) No person may

(a) at a general election, vote as an elector in more than one constituency; or

(b) at any election, vote as an elector more than once in the same constituency; or 1980-67.

(c) at any election, vote without first producing the identification card issued to him under section 25 of the *Statistics (Registration Census of Barbadian Residents) Regulations 1979* unless he proves to the satisfaction of the presiding officer that he has not been issued with an identification card or that he has been issued with an identification card and that such card has been lost or destroyed. 1979/47.

7. (1) Subject to this Act and any enactment imposing any disqualification for registration as an elector, a person is qualified to be Qualifications for registration.  
1980-67.  
1989-17.

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registered as an elector for a constituency if, on the qualifying date, he

- (a) is a citizen of Barbados; or
- (b) is a Commonwealth citizen (other than a citizen of Barbados) who has resided in Barbados for a period of at least three years immediately before the qualifying date and
- (c) is 18 years of age or over; and
- (d) has resided in that constituency for a period of at least 3 months before that qualifying date, or, but for the circumstances entitling him to vote at a Mission, would have been resident at the address at which he was ordinarily resident in that constituency immediately before leaving Barbados.

(2) A person is not qualified to be registered as an elector for more than one constituency.

(3) Where a person who is registered as an elector for a constituency has ceased to reside in that constituency he shall not on that account cease to be qualified to be registered as an elector for that constituency until he has become qualified to be registered as an elector for another constituency.

Disqualifi-  
cations for  
registra-  
tion.

8. A person is disqualified from being registered as an elector and shall not be so registered if he

- (a) is a person found or declared to be a person of unsound mind or a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness by virtue of any enactment; or
- (b) is undergoing any sentence of imprisonment in Barbados; or
- (c) is under sentence of death imposed on him by a court in any part of the Commonwealth or under sentence of imprisonment (by whatever name called) exceeding 12 months imposed on him by such a court or under some sentence substituted therefor by competent authority and has not suffered the punishment to which he was sentenced or received a free pardon therefor; or
- (d) is, under any enactment, disqualified for registration as an elector.



## **Annex 136**

Ireland, Electoral Act 1992, s. 8(2)(a)



HomeBaile > ActsAchtanna > 1992 > Electoral Act, 1992

# Electoral Act, 1992

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*Number 23 of 1992*

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## **ELECTORAL ACT, 1992**

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### ARRANGEMENT OF SECTIONS

#### PART I

##### General

##### Section

1. Short title, collective citation, construction and commencement.
2. Interpretation.
3. Regulations.
4. Expenses.
5. Repeals.

#### PART II

##### Franchise and Registration of Electors



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Electoral Act, 1992

“the register” means, as the context may require, the register of presidential, Dáil, European and local government electors or the register of presidential electors or the register of Dáil electors or the register of European electors or the register of local government electors and, where the context so requires, includes the supplement to the register, the postal voters list and the special voters list;

“registration area” means an administrative county or county borough;

“registration authority” means the council of a county or the corporation of a county borough;

“the county registrar” means the county registrar for the county, county borough or other area coterminous with or contained in a registration area or a person appointed or designated under *Rule 24* of the Second Schedule to perform the duties of a county registrar;

“qualifying date” has the meaning assigned to it in section 11 (2);

“the specified date” means, in relation to any purpose, the date specified in the Second Schedule as the specified date for that purpose.

Registration of presidential electors. **7.—**(1) A person shall be entitled to be registered as a presidential elector in a constituency if he has reached the age of eighteen years and if he was, on the qualifying date—

- (a) a citizen of Ireland, and
- (b) ordinarily resident in that constituency.

(2) For the purposes of—

- (i) the *Presidential Elections Acts, 1937 to 1992*,
- (ii) the *Referendum Acts, 1942 to 1992*, and
- (iii) this Act,

“presidential elector” means a person entitled to vote at an election of a person to the office of President of Ireland.

(3) In the *Presidential Elections Acts, 1937 to 1992* “elector”, when used alone, means a person described in *subsection (1)*.

Registration of Dáil electors. **8.—**(1) A person shall be entitled to be registered as a Dáil elector in a constituency if he has reached the age of eighteen years and he was, on the qualifying date—

- (a) a citizen of Ireland, and
- (b) ordinarily resident in that constituency.



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(2) (a) In addition to those entitled to be registered under *subsection (1)* a person shall be entitled to be registered as a Dáil elector in a constituency if he is a person who has reached the age of eighteen years and who on the qualifying date—

(i) complied with the requirement of *subsection (1) (b)*, and

(ii) was either—

(I) a British citizen, or

(II) a national of a Member State to which this subsection applied on that date.

(b) This subsection applies to a Member State which is for the time being the subject of a declaration under *subsection (3)*.

(3) Where the Minister is of opinion that—

(a) the law of a Member State relating to the election of members of, or deputies or other representatives in or to, the National Parliament of that Member State enables citizens of Ireland, by reason of their being such citizens and being resident in that Member State, to vote at such an election, and

(b) the provisions of that law enabling citizens of Ireland who are so resident so to vote are the same, or are substantially the same, as those enabling nationals of that Member State so to vote,

the Minister may by order declare that Member State to be a Member State to which *subsection (2)* applies.

(4) (a) The Minister may by order specify criteria or other matters to which regard shall be had in order to determine whether or not a person is for the purpose of this section a national of a Member State and such order may provide that the provisions of the order shall relate to all Member States or to such one or more Member States as are specified in the order.

(b) An order under this subsection may amend the definition of “a British citizen” in *paragraph (a)* of *subsection (7)* or the provisions of *paragraph (b)* of the said *subsection (7)*.

(c) In this subsection—

“Member State” means a Member State of the European Communities other than the State;

“national of a Member State” shall not be construed as referring to the State, or as including a citizen of the State.

(5) Where—

(a) an order under *subsection (4)* is for the time being in force, and



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(b) a Member State to which the order applies is for the time being a Member State to which *subsection (2)* applies,

*clause (II) of subsection (2) (a) (ii)* shall be construed and have effect subject to the provisions of the order.

(6) (a) The Minister may revoke or amend an order under this section (including an order under this subsection).

(b) Where an order under this section (including an order under this subsection) is proposed to be made, a draft thereof shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

(7) (a) Subject to *subsection (4)*, in this section—

“a British citizen” means a person who under the Act of the British Parliament entitled the British Nationality Act 1981 is a British citizen;

“Member State”, except in *subsection (4)*, means a Member State other than the State or the United Kingdom;

“national of a Member State”, except in *subsection (4)*, shall not be construed as referring to the United Kingdom or as including a British citizen.

(b) The reference in *paragraph (a)* to the Act of the British Parliament mentioned in that paragraph is a reference to that Act as enacted by that Parliament on the 30th day of October, 1981.

Registration of European electors. **9.**—A person shall be entitled to be registered as a European elector in a constituency if he has reached the age of eighteen years and if, on the qualifying date, he was ordinarily resident in that constituency and was either—

(a) a citizen of Ireland, or

(b) a national of a Member State other than the State.

Registration of local government electors. **10.**—A person shall be entitled to be registered as a local government elector in a local electoral area if he has reached the age of eighteen years and he was, on the qualifying date, ordinarily resident in that area.

General provisions relating to the registration of electors. **11.**—(1) (a) A person shall not be registered as an elector more than once in any registration area nor in more than one such area.







## **Annex 137**

### **Ireland, Irish Parliament, Voting in Ireland**

<http://www.oireachtas.ie/en/visit-and-learn/how-parliament-works/voting-in-ireland/>



# Voting in Ireland

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Under Irish law, the Dáil may not continue for longer than five years. This means at least every five years, the Dáil must be dissolved and a general election held within 30 days. A Seanad election takes place up to 90 days after Dáil Éireann has dissolved. The maximum term of office of the President is seven years.

## The Dáil

The 158 Members of Dáil Éireann are elected by the people of Ireland in a general election. A general election must be held at least every five years, and all Irish and British citizens who live in Ireland and are aged 18 years or over are entitled to vote.

For the purpose of general elections the country is divided into 40 areas known as constituencies. The size of these constituencies varies and they may elect three, four or five TDs. Constituency boundaries can be revised based on changing census results.

Ireland uses a system of proportional representation and each voter has a single transferrable vote. On polling day, voters are given a ballot paper with the names of all the candidates in their constituency. Voters do not select just one candidate, but can vote for several candidates in order of preference, giving number one to their favourite, two to their next choice and so on. If a voter's number one candidate receives more number one votes than they need to be elected, their surplus is redistributed. This means the number two



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preferences on the surplus ballot papers are transferred to the other candidates.

For more information about Dáil elections, see the [\*\*Department of Housing, Planning and Local Government website\*\*](#).

## The Seanad

There are 60 seats in the Seanad, and 43 Members are elected from five vocational panels representing culture and education, agriculture, labour, industry and commerce, and public administration. Members of the current Dáil, the outgoing Seanad and the county councils are entitled to vote in Seanad panel elections. Again, the system used is proportional representation with a single transferrable vote.

The new Taoiseach nominates a further 11 Members to the Seanad. The final six Senators are elected by the graduates of certain universities, three by the National University of Ireland and three by the University of Dublin, Trinity College.

For more information about Seanad elections, see the [\*\*Department of Housing, Planning and Local Government website\*\*](#).

## The President

The President is elected every seven years. A President may not serve for more than two terms, a maximum of 14 years. Candidates for election as President must be Irish citizens and over 35 years old. They must be nominated for the election by at least 20 Members of the Oireachtas or four local authorities.

Irish citizens aged 18 years or more are entitled to vote. Like the general election, the Presidential election uses the system of proportional



representation by the single transferable vote. If there is only one candidate, no ballot takes place.

For more information about Presidential elections, see the [\*\*Department of Housing, Planning and Local Government website\*\*](#).

## The European Parliament

Elections to the European Parliament are held across Europe every five years. The citizens of each member state elect a certain number of Members of the European Parliament, MEPs, to represent their interests. Irish citizens elect 11 MEPs.

For the purposes of European Parliament elections, Ireland has three constituencies, namely, Dublin, South and Midlands-North-West. Three MEPs are elected in Dublin, four to represent South and four in Midlands-North-West.

For more information about European Parliament elections, see the [\*\*Department of Housing, Planning and Local Government website\*\*](#).



## **Annex 138**

Jamaica, Fundamental Rights (Additional Provisions)  
(Interim) Act, ss. 4(1), 4(2) and 4(3)



**FUNDAMENTAL RIGHTS (ADDITIONAL PROVISIONS)  
(INTERIM)**

1

**THE FUNDAMENTAL RIGHTS (ADDITIONAL  
PROVISIONS) (INTERIM) ACT**

Act.  
16 of 1999.

[26th March, 1999.]

1. This Act may be cited as the Fundamental Rights (Additional Provisions) (Interim) Act. Short title.

2. In this Act—

Interpreta-  
tion.

“contravention” means in relation to any requirement, a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“court” means any court of law in Jamaica other than a court constituted by or under service law;

“public authority” means—

- (a) a Ministry, department or agency of Government;
- (b) a Parish Council or the Kingston and St. Andrew Corporation;
- (c) a statutory body or authority;
- (d) any company registered under the Companies Act, being a company in which the Government or an agency of Government holds not less than fifty-one *per centum* of the ordinary shares, which is declared by resolution of each House of Parliament to be an authority for the purposes of this Act;
- (e) any person performing functions or providing services which are—
  - (i) essential to the welfare of the Jamaican society; and

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[The inclusion of this page is authorized by L.N. 3/2001]



*FUNDAMENTAL RIGHTS (ADDITIONAL PROVISIONS)*  
(INTERIM)

(ii) declared to be so essential by resolution of each House of Parliament;

“service law” means the law regulating the discipline of a defence force or police officers.

Duration  
of Act.

3. This Act shall continue in force until provision is made in the Constitution of Jamaica for the inclusion therein of the rights specified in this Act in terms which preclude the alteration of that provision otherwise than in accordance with the procedures prescribed by, or in relation to section 49 (2) of the Constitution, and shall then expire.

Right to  
vote.

4.—(1) Every person shall have the right to vote and to participate in free and fair elections if that person—

- (a) is qualified to be registered as an elector and is so registered; and
- (b) is not, by the provision of any law in force for the time being, disqualified from being eligible to be registered as an elector.

(2) A person shall be qualified to be registered as an elector if he—

- (a) is a citizen of Jamaica resident in Jamaica at the date of registration; or
- (b) is a Commonwealth citizen (other than a citizen of Jamaica) who is resident in Jamaica at the date of registration and who has been so resident for at least twelve months immediately preceding that date; and
- (c) has attained the age of eighteen years,

and is not, by the provision of any law in force for the time being, disqualified from being eligible to be registered as an elector.

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[The inclusion of this page is authorized by L.N. 3/2001]



**FUNDAMENTAL RIGHTS (ADDITIONAL PROVISIONS)**  
**(INTERIM)**

3

(3) In subsection (1) the right to vote means the right to vote in—

- (a) general elections for members of the House of Representatives;
- (b) parish council elections for councillors to each Parish Council;
- (c) elections for councillors for the Council of the Kingston and St. Andrew Corporation; and
- (d) any referendum held under the Constitution or any other law.

5. Every person shall have the right to fair and humane treatment by any public authority in the exercise of any of its functions.

Right to fair, etc., treatment from public authority.

6. Every citizen of Jamaica shall have the right to be granted a passport and shall not be denied or deprived thereof except by or under the provisions of a law that—

Right to be granted a passport.

- (a) prescribes the grounds on which, and the circumstances under which a person may be denied or deprived of a passport; and
- (b) secures to that person a right of access to a court for the purpose of appealing against such denial or deprivation.

7.—(1) Any person who alleges that any of the provisions of this Act has been, is being or is likely to be, contravened in relation to him, may, without prejudice to any other action which is lawfully available with respect to the same matter, apply to the Supreme Court for redress.

Application for redress.

(2) The Supreme Court shall have original jurisdiction to hear and determine any application made by any person in pursuance of subsection (1) of this section and

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[The inclusion of this page is authorized by L.N. 3/2001]



**FUNDAMENTAL RIGHTS (ADDITIONAL PROVISIONS)**  
**(INTERIM)**

may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of the provisions of sections 4 to 6 to the protection of which the person concerned is entitled.

(3) A person authorized by law or, with the leave of the Court, a public or civic organization which has a sufficient interest in the matter to which the application relates may, on behalf of persons who are entitled to apply under subsection (1), initiate an application to the Supreme Court for a declaration or any other form of redress.

(4) Any person aggrieved by any determination of the Supreme Court under this section may appeal therefrom to the Court of Appeal.

(5) Where any application is made for redress under this section, the Supreme Court may decline to exercise its powers and may remit the matter to the appropriate court, tribunal or authority, if it is satisfied that adequate means of redress for the contravention alleged are available to the person concerned under any other law.



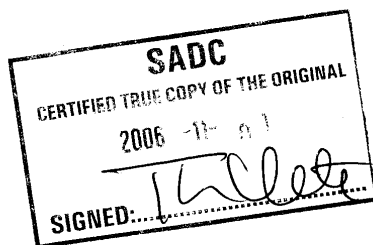




## **Annex 139**

Protocol on education and training in the Southern African  
Development Community, Article 7(A)5





**PROTOCOL**

**ON**

**EDUCATION AND TRAINING**

**IN**

**THE SOUTHERN AFRICAN DEVELOPMENT  
COMMUNITY (SADC)**



- d) Establishment in accordance with the provisions of Article 7E of this Protocol, of Centres of Specialisation for vocational education and technical training where joint programmes shall be developed and offered especially in specialised fields such as the development and provision of vocational education and technical training through distance learning methods. These areas shall be identified and agreed by Member States from time to time.

## **ARTICLE 7**

### **CO-OPERATION IN HIGHER EDUCATION AND TRAINING**

#### **(A) ACCESS TO UNIVERSITIES: STUDENT AND STAFF MOBILITY**

- 1 Member States agree to recommend to universities and other tertiary institutions in their countries to reserve at least 5% of admissions for students from SADC nations other than their own.
- 2 Member States agree to work towards harmonisation, equivalence, and eventual standardisation of University entrance requirements.
- 3 Member States agree that in order to prevent costly repetition of courses taken at universities within the Region and in order to contribute towards the mutual recognition of qualifications throughout the Region, universities shall be encouraged to devise mechanisms to facilitate credit transfer from one University to another within the Region.
- 4 Member States agree that it is desirable to work towards the harmonisation of the academic years of universities in order to facilitate staff and student mobility.
- 5 Member States agree that within ten years from the date of entry into force of this Protocol, they shall treat students from SADC countries as home students for purposes of fees and accommodation.
6. Member States agree to facilitate movement of students and staff from the Region for purposes of study, research, teaching and any other pursuits relating to education and training. To this end, Member States agree to work towards the gradual relaxation and eventual elimination of immigration formalities that hinder free student and staff mobility.

#### **(B) UNDER-GRADUATE STUDIES**

- 1 Member States agree that whilst education and training at under-graduate level shall continue to be largely the responsibility of each Member State, co-operation and mutual assistance is possible and shall take place in some fields of study which can be agreed to by the institutions concerned. To this end, Member States agree to recommend to their universities:
  - a) to co-operate in the design of academic programmes where appropriate, in particular in programmes which are jointly taught;
  - b) to establish links between themselves bilaterally and multilaterally for purposes of joint or split- site teaching, collaborative research and consultancy work, and for other academic activities where appropriate. The format, content and implementing modalities shall be worked out by the concerned universities between themselves;







## **Annex 140**

Denmark, Ministry of Higher Education and Science,  
Study in Denmark, Tuition Fees & Scholarships

<http://studyindenmark.dk/start-page/study-options/tuition-fees-scholarships>





## Tuition Fees & Scholarships

**Higher education in Denmark is free for students from the EU/EEA and Switzerland and for students participating in an exchange programme. For other students annual tuition range from 6,000 to 16,000 Euro. A number of scholarships and grants are available from the institutions and from public funded schemes**

### Tuition fees

Higher education in Denmark is free for students from the EU/EEA and Switzerland. Similarly, if you are participating in an exchange programme your studies in Denmark are free. You also do not pay for tuition if you at the time of application have a:

Permanent residence permit ('permanent opholdstilladelse')

Temporary residence permit that can be upgraded to a permanent one ('midlertidig opholdstilladelse mmf varigt ophold')

Residence permit as the accompanying child of a non-EU/EEA parent holding a residence permit based on employment (§9a and §9m of the Danish Aliens Act - text in Danish)

All other students must pay tuition fees.

#### **Annual tuition fees for full-degree students**

USD 8,000-21,000 / Euro 6,000-16,000 (DKK 45,000-120,000).

Note: for exact fees you should contact the institution in question.

### Application fee

Students from outside EU/EEA/Switzerland will be charged a fee when applying for a residence permit (visa) to study in Denmark.

[Read more about residence permit application procedures for non-EU/EEA students](#)

### Scholarships and grants



Most Danish institutions have bilateral agreements with foreign institutions of higher education. These agreements are usually designed for mutual exchange of students, researchers and teachers. National and European programmes offer scholarships for international students wishing to study in Denmark through an institutional agreement, as guest students or as a part of an international double or joint degree. Certain restrictions and prerequisites apply for the following programmes:



## Nordplus

If you are enrolled at a Nordic or Baltic higher education institution, Nordplus may offer a possibility to study in another Nordic or Baltic country as part of your degree. For further information, contact your home university or the national educational agency. To learn more about the Nordplus programme, please visit [www.nordplusonline.org](http://www.nordplusonline.org).

## Erasmus

The Erasmus programme offers students from the EU/EEA and Switzerland the possibility to study abroad as part of their higher education in their home countries. Exchanges last between 2 and 12 months. For further information, please contact your home university or the national educational agency of your country. To learn more about the Erasmus-programme and find out if you are eligible to apply, please visit the website of the [European Commission](http://europeancommission.eu).



## Erasmus Mundus/Joint Master Degree

The Erasmus Mundus programme is open to both EU/EEA and non-EU/EEA students. Through the Erasmus Mundus scheme you can apply for a scholarship to undertake specific Master's degree programmes. The courses are offered jointly by a Danish institution and another European university or college. Students and scholars must contact the individual Erasmus Mundus Master courses to learn more about scholarships and application procedures.

[See a list of approved Erasmus Mundus Masters courses in Denmark](#)

## Fulbright Commission

The Fulbright Commission fosters cultural understanding through its prestigious grant program for educational exchange. If you are an American scholar or postgraduate student at master or Ph.D.-level, you can apply for a Fulbright grant for an entire academic year of study and/or research in Denmark. For more information about selection criteria and the application process for a Fulbright grant, please visit the [Fulbright Commission website](#).

## The Danish Government Scholarships under the Cultural Agreements

The Danish Government Scholarships under the Cultural Agreements are aimed at highly qualified exchange students and young researchers who wish to immerse themselves in studies of the Danish



language and culture or other fields of study related to Denmark, such as design, architecture, environmental studies, and other related fields.

The Cultural Agreements offer scholarships for long-term study periods and summer languages courses to foreign students. Long-term scholarships are offered to students from Brazil, China, Egypt, Japan, Russia and South Korea, while the summer language courses are open to students from the aforementioned countries and 35 European countries. The annual deadline to apply for scholarships for the following academic year is March 1<sup>st</sup>. Read more about the [Danish Government Scholarships under the Cultural Agreements](#)



## **Danish government scholarships for highly qualified non-EU/EEA students**

Danish higher education institutions (universities only) receive a limited number of government scholarships each year to fund highly qualified full-degree students from non-EU/EEA countries and Switzerland.

In order to be eligible for a scholarship you must be:

**A citizen of a country outside the EU, the European Economic Area or Switzerland**

**Enrolled in a full degree higher education programme**

**Granted a time-limited residence permit in Denmark due to education**

You are *not* eligible for a Danish government scholarship if you are:

**Seeking admission to an Artistic Higher Education Institution**

**Have a legal claim to the rights of Danish citizens**

**Have been granted a residence permit at the time of admission by the Danish Aliens Consolidations Act §9c, subsection 1, as the child of a foreign citizen who has been granted a residence permit in accordance with the Danish Aliens Consolidations Act §9m, and who is a citizen of a country that is not acceded to the EU or covered by the EEA agreement**

**A student who is eligible for a grant in accordance with Danish Law regarding the State Education Fund**

The scholarships are administered by the Danish institutions of higher education, each of which decides which students will receive a scholarship. For further information about the government scholarship, please consult the admission details of the [higher education institution](#) of your choice.



**Please note:** The government scholarship consists of two parts and can be given as full or partial tuition fee waivers and/or grants towards covering your living costs. However, since the scholarships are administered by the individual higher education institution you should enquire at the institution of your choice for further details.

## The Danish State Educational Support (SU)

The Danish State Educational Support (SU) is generally only awarded to Danish residents. As an international student you may, however, apply for equal status in so far as the state educational support is concerned. You may be granted equal status according to:

### Danish rules

### EU law

For details on how to apply, visit the website of the Danish Education Support Agency.

## Other sources of information on scholarships

Several scholarship programmes for both EU and non-EU students are listed at the EU-database Ploteus. PhD students and researchers should visit the European Researchers' Mobility Portal.

## Useful links

### Danish Government Scholarships under the Cultural Agreements

<http://ufm.dk/en/education-and-institutions/programmes-supporting-cooperation-and-mobility/the-cultural-agreements-programme>

### Erasmus (European Commission)

[http://ec.europa.eu/education/erasmus/doc892\\_en.htm](http://ec.europa.eu/education/erasmus/doc892_en.htm)

### Erasmus Mundus (European Commission)

[http://ec.europa.eu/education/external-relation-programmes/doc72\\_en.htm](http://ec.europa.eu/education/external-relation-programmes/doc72_en.htm)

### List of approved Erasmus Mundus Masters Courses in Denmark

<http://ufm.dk/uddannelse-og-institutioner/tilskud-til-udveksling-og-internationale-projekter/tilskudsprogrammer/erasmus-mundus/godkendte-master-courses>

### Erasmus Mundus in Denmark

<http://ufm.dk/en/education-and-institutions/programmes-supporting-cooperation-and-mobility/erasmus-erasmus-mundus-and-tempus-programmes>

### Nordplus

<http://www.nordplusonline.org/>







## **Annex 141**

France, Circular No 2018-079, 25 June 2018,  
Appendix I, para. 2.3



## Enseignement supérieur et recherche

### Bourses et aides aux étudiants

#### Modalités d'attribution des bourses d'enseignement supérieur sur critères sociaux, des aides au mérite et des aides à la mobilité internationale pour l'année 2018-2019

NOR : ESRS1816798C

circulaire n° 2018-079 du 25-6-2018

MESRI - MEN - DGESIP A2-1

Texte adressé aux rectrices et recteurs d'académie, chancelières et chanceliers des universités ; aux vice-rectrices et vice-recteurs de Mayotte, Wallis et Futuna, Polynésie française et Nouvelle-Calédonie ; à la chef du service de l'éducation de Saint-Pierre-et-Miquelon ; aux présidentes et présidents d'université ; aux présidentes et présidents de communauté d'universités et d'établissements ; aux directrices et directeurs d'établissement d'enseignement supérieur ; aux proviseuses et proviseurs ; à la présidente du centre national des œuvres universitaires et scolaires ; aux directrices générales et directeurs généraux des centres régionaux des œuvres universitaires et scolaires

La présente circulaire, dont les dispositions sont applicables pour l'année universitaire 2018-2019, annule et remplace la circulaire n° 2017-059 du 11 avril 2017 relative aux modalités d'attribution des bourses d'enseignement supérieur sur critères sociaux, des aides au mérite et des aides à la mobilité internationale pour l'année 2017-2018. En application des dispositions de l'article L. 821-1 du Code de l'éducation, l'État peut attribuer des aides financières aux étudiants inscrits en formation initiale. Ces aides sont destinées à favoriser l'accès aux études supérieures, à améliorer les conditions d'études et à contribuer à la réussite des étudiants.

Les aides accordées par l'État sont les suivantes :

#### I. Bourse d'enseignement supérieur sur critères sociaux

La bourse d'enseignement supérieur sur critères sociaux est accordée à l'étudiant confronté à des difficultés matérielles ne lui permettant pas d'entreprendre ou de poursuivre des études supérieures.

Elle constitue une aide complémentaire à celle de la famille. À ce titre, elle ne peut se substituer à l'obligation alimentaire telle que définie par les dispositions des articles 203 et 371-2 du Code civil qui imposent aux parents d'assurer l'entretien de leurs enfants, même majeurs, tant que ces derniers ne sont pas en mesure de subvenir à leurs propres besoins.

Les revenus ainsi que les charges de la famille sont pris en compte pour déterminer le taux de la bourse fixé en application d'un barème national.

Durant la totalité de ses études supérieures, un étudiant peut se prévaloir de droits annuels de bourse d'enseignement supérieur sur critères sociaux selon les modalités prévues en annexe.

Le maintien de la bourse est soumis à des conditions de progression dans les études, d'assiduité aux cours et de présence aux examens.

Pour bénéficier d'une bourse d'enseignement supérieur sur critères sociaux, l'étudiant doit être inscrit dans une formation relevant de la compétence du ministre chargé de l'enseignement supérieur conduisant à un diplôme national de l'enseignement supérieur ou habilitée à recevoir des boursiers.

L'étudiant doit par ailleurs satisfaire à des critères d'âge, de diplôme et de nationalité.

La demande de bourse sur critères sociaux est effectuée chaque année à l'aide du « dossier social étudiant », par voie électronique, en se connectant au Portail numérique « [etudiant.gouv.fr](http://etudiant.gouv.fr) », rubrique « [messervices.etudiant.gouv.fr](http://messervices.etudiant.gouv.fr) ».

#### II. Aide au mérite

Une aide au mérite complémentaire à une bourse sur critères sociaux est également susceptible d'être accordée à



l'étudiant dans les conditions fixées à l'annexe 8 ci-dessous.

### III. Aide à la mobilité internationale

Une aide à la mobilité internationale peut être accordée à l'étudiant qui effectue un séjour à l'étranger dans le cadre de son cursus d'études. Cette aide contribue à la politique d'ouverture internationale menée par les établissements publics d'enseignement supérieur.

Les dispositions relatives aux conditions requises pour l'obtention d'une bourse d'enseignement supérieur sur critères sociaux, d'une aide au mérite et d'une aide à la mobilité internationale sont développées dans les annexes suivantes. Cette circulaire sera publiée au Bulletin officiel de l'enseignement supérieur, de la recherche et de l'innovation et au Bulletin officiel de l'éducation nationale.

Pour la ministre de l'Enseignement supérieur, de la Recherche et de l'Innovation et par délégation,  
la directrice générale de l'enseignement supérieur et de l'insertion professionnelle,  
Brigitte Plateau

### Annexe 1 : Conditions d'études

#### Principe

Pour bénéficier d'une bourse d'enseignement supérieur sur critères sociaux, l'étudiant doit être inscrit en formation initiale, en France ou dans un État membre du Conseil de l'Europe, dans un établissement d'enseignement public ou privé et dans une formation habilitée à recevoir des boursiers. Il doit par ailleurs suivre à temps plein des études supérieures relevant de la compétence du ministre chargé de l'enseignement supérieur.

#### 1 - Diplômes, concours et formations préparés dans les établissements publics ouvrant droit à bourse :

- la capacité en droit pour les pupilles de la Nation ;
- les classes de mise à niveau en vue de la préparation d'un BTS arts appliqués ou hôtellerie restauration mises en place conformément aux arrêtés ministériels du 17 juillet 1984 et du 19 février 2018 ;
- les classes passerelles ouvertes par le recteur en vue de l'accès à une première année de préparation d'un BTS ;
- les classes préparatoires aux études supérieures (CPES) ;
- les classes préparatoires aux grandes écoles (CPGE) ;
- le diplôme d'études universitaires scientifiques et techniques (Deust) ;
- le diplôme universitaire de technologie (DUT) ;
- le brevet de technicien supérieur (BTS) ;
- le diplôme des métiers d'art (DMA) ;
- le diplôme national des métiers d'art et du design (DNMADE) ;
- la licence ;
- les formations complémentaires en un an entreprises durant l'année universitaire qui suit immédiatement l'obtention d'un BTS ou d'un DUT, proposées dans une université - pour la préparation d'un diplôme d'université - ou dans un lycée et constituant une troisième année d'études supérieures permettant l'entrée dans la vie active ;
- les classes préparatoires ATS adaptation technicien supérieur en un an, entreprises après l'obtention d'un BTS ou d'un DUT, permettant une poursuite d'études et notamment l'accès aux grandes écoles généralistes ou spécialisées ;
- le diplôme d'État d'éducateur spécialisé préparé dans un lycée public ou un IUT ;
- le diplôme d'expert en automobile (un an après un DUT ou un BTS) ;
- le diplôme d'État d'audioprothésiste ;
- le diplôme d'État de psychomotricien ;
- le diplôme national de technologie spécialisé (DNTE) ;
- le diplôme de conseiller en économie sociale et familiale (DCESF) ;
- le diplôme de technicien supérieur en imagerie médicale et radiologie thérapeutique ;
- le diplôme de comptabilité et de gestion (DCG) ;
- le diplôme national de guide interprète national après un diplôme de niveau bac +2 ;
- le certificat de capacité d'orthoptiste ;
- le diplôme supérieur d'arts appliqués (DSAA) ;
- le certificat de capacité d'orthophoniste ;
- le master ;



- le diplôme supérieur de comptabilité et de gestion (DSCG) ;
- le diplôme national d'œnologue (DNO) ;
- la 1<sup>re</sup> année et la 1<sup>re</sup> année adaptée des études de santé (médecine, pharmacie, odontologie, sage-femme) ;
- de la 2<sup>e</sup> à la 6<sup>e</sup> année de médecine ;
- de la 2<sup>e</sup> à la 6<sup>e</sup> année des études de pharmacie et odontologie (cycle court) ;
- les candidats ayant été autorisés à se présenter une deuxième fois aux épreuves classantes nationales, conformément aux dispositions de l'article R. 632-5 du Code de l'éducation ;
- le diplôme d'État d'infirmier en pratiques avancées ;
- les formations conduisant au diplôme d'ingénieur, y compris les cycles préparatoires intégrés ;
- les formations conduisant au diplôme des Instituts d'études politiques ;
- les diplômes propres aux établissements publics à caractère scientifique, culturel et professionnel (EPSCP) ayant fait l'objet d'une habilitation à recevoir des boursiers ;
- le brevet professionnel de la jeunesse, de l'éducation populaire et du sport (BPJEPS) et le diplômes d'État de la jeunesse, de l'éducation populaire et du sport (Dejeps) préparés dans un centre de ressources, d'expertise et de performance sportive (CREPS) et ayant fait l'objet d'une habilitation à recevoir des boursiers ;
- les diplômes d'établissement « étudiant entrepreneur » (D3E) délivrés dans le cadre de la formation assurée par les pépites (pôles étudiants pour l'innovation, le transfert et l'entrepreneuriat) labellisés par le ministère chargé de l'enseignement supérieur ;
- la préparation du concours de l'agrégation, du certificat d'aptitude au professorat de l'enseignement du second degré (Capes), du certificat d'aptitude au professorat de l'enseignement technique (Capet), du certificat d'aptitude au professorat d'éducation physique et sportive (Capeps), du concours d'accès aux listes d'aptitude aux fonctions des maîtres de l'enseignement privé (Cafep), du certificat d'aptitude au professorat de lycée professionnel (CAPLP), du concours de recrutement des professeurs des écoles (CRPE), du concours de recrutement des psychologues de l'éducation nationale (PsyEN) et du certificat d'aptitude aux fonctions de conseiller principal d'éducation (CACPE) ;
- les formations mises en œuvre par les instituts de préparation à l'administration générale (Ipag) et les centres de préparation à l'administration générale (CPAG) en vue de la préparation aux concours de la fonction publique de l'État, territoriale ou hospitalière ;
- les formations mises en œuvre par les centres de préparation au concours externe de l'École nationale d'administration ;
- les formations mises en œuvre par les instituts d'études judiciaires (IEJ) en vue de la préparation aux concours de la fonction publique de l'État, territoriale ou hospitalière et à l'examen d'entrée aux centres régionaux de formation à la profession d'avocat (CRFPA) ;
- les préparations supérieures dispensées dans le cadre d'une formation ouverte à distance (FOAD), d'un centre de téléenseignement et notamment celles organisées dans les campus numériques. Ces études peuvent être proposées par l'établissement ou par le Centre national d'enseignement à distance (Cned). Les étudiants doivent remplir les conditions générales d'attribution des bourses d'enseignement supérieur sur critères sociaux fixées par la présente circulaire.

## 2 - Diplômes, concours et formations préparés dans les établissements privés ou dans les établissements d'un pays membre du Conseil de l'Europe

Certains établissements ou formations peuvent accueillir des étudiants boursiers dès lors qu'ils ont obtenu du ministre chargé de l'enseignement supérieur une habilitation à recevoir des boursiers. Selon leur statut, ces établissements ou formations relèvent soit d'une habilitation de plein droit, soit d'une habilitation sur décision ministérielle.

### 2.1 - Habilitation de plein droit à recevoir des boursiers

Sont habilités de plein droit à recevoir des boursiers dans les conditions fixées par la réglementation concernant les étudiants des établissements d'enseignement supérieur public :

- a) les établissements d'enseignement supérieur privés régis par les dispositions du titre III du livre VII du code de l'éducation et existant à la date du 1<sup>er</sup> novembre 1952, ainsi que les établissements d'enseignement supérieur remplissant les conditions posées à l'article L. 731-5 du même code (cf. article L. 821-2 alinéas 1 et 2 du Code de l'éducation) ;
- b) les centres de formation pédagogique des maîtres de l'enseignement privé du premier degré ayant une convention avec l'État (cf. décret n° 75-37 du 22 janvier 1975) ;
- c) les formations placées sous contrat d'association avec l'État et assurées dans des établissements privés



également sous contrat d'association avec l'État (cf. articles R. 442-33 et suivants du Code de l'éducation) y compris les formations complémentaires en un an placées sous contrat d'association avec l'État et constituant une troisième année après l'obtention d'un BTS ou d'un DUT.

## 2.2 - Habilitation à recevoir des boursiers sur décision ministérielle

Sont habilités sur décision ministérielle :

- a) les établissements d'enseignement supérieur privés, régis par les dispositions du titre III du livre VII du Code de l'éducation, ouverts après le 1<sup>er</sup> novembre 1952 (cf. article L. 821-2 alinéa 3 du Code de l'éducation) ;
- b) les établissements d'enseignement supérieur technique privés légalement ouverts et reconnus par l'État (cf. articles L. 443-1 à L. 443-3 du Code de l'éducation) ;
- c) les formations dispensées dans un pays membre du Conseil de l'Europe et conformes aux conditions énoncées ci-dessous.

## 2.3 - Conditions d'ouverture du droit à une bourse d'enseignement supérieur sur critères sociaux dans les pays membres du Conseil de l'Europe

Les étudiants inscrits dans certains établissements d'enseignement supérieur d'un État membre du Conseil de l'Europe peuvent prétendre à une bourse d'enseignement supérieur sur critères sociaux. Outre les conditions générales d'attribution des bourses d'enseignement supérieur sur critères sociaux, les étudiants doivent être en mesure de justifier des ressources telles que définies en annexe 3 de la présente circulaire, d'un domicile dans le pays considéré et des conditions énoncées ci-après :

- a) être de nationalité française ou ressortissant d'un État membre de l'Union européenne autre que la France, d'un État partie à l'Espace économique européen ou de la Confédération suisse ;
- b) être titulaire du baccalauréat français ou d'un titre admis en dispense ou équivalence pour l'inscription en 1<sup>re</sup> année d'études supérieures sur le territoire de la République française ou avoir commencé des études supérieures en France, quel que soit le ministère de tutelle ;
- c) être inscrit dans une université ou un autre établissement d'enseignement supérieur situé dans un État membre du Conseil de l'Europe et officiellement reconnu par cet État pour suivre, à temps plein, durant une année universitaire ou deux semestres suivant les pays, des études supérieures menant à un diplôme national correspondant aux études mentionnées au point 1 ci-dessus et dont le domaine relève de la compétence du ministre chargé de l'enseignement supérieur français.

L'étudiant doit se trouver dans l'une des situations suivantes :

- être inscrit dans un pays membre de l'Union européenne, dans un État partie à l'Espace économique européen ou dans la Confédération suisse ;
- ou poursuivre des études supérieures, après les avoir commencées en France, dans l'un des États ayant ratifié l'accord européen du 12 décembre 1969 sur le maintien des bourses aux étudiants poursuivant leurs études à l'étranger.

La condition de poursuite d'études commencées en France ne s'applique pas aux étudiants ayant bénéficié d'une bourse d'enseignement supérieur sur critères sociaux sans interruption depuis l'année universitaire 2014-2015 au titre d'une inscription dans un établissement d'enseignement supérieur d'un État membre du Conseil de l'Europe.

## Annexe 2 - Critères d'attribution

Pour bénéficier d'une bourse d'enseignement supérieur sur critères sociaux, l'étudiant doit satisfaire à des conditions d'âge, de diplôme et de nationalité.

### 1 - Conditions d'âge

Être âgé de moins de 28 ans au 1<sup>er</sup> septembre de l'année de formation supérieure, dans le cas d'une première demande de bourse d'enseignement supérieur sur critères sociaux. À partir de 28 ans, l'étudiant ne doit pas interrompre ses études pour continuer à bénéficier d'une bourse.

La limite d'âge peut être reculée en fonction de la durée du service civique (articles L. 120-1 et suivants du Code du service national), du volontariat dans les armées (articles L. 121-1 et suivants du même code) ou du volontariat international (articles L. 122-1 et suivants du même code). Pour tout étudiant, la limite d'âge est reculée d'un an par enfant élevé.

Aucune limite d'âge n'est opposable à l'étudiant atteint d'un handicap reconnu par la Commission des droits et de l'autonomie des personnes handicapées.

### 2 - Conditions de diplôme



Être titulaire du baccalauréat français ou d'un titre ou diplôme admis en dispense ou en équivalence pour l'inscription en première année d'études supérieures. Cette condition n'est pas exigée pour l'attribution d'une bourse lors du passage en deuxième année d'études supérieures.

Il pourra être tenu compte des modalités particulières d'inscription dans certains établissements d'enseignement supérieur.

Le candidat à l'attribution d'une bourse d'enseignement supérieur sur critères sociaux pour préparer, hors cursus master, les concours d'accès à la fonction enseignante doit posséder, au 1<sup>er</sup> janvier précédant les épreuves du concours, le diplôme ou le titre exigé.

### 3 - Conditions de nationalité

Les étudiants suivants peuvent percevoir une bourse d'enseignement supérieur sur critères sociaux :

#### 3.1 - Étudiant de nationalité française ou ressortissant d'un État membre de l'Union européenne autre que la France, d'un autre État partie à l'Espace économique européen ou de la Confédération suisse

Outre les conditions générales, le ressortissant d'un État membre de l'Union européenne autre que la France ou d'un autre État partie à l'Espace économique européen doit, en application des articles 7 et 10 du règlement (UE) n° 492/2011 du Parlement européen et du Conseil du 5 avril 2011 relatif à la libre circulation des travailleurs à l'intérieur de l'Union, remplir l'une des conditions suivantes :

- avoir précédemment occupé un emploi en France, à temps plein ou à temps partiel. L'activité doit avoir été réelle et effective et avoir été exercée en qualité de salarié ou de non salarié ;
- justifier que l'un de ses parents, son tuteur légal ou le délégataire de l'autorité parentale a perçu des revenus en France.

La condition de détention de la qualité de travailleur communautaire ou d'enfant de travailleur communautaire n'est pas exigée pour l'étudiant qui atteste d'un certain degré d'intégration dans la société française. Le degré d'intégration est apprécié notamment au vu de la durée du séjour (un an minimum), de la scolarité suivie en France ou encore des liens familiaux en France. Cette condition n'est en tout état de cause pas exigée si l'étudiant justifie de cinq ans de résidence régulière ininterrompue en France (article 24 de la directive 2004/38/CE du 29 avril 2004).

L'ensemble de ces dispositions est applicable aux ressortissants de la Confédération suisse, en application des articles 3 et 9 de l'annexe 1 de l'accord sur la libre circulation des personnes, signé le 21 juin 1999 entre la Confédération suisse et la Communauté européenne et ses États membres.

#### 3.2 - Étudiant de nationalité étrangère

Outre les conditions générales, l'étudiant de nationalité étrangère doit remplir l'une des conditions suivantes :

- avoir le statut de réfugié reconnu par l'Office français de protection des réfugiés et apatrides (Ofpra) ou par la Cour nationale du droit d'asile en application des dispositions de l'article L. 713-1 du Code de l'entrée et du séjour des étrangers et du droit d'asile ;
- bénéficier de la protection subsidiaire accordée par l'Office français de protection des réfugiés et apatrides (Ofpra) en application de l'article L. 713-1 du Code de l'entrée et du séjour des étrangers et du droit d'asile ;
- être titulaire d'une carte de séjour temporaire ou d'une carte de résident délivrée en application du code de l'entrée et du séjour des étrangers et du droit d'asile. Dans ce cas, l'étudiant doit en outre être domicilié en France depuis au moins deux ans et attester d'un foyer fiscal de rattachement (père, mère, tuteur légal ou délégataire de l'autorité parentale) en France depuis au moins deux ans. Cette dernière condition est appréciée au 1<sup>er</sup> septembre de l'année universitaire pour laquelle la bourse est sollicitée ;
- être Andorran de formation française ou andorrane. L'étudiant étranger dont les parents résident en Andorre peut bénéficier d'une bourse d'enseignement supérieur sur critères sociaux dans les mêmes conditions que l'étudiant étranger domicilié en France.

### 4 - Cas d'exclusion du bénéfice des bourses d'enseignement supérieur sur critères sociaux

Sont exclus du bénéfice d'une bourse d'enseignement supérieur sur critères sociaux :

- les fonctionnaires stagiaires et les agents titulaires des fonctions publiques de l'État, territoriale ou hospitalière, en activité, en disponibilité ou en congé sans traitement ;
- les étudiants ayant réussi un concours de recrutement des maîtres des établissements d'enseignement privés sous contrat et qui accomplissent leur stage pendant leur 2<sup>e</sup> année de master ;
- les étudiants ayant réussi le concours de l'internat (médecine, pharmacie, odontologie) ;
- les personnes inscrites à Pôle Emploi comme demandeurs d'emploi ou bénéficiaires d'aides à l'insertion et/ou à la formation professionnelle, à l'exclusion des personnes ayant signé un contrat dans le cadre d'un emploi d'avenir professeur ;



- les personnes rémunérées sous contrat d'apprentissage ou de professionnalisation ou en congé individuel de formation ;
- les personnes rémunérées sous contrat d'apprentissage dans le secteur public, non industriel et commercial (cf. circulaire conjointe du ministère chargé de la fonction publique et du ministère chargé du travail du 8 avril 2015) ;
- les personnes percevant une pension de retraite ;
- les étudiants qui suivent des cours de mise à niveau linguistique dans un État étranger.

### Annexe 3 - Conditions de ressources et points de charge

#### 1 - Conditions de ressources

##### Principe

Les plafonds de ressources ouvrant droit à une bourse d'enseignement supérieur sur critères sociaux font l'objet, chaque année, d'un arrêté publié au Journal officiel de la République française.

Les revenus retenus pour le calcul du droit à bourse sont ceux perçus durant l'année n-2 par rapport à l'année de dépôt de la demande de bourse et, plus précisément, ceux figurant à la ligne « revenu brut global » ou « déficit brut global » du ou des avis fiscaux d'imposition, de non-imposition ou de non mise en recouvrement, de restitution ou de dégrèvement. Sont également pris en compte les revenus perçus à l'étranger, dans les collectivités d'outre-mer et en Nouvelle-Calédonie ainsi que les revenus soumis au taux forfaitaire et ne figurant pas à la ligne précitée de l'avis fiscal. La décision relative au droit à bourse de l'étudiant ne peut être prise que sur la base de l'avis fiscal demandé. La simple communication du document intitulé « Justificatif d'impôt sur le revenu » n'est pas suffisante.

##### 1.1 - Dispositions particulières

Dans les situations attestées par une évaluation sociale révélant l'incapacité de l'un des parents à remplir son obligation alimentaire, une bourse d'enseignement supérieur sur critères sociaux pourra être accordée sur la base du seul revenu du foyer fiscal concerné.

##### 1.1.1 - Parent isolé

Si sur la déclaration fiscale du parent de l'étudiant figure la lettre « T » correspondant à la situation de parent isolé (définie au dernier alinéa de l'article L. 262-9 du Code de l'action sociale et des familles), les revenus du seul parent concerné sont pris en compte, sauf dans le cas où la lettre « T » figure sur la déclaration fiscale des deux parents de l'étudiant.

Il en est de même si le parent qui a la charge de l'étudiant peut justifier être bénéficiaire de l'allocation de soutien familial ou du revenu de solidarité active majoré au titre de la situation de parent isolé.

##### 1.1.2 - Parents de l'étudiant séparés (divorce, séparation de corps, dissolution du Pacs, séparation de fait)

En cas de séparation, les revenus pris en compte sont ceux du parent ayant à sa charge l'étudiant, sous réserve qu'une décision de justice ou un acte sous signature privée contresigné par avocats et déposé chez un notaire prévoient pour l'autre parent l'obligation du versement d'une pension alimentaire.

En l'absence d'une décision de justice ou d'un acte sous signature privée contresigné par avocats et déposé chez un notaire prévoyant le versement d'une pension alimentaire, les ressources des deux parents sont prises en compte.

En l'absence d'une telle décision ou d'un tel acte et dans le cas du versement volontaire d'une pension alimentaire, les revenus des deux parents sont pris en compte en veillant à ne pas comptabiliser deux fois la pension alimentaire. Lorsqu'une décision de justice ou un acte sous signature privée contresigné par avocats et déposé chez un notaire prévoit la résidence alternée de l'étudiant chez ses deux parents au moment de sa minorité, les revenus des deux parents sont pris en compte, même en cas de versement d'une pension alimentaire d'un parent à l'autre parent en veillant à ne pas comptabiliser deux fois la pension alimentaire. Toutefois, si la convention homologuée par le juge, la décision judiciaire ou, le cas échéant, l'accord cosigné par les parents prévoit que l'étudiant est à la charge de l'un d'entre eux ou s'il est justifié et fiscalement reconnu que l'un d'entre eux assume la charge principale de l'étudiant, les revenus pris en compte sont ceux du parent ayant à sa charge l'étudiant.

Dans le cas de l'étudiant majeur ne figurant pas sur la décision de justice ou l'acte sous signature privée contresigné par avocats et déposé chez un notaire, il convient de retenir les ressources soit du parent qui a la charge fiscale de l'étudiant, soit de celui ou ceux qui lui versent directement une pension alimentaire.

En l'absence de la mention du versement d'une pension alimentaire dans la décision de justice ou l'acte sous signature privée contresigné par avocats et déposé chez un notaire, les ex-conjoints peuvent attester du fait, dûment constaté et fiscalement reconnu, que chacun d'entre eux a la charge d'un de leurs enfants au moins ; il conviendra alors d'examiner le droit à bourse sur la base du seul revenu du foyer fiscal concerné.



### 1.1.3 Remariage de l'un des parents de l'étudiant

Lorsque le nouveau conjoint prend fiscalement à charge un ou des enfants étudiants issus du premier mariage de son conjoint, le droit à bourse de ces étudiants doit être examiné en fonction des ressources du nouveau couple constitué.

À défaut, les dispositions du point 1.1.2 s'appliquent.

### 1.1.4 - Pacte civil de solidarité

Lorsque le pacte civil de solidarité concerne les deux parents de l'étudiant, les revenus des deux parents sont pris en compte.

Si l'un des deux membres du couple n'est pas un parent de l'étudiant, le droit à bourse doit être apprécié, selon les cas, en fonction des dispositions du point 1.1.3 ci-dessus.

### 1.1.5 - Union libre (concubinage)

Lorsque le concubinage ou l'union libre concerne les deux parents de l'étudiant, les revenus des deux parents sont pris en compte.

Si l'un des deux membres du couple n'est pas le parent de l'étudiant, les dispositions du point 1.1.2 ci-dessus s'appliquent.

### 1.1.6 - Étudiant français ou ressortissant d'un État membre de l'Union européenne autre que la France, d'un autre État partie à l'Espace économique européen ou de la Confédération suisse dont les parents résident et/ou travaillent à l'étranger

Pour l'étudiant français, le consulat de France doit transmettre, à titre confidentiel, les éléments permettant d'évaluer les ressources et les charges familiales et, notamment, une appréciation sur le niveau des revenus compte tenu du coût de la vie locale.

L'étudiant européen dont les parents ne résident pas sur le territoire français doit présenter toutes les pièces nécessaires à l'examen de son droit à bourse : soit un avis fiscal ou un document assimilé portant sur l'année n-2, soit, en l'absence d'un tel document, les fiches de salaire du ou des parents, du tuteur légal ou du délégataire de l'autorité parentale portant sur les trois derniers mois de l'année n-2. Les ressources ainsi obtenues, transposées éventuellement en euros et après réintégration du montant de l'impôt payé lorsque celui-ci est directement prélevé à la source, constituent le « revenu brut global » de la famille qui doit être pris en compte comme celui retenu en France.

### 1.1.7 - Étudiant de nationalité étrangère

Cet étudiant doit joindre à son dossier de demande de bourse une attestation sur l'honneur du ou des parents, du tuteur légal ou du délégataire de l'autorité parentale l'ayant à charge indiquant si des revenus sont perçus à l'étranger et, dans l'affirmative, leur montant en euros. Dans ce cas, ces revenus seront ajoutés au « revenu brut global » figurant sur l'avis fiscal établi en France.

## 1.2 - Dispositions dérogatoires

### 1.2.1 - Relatives à la référence de l'année n-2

Les revenus de l'année civile écoulée, voire ceux de l'année civile en cours, peuvent être retenus. Dans ce cas, les revenus effectivement perçus durant l'année considérée sont examinés après réintégration du montant de l'impôt payé lorsque celui-ci est directement prélevé à la source et après prise en compte de l'évolution du coût de la vie durant cette (ces) année(s) mesurée par l'Institut national de la statistique et des études économiques (Insee) afin de les comparer à ceux de l'année de référence. Ces dispositions s'appliquent dans le cas d'une diminution durable et notable des ressources familiales résultant de maladie, décès, chômage, retraite, divorce, séparation de fait ou séparation de corps dûment constatée par la juridiction judiciaire, ou lorsque la situation personnelle de l'étudiant et/ou de son conjoint est prise en compte (cf. point 1.2.2 ci-dessous) à la suite d'un mariage ou d'une naissance récents.

Ces dispositions sont également applicables en cas de diminution des ressources consécutive à une mise en disponibilité, à un travail à temps partiel, à une réduction du temps de travail durable ou à un congé sans traitement (congé parental par exemple).

Ces dispositions s'appliquent aussi à l'étudiant dont les parents sont en situation de surendettement, de redressement judiciaire, de liquidation judiciaire ou doivent faire face à des situations exceptionnelles telle une baisse de revenus intervenue à la suite de catastrophes naturelles ou d'épidémies.

### 1.2.2 - Relatives aux revenus

Les seules ressources de l'étudiant, voire celles du foyer fiscal auquel il est rattaché, peuvent être prises en compte dans les conditions ci-après :



- étudiant marié ou ayant conclu un pacte civil de solidarité en application des articles 515-1 et suivants du Code civil : le couple, le conjoint ou le partenaire doit disposer de ressources mensuelles égales ou supérieures à 90 % du Smic net permettant ainsi d'assurer leur indépendance financière. Les intéressés doivent avoir établi une déclaration fiscale commune distincte de celle des parents, du tuteur légal ou du délégataire de l'autorité parentale. L'étudiant étranger doit remplir les conditions de l'annexe 2 à l'exclusion du rattachement à un foyer fiscal (père, mère, tuteur légal ou délégataire de l'autorité parentale). Lorsqu'une bourse a été attribuée en fonction des revenus du couple ou du conjoint ou du partenaire du candidat boursier, cette aide continue d'être allouée au titre de l'année universitaire en cours, même si, entre temps, ces revenus ont diminué, voire disparu, notamment en cas de départ dans le cadre du service civique, du volontariat dans les armées ou du volontariat international, de séparation dûment constatée par la juridiction judiciaire, de divorce ou de veuvage ;
- étudiant ayant lui-même un ou plusieurs enfants à charge fiscalement et qui ne figure plus sur la déclaration de revenus de ses parents, du tuteur légal ou du délégataire de l'autorité parentale. L'étudiant étranger doit remplir les conditions de l'annexe 2, à l'exclusion du rattachement à un foyer fiscal (père, mère, tuteur légal ou délégataire de l'autorité parentale) ;
- étudiant, âgé de plus de 18 ans et bénéficiaire ou ancien bénéficiaire des prestations d'aide sociale versées par les services de l'aide sociale à l'enfance (cf. titre II du livre II du Code de l'action sociale et des familles). L'étudiant étranger doit remplir les conditions de l'annexe 2, à l'exclusion du rattachement à un foyer fiscal (père, mère, tuteur légal ou délégataire de l'autorité parentale) ;
- étudiant majeur ayant fait l'objet d'une tutelle ou d'une délégation d'autorité parentale durant sa minorité : prise en compte des revenus du foyer fiscal auquel il est rattaché ou, à défaut, ses revenus personnels s'ils existent ;
- étudiant orphelin de ses deux parents : prise en compte des revenus du foyer fiscal auquel il est rattaché ou, à défaut, ses revenus personnels s'ils existent. L'étudiant étranger doit remplir les conditions de l'annexe 2, à l'exclusion du rattachement à un foyer fiscal (père, mère, tuteur légal ou délégataire de l'autorité parentale) ;
- étudiant réfugié : prise en compte des revenus du foyer fiscal auquel il est rattaché ou, à défaut, ses revenus personnels s'ils existent ;
- étudiant bénéficiaire de la protection subsidiaire : prise en compte des revenus du foyer fiscal auquel il est rattaché ou, à défaut, ses revenus personnels s'ils existent.

## 2 - Points de charge à prendre en considération pour l'attribution d'une bourse sur critères sociaux

### 2.1 - Les charges de l'étudiant

Candidat boursier dont le domicile (commune de résidence) familial est éloigné de l'établissement d'inscription à la rentrée universitaire :

- de 30 à 249 kilomètres : 1 point ;
- de 250 kilomètres et plus : 2 points.

### 2.2 - Les charges de la famille

- pour chaque autre enfant à charge, à l'exclusion du candidat boursier : 2 points ;
- pour chaque enfant à charge étudiant dans l'enseignement supérieur, à l'exclusion du candidat boursier : 4 points.

### 2.3 - Détail des points de charge de l'étudiant relatifs à l'éloignement du domicile par rapport à l'établissement d'inscription à la rentrée

L'appréciation de l'éloignement relève de la compétence du recteur d'académie qui fonde ses décisions sur les données extraites de la base de données Admin Express de l'Institut géographique national (IGN) et du fichier de La Poste. Toutefois, cette méthode d'appréciation de l'éloignement peut être ajustée, conformément à l'article 8 de la loi n° 85-30 du 9 janvier 1985 modifiée relative au développement et à la protection de la montagne, qui prévoit que les dispositions de portée générale ainsi que les politiques publiques et les mesures prises pour leur application relatives, notamment, à l'éducation sont, éventuellement après expérimentation, adaptées à la spécificité de la montagne ou à la situation particulière de chaque massif ou partie de massif. À cet égard, lorsque le domicile familial est situé dans une commune répertoriée par le Commissariat général à l'égalité des territoires comme étant en zone de montagne, l'étudiant bénéficie d'une majoration du nombre de ses points de charge, dans la limite du nombre prévu au point 2.1 ci-dessus.

Le domicile (commune de résidence) de l'étudiant est celui de sa famille. Lorsque la bourse est attribuée en fonction des ressources du candidat ou de son conjoint, c'est la commune de résidence du couple qui sert de référence. Lorsque l'étudiant vient d'un département d'outre-mer, d'une collectivité d'outre-mer ou de Nouvelle-Calédonie afin de poursuivre ses études en métropole, c'est le lieu de résidence des parents ou de l'étudiant et de son conjoint qui est pris en compte si ceux-ci résident en outre-mer. En cas de délocalisation du lieu d'enseignement, c'est celui-ci qui



sert de référence. L'étudiant inscrit dans un établissement situé dans un pays membre du Conseil de l'Europe bénéficie à ce titre du nombre de points de charge relatifs à l'éloignement conformément aux dispositions du point 2.1 ci-dessus, même s'il est parallèlement inscrit en France dans un établissement d'enseignement supérieur. L'étudiant inscrit à une préparation à distance ne peut bénéficier des points de charge liés à l'éloignement.

#### 2.4 - Détail des points de charge de la famille

##### **2.4.1 - Attribution de points de charge pour chaque autre enfant à charge de la famille, à l'exclusion du candidat boursier.**

Est considéré à charge de la famille l'enfant rattaché fiscalement aux parents, au tuteur légal ou au délégataire de l'autorité parentale y compris celui issu de précédent(s) mariage(s). Le rattachement fiscal est celui de l'année de référence n-2 prise en compte pour l'examen du droit à bourse ou les années suivantes en cas de naissance ou de mariage.

Le versement d'une pension alimentaire à un enfant majeur ne constitue pas une prise en charge fiscale.

##### **2.4.2 - Attribution de points de charge pour chaque enfant à charge étudiant dans l'enseignement supérieur, à l'exclusion du candidat boursier**

L'étudiant considéré doit être inscrit dans l'enseignement supérieur au cours de l'année durant laquelle une bourse est sollicitée. La notion d'enseignement supérieur recouvre l'ensemble des formations initiales supérieures dispensées à plein temps ou à distance par le Centre national d'enseignement à distance ou par télé-enseignement organisé par les universités (même si la possession du baccalauréat n'est pas exigée pour l'admission). Les points de charge sont également attribués au titre de chaque enfant à charge, à l'exclusion du candidat boursier, inscrit dans une formation initiale d'enseignement supérieur en alternance (sous contrat d'apprentissage ou de professionnalisation) ou dans l'enseignement supérieur à l'étranger.

## **Annexe 4 - Organisation des droits à bourse et conditions de maintien**

### **Principe**

Un étudiant peut utiliser jusqu'à 7 droits à bourse d'enseignement supérieur sur critères sociaux, durant la totalité de ses études supérieures entreprises conformément aux dispositions de l'annexe 1. L'aide annuelle accordée dans le cadre du Fonds national d'aide d'urgence et l'allocation annuelle accordée dans le cadre du dispositif des aides spécifiques prévu par la circulaire n° 2014-0016 du 8 octobre 2014 sont comptabilisées dans le nombre de droits à bourse.

La bourse est accordée, pour une année universitaire déterminée, selon les modalités prévues ci-dessous. Ces dispositions sont applicables aussi bien dans le cadre d'un cursus linéaire que dans le cadre d'une ou de plusieurs réorientations.

### **1 - Organisation des droits à bourse**

#### **1.1 - Condition de maintien**

Le 3e droit ne peut être accordé que si l'étudiant a validé au moins 60 crédits, 2 semestres ou 1 année.

Le 4e ou le 5e droit ne peuvent être accordés que si l'étudiant a validé au moins 120 crédits, 4 semestres ou 2 années.

Le 6e ou le 7e droit ne peuvent être accordés que si l'étudiant a validé au moins 180 crédits, 6 semestres ou 3 années.

L'établissement doit être en mesure de communiquer une information sur la validation de la formation au plus tard en septembre afin de ne pas retarder l'examen des dossiers permettant d'apprécier le droit à bourse par les Crous.

Les étudiants admis par leur établissement d'inscription à passer en année supérieure bénéficient d'un droit à bourse quel que soit le nombre de crédits, de semestres ou d'années d'études précédemment validés (dans la limite du nombre de droits ouverts au titre de chaque cursus).

Les 7 droits ouverts se répartissent dans le cadre de deux cursus distincts :

a) Le cursus licence ainsi que tout autre cursus d'une durée inférieure ou égale à celle de la licence ne peuvent donner lieu à plus de 5 droits à bourse. Ces 5 droits sont également ouverts dans les cas de réorientation entre cursus d'une durée inférieure ou égale à celle de la licence.

b) Au-delà du cursus licence ou de tout autre cursus d'une durée égale à celle de la licence, les droits se répartissent comme suit :

- 3 droits si l'étudiant a utilisé moins de 5 droits ;
- 2 droits si l'étudiant a utilisé 5 droits.



c) Un étudiant titulaire d'une licence ou d'un diplôme de niveau comparable peut bénéficier des droits à bourse non utilisés au titre de ce cursus pour préparer un nouveau diplôme de niveau comparable dans la limite de 5 droits. Un étudiant titulaire d'un master ou d'un diplôme de niveau comparable peut bénéficier des droits à bourse non utilisés pour préparer un nouveau diplôme de niveau comparable dans la limite des 7 droits et dans la limite des droits ouverts au titre du cursus post-licence (cf. point b) ci-dessus). Un étudiant n'ayant utilisé que 3 droits à bourse au titre du cursus licence (ou équivalent) pourra, le cas échéant, bénéficier d'un quatrième droit, au titre de son cursus post-licence, pour accomplir une deuxième année d'un second master ou préparer l'un des concours ou examens mentionnés à l'annexe 1 de la présente circulaire.

### 1.2 - Dispositions particulières

Des droits supplémentaires à bourse peuvent être attribués dans les conditions suivantes :

- a) Dans le cadre de chaque cursus ou cycle, 1 droit annuel supplémentaire pour les étudiants en situation d'échec due à la situation familiale (décès notamment) ou personnelle (maternité, raisons graves de santé) attestée par un avis des services médicaux et sociaux de l'établissement ainsi que pour les étudiants n'ayant pas validé leur année d'études à la suite d'une période de service civique ou de volontariat.
- b) Pour la totalité des études supérieures :
  - 1 droit annuel supplémentaire dans le cadre d'un parcours linéaire en médecine, odontologie et pharmacie ;
  - 3 droits annuels supplémentaires pour les étudiants souffrant d'un handicap reconnu par la Commission des droits et de l'autonomie des personnes handicapées et pour les étudiants sportifs de haut niveau ;
  - 1 droit supplémentaire pour la réalisation d'un stage obligatoire intégré à la formation.

## 2 - Conditions d'inscription pédagogique, d'assiduité aux cours et de présence aux examens

### Principe

En application des articles L. 612-1-1 (issu de la loi n° 2018-166 du 8 mars 2018 relative à l'orientation et à la réussite des étudiants) et D. 821-1 du Code de l'éducation, l'étudiant bénéficiaire d'une bourse doit être régulièrement inscrit (inscription administrative et pédagogique) et assidu aux cours, travaux pratiques ou dirigés, réaliser les stages obligatoires intégrés à la formation et se présenter aux examens, faute de quoi le versement de la bourse est suspendu et un ordre de reversement est émis pour obtenir le remboursement des mensualités de bourse indûment perçues.

De même, notamment dans le cadre d'un enseignement à distance, l'étudiant doit être régulièrement inscrit et assidu aux activités relevant de sa formation et rendre tous les devoirs prévus.

À cet égard, les établissements d'enseignement supérieur veillent à ce que toute inscription administrative donne lieu à une inscription pédagogique. Ils communiquent au Crous territorialement compétent, au plus tard le 1er décembre de l'année universitaire en cours, la liste des étudiants n'ayant pas procédé à leur inscription pédagogique au plus tard le 31 octobre.

En ce qui concerne la présence aux examens, le candidat titulaire d'une bourse d'enseignement supérieur sur critères sociaux doit se présenter aux examens et concours correspondant à ses études.

Un étudiant signalé par son établissement comme dispensé d'assiduité aux cours, dans les conditions prévues à l'article 10 de l'arrêté du 22 janvier 2014 modifié fixant le cadre national des formations conduisant à la délivrance des diplômes nationaux de licence, de licence professionnelle et de master, ne peut faire l'objet, au titre d'un tel défaut d'assiduité, d'un ordre de reversement de la bourse qu'il a perçue. Il en est ainsi des étudiants salariés ou assumant des responsabilités particulières dans la vie universitaire, la vie étudiante ou associative, des femmes enceintes, des étudiants chargés de famille, des étudiants engagés dans plusieurs cursus, des étudiants handicapés, des artistes et des sportifs de haut niveau bénéficiant de modalités pédagogiques spécifiques.

Les étudiants bénéficiant d'une bourse pour effectuer des études dans l'un des pays membres du Conseil de l'Europe (dans les conditions prévues au paragraphe 2.3 de l'annexe 1 ci-dessus) doivent transmettre au Crous avant la fin du mois de janvier un relevé de notes correspondant à la période écoulée de l'année universitaire en cours. Ce relevé conditionne le paiement des mensualités de bourse ultérieures. Ils doivent également transmettre au Crous avant le 15 juillet un second relevé de notes correspondant aux cinq derniers mois de l'année universitaire écoulée afin d'attester le respect de leur obligation d'assiduité.

### 2.1 - Contrôles, suspensions et reversements

Les contrôles afférents à l'inscription pédagogique des étudiants, à leur assiduité aux cours et à leur présence aux examens sont conduits, tout au long de l'année, sous la responsabilité des présidents d'université, des directeurs d'école et des chefs d'établissement. Ceux-ci doivent apporter toute leur coopération en fournissant aux services du Crous les documents ou fichiers relatifs à l'inscription pédagogique, à l'assiduité aux cours et travaux pratiques ou



dirigés des étudiants et à leur présence aux examens. En cas de non-respect de l'obligation d'inscription pédagogique ou d'assiduité aux cours, le Crous suspend le versement de la bourse. Cette suspension est également opérée lorsque l'étudiant ne se présente pas à la session d'examen qui se déroule à la fin du 1<sup>er</sup> semestre. Si, à la suite d'une relance de son établissement, les justificatifs du non-respect de ces obligations ne sont toujours pas fournis par l'étudiant à son établissement, une procédure d'émission d'un ordre de reversement d'une partie ou de la totalité de la bourse est mise en œuvre. Il en est de même si l'étudiant ne se présente pas à la session d'examen qui se déroule à la fin du second semestre.

## 2.2 - Dispositions particulières

Lorsqu'un étudiant titulaire d'une bourse d'enseignement supérieur sur critères sociaux doit interrompre ses études au cours de l'année universitaire pour des raisons médicales graves (traitement médical, hospitalisation), il est tenu d'en informer les services de gestion des bourses et de leur transmettre toutes les pièces justificatives nécessaires. Dans ce cas, l'interruption d'études ne suspend pas le paiement de la bourse pendant la période considérée.

Par ailleurs, les étudiants titulaires d'une bourse d'enseignement supérieur sur critères sociaux, inscrits dans un établissement d'enseignement supérieur français et qui suivent parallèlement des études à l'étranger ou effectuent un stage intégré à leur cursus (quel que soit le pays d'accueil), doivent obtenir des autorités pédagogiques une dispense d'assiduité et l'autorisation de se présenter aux examens de fin d'année, pour conserver le bénéfice de leur bourse. Pour obtenir le paiement de leur bourse, les étudiants qui suivent des études dans un État membre du Conseil de l'Europe doivent adresser un certificat d'inscription mentionnant expressément l'année ou le semestre d'études suivies ainsi que l'intitulé exact du diplôme préparé et remplir les conditions générales définies dans la présente circulaire.

## Annexe 5 - Traitement des dossiers de demandes de bourses d'enseignement supérieur sur critères sociaux

### Principe

La bourse d'enseignement supérieur sur critères sociaux est attribuée au titre d'une année universitaire déterminée. L'étudiant doit renouveler sa demande annuellement dans le cadre d'un calendrier précis afin de permettre un nouvel examen de sa situation.

### 1 - Modalités de dépôt de la demande

La demande de bourse sur critères sociaux est effectuée à l'aide du dossier social étudiant (DSE) par voie électronique en se connectant au Portail numérique « [etudiant.gouv.fr](http://etudiant.gouv.fr) », rubrique « [messervices.etudiant.gouv.fr](http://messervices.etudiant.gouv.fr) », entre le 15 janvier et le 31 mai précédant la rentrée universitaire.

Au-delà de cette date, la demande de bourse présentée par l'étudiant peut néanmoins être examinée en fonction des éléments produits pour justifier ce retard.

Aucune demande de bourse ne peut cependant être acceptée après le 31 décembre de l'année universitaire en cours sauf dans les cas de changement durable et notable de la situation de l'étudiant ou de sa famille tels qu'énoncés au point 1.2.1 de l'annexe 3. Dans ces cas, la demande de bourse d'enseignement supérieur sur critères sociaux est examinée quelle que soit sa date de dépôt.

### 2 - Modalités d'examen du dossier

Le dossier de demande de bourse d'enseignement supérieur sur critères sociaux fait l'objet de deux examens.

Un premier examen est effectué en vue d'informer le candidat et sa famille sur ses éventuels droits après application du barème national. Le candidat boursier reçoit, par le biais d'une notification, une information sur l'aide qu'il est susceptible d'obtenir éventuellement pour l'année universitaire suivante, sous réserve de changement dans les circonstances de droit ou de fait (décision conditionnelle). Le dossier est instruit par l'académie d'origine qui, après la phase d'instruction, le transmet, le cas échéant, à l'académie d'accueil de l'étudiant.

Si ce premier examen aboutit à un rejet de la demande de bourse, la décision motivée, prise selon le cas par le recteur d'académie ou le vice-recteur territorialement compétent, est notifiée au candidat.

Le deuxième examen permet de vérifier l'inscription effective du candidat et les conditions de sa scolarité, ainsi que sa situation au regard d'éventuels changements dans les circonstances de droit ou de fait. La décision définitive d'attribution ou de refus d'une bourse d'enseignement supérieur sur critères sociaux est prise par le recteur de l'académie d'accueil ou par le vice-recteur territorialement compétent et notifiée au candidat. En application de l'article L. 211-2 du Code des relations entre le public et l'administration, les décisions suivantes doivent être obligatoirement motivées :



- refus d'attribution d'une bourse d'enseignement supérieur sur critères sociaux ;
- retrait ou réduction du montant d'une bourse d'enseignement supérieur sur critères sociaux.

Ces décisions doivent indiquer les voies et délais de recours contentieux.

### 3 - La mise en paiement de la bourse

En cas de demande de bourse postérieure au 31 octobre, le droit à bourse est ouvert à compter du mois suivant celui où l'étudiant a produit l'ensemble des documents nécessaires à l'instruction de sa demande. L'octroi de la bourse n'a pas de caractère rétroactif.

En cas d'inscription dans la formation en cours d'année universitaire, le paiement de la bourse ne peut intervenir que pour les mensualités restant à courir jusque la fin de l'année universitaire.

Un droit à bourse est réputé avoir été consommé même en cas de paiement partiel.

## Annexe 6 - Maintien de la bourse d'enseignement supérieur sur critères sociaux pendant les grandes vacances universitaires à certains étudiants

Le paiement de la bourse d'enseignement supérieur sur critères sociaux pendant les grandes vacances universitaires est réservé à l'étudiant titulaire d'une bourse d'enseignement supérieur sur critères sociaux des échelons 0 bis à 7.

Cette disposition s'applique à l'étudiant qui n'a pas achevé ses études au 1<sup>er</sup> juillet de l'année universitaire au titre de laquelle il a obtenu cette bourse. L'intéressé doit, en outre, se trouver dans l'une des situations suivantes :

- a) étudiant en métropole à la charge de ses parents, de son tuteur légal ou du délégataire de l'autorité parentale lorsque ceux-ci résident dans un département d'outre-mer, une collectivité d'outre-mer ou en Nouvelle-Calédonie ;
- b) étudiant originaire de Wallis-et-Futuna poursuivant des études en Nouvelle-Calédonie ;
- c) étudiant poursuivant des études en Polynésie française ou en Nouvelle-Calédonie et, dans chaque cas, originaire d'une île du territoire distincte de celle où est dispensé l'enseignement ;
- d) étudiant français ou ressortissant d'un État membre de l'Union européenne ou d'un État partie à l'Espace économique européen à la charge de ses parents, de son tuteur légal ou du délégataire de l'autorité parentale lorsque ceux-ci résident à l'étranger (à l'exception des pays membres de l'Union européenne, des États parties à l'Espace Économique Européen, de la Confédération suisse et des pays riverains de la Méditerranée où l'étudiant a la possibilité de rejoindre sa famille chaque année) ;
- e) étudiant pupille de l'État ;
- f) étudiant pupille de la Nation ;
- g) étudiant orphelin de ses deux parents ;
- h) étudiant réfugié ;
- i) étudiant bénéficiaire de la protection subsidiaire ;
- j) étudiant qui a bénéficié auparavant des mesures de l'aide sociale à l'enfance.

## Annexe 7 - Taux et cumul de la bourse d'enseignement supérieur sur critères sociaux

### 1 - Les taux de bourse d'enseignement supérieur sur critères sociaux

#### Principe

Les taux de bourses d'enseignement supérieur sur critères sociaux font l'objet, chaque année, d'un arrêté interministériel publié au Journal officiel de la République française. Ils sont fixés en fonction d'un barème national qui prend en compte les ressources de la famille et le nombre de points de charge (cf. annexe 3). Huit échelons (0 bis, 1, 2, 3, 4, 5, 6, 7) sont ainsi déterminés. Le bénéficiaire d'une bourse d'enseignement supérieur sur critères sociaux est exonéré des droits universitaires prévus par l'arrêté annuel fixant les taux des droits de scolarité dans les établissements publics d'enseignement supérieur relevant du ministère chargé de l'enseignement supérieur et de la contribution de vie étudiante et de campus.

#### Dispositions dérogatoires

L'étudiant qui exerce les fonctions d'assistant d'éducation à mi-temps et remplit les conditions d'attribution d'une bourse d'enseignement supérieur sur critères sociaux bénéficie d'un taux de bourse correspondant au minimum à l'échelon 2.

### 2 - Cumul des aides

Le cumul d'une bourse d'enseignement supérieur sur critères sociaux avec une source de revenus, autre que l'aide familiale, est soumis à certaines conditions. Dès lors que l'obligation d'assiduité aux cours et aux examens telle que



définie à l'annexe 4 est respectée, l'étudiant peut exercer une activité professionnelle ne relevant pas des cas d'exclusion prévus à l'annexe 2. Dans ce cadre, le cumul de la rémunération avec une bourse d'enseignement supérieur sur critères sociaux est possible. Ce cumul est également autorisé lorsque l'étudiant suit à temps complet un stage obligatoire rémunéré intégré dans le cursus au titre duquel il a obtenu une bourse sur critères sociaux. La bourse d'enseignement supérieur sur critères sociaux est cumulable avec une allocation pour la diversité dans la fonction publique, une allocation perçue dans le cadre d'un contrat d'engagement de service public, une bourse de service public accordée dans le cadre d'un emploi d'avenir professeur, une bourse Erasmus, l'indemnité servie dans le cadre du service civique, l'allocation d'études spécifique accordée aux réservistes de la garde nationale dans le cadre du décret n° 2017-328 du 14 mars 2017 ou une bourse accordée par une collectivité territoriale. Elle est également cumulable avec la prime d'activité.

En revanche, elle n'est pas cumulable avec une allocation annuelle accordée dans le cadre du dispositif des aides spécifiques, une bourse d'un autre département ministériel, une aide de formation permanente ou d'insertion professionnelle, une aide à la recherche du premier emploi (Arpe) ou une bourse d'un gouvernement étranger.

## Annexe 8 - Aide au mérite

### 1 - Conditions d'attribution

Une aide au mérite est attribuée à l'étudiant bénéficiaire, au titre de l'année universitaire 2018-2019, d'une bourse d'enseignement supérieur sur critères sociaux ou d'une allocation annuelle accordée dans le cadre du dispositif des aides spécifiques.

Elle concerne l'étudiant titulaire d'une mention « très bien » à la dernière session du baccalauréat français, inscrit une formation ouvrant droit à bourse.

Pour bénéficier de cette aide, l'étudiant doit au préalable avoir déposé un dossier social étudiant par l'intermédiaire du Portail numérique « [etudiant.gouv.fr](http://etudiant.gouv.fr) », rubrique « [messervices.etudiant.gouv.fr](http://messervices.etudiant.gouv.fr) ».

### 2 - Modalités d'attribution

L'aide au mérite ne fait pas l'objet d'une demande particulière de la part de l'étudiant.

Le recteur d'académie est chargé de transmettre à la Dgesip et au Crous la liste des bacheliers mention « très bien » de la dernière session du baccalauréat. Dès réception de cette liste, le Crous identifie les étudiants répondant aux critères d'attribution de l'aide au mérite.

La décision définitive d'attribution ou de non attribution de l'aide au mérite est prise par le recteur et notifiée au candidat.

### 3 - Versement et cumul de l'aide au mérite

L'aide au mérite est versée en neuf mensualités. Son montant est fixé par arrêté interministériel. Elle ne donne pas lieu à versement pendant les grandes vacances universitaires.

Elle est cumulable avec une aide à la mobilité internationale et une aide ponctuelle accordée dans le cadre du dispositif des aides spécifiques.

Un étudiant ne peut pas bénéficier de plus de trois aides au mérite. Cette limitation s'applique aussi bien dans le cadre d'un cursus linéaire que dans le cadre d'une réorientation.

Le maintien de l'aide au mérite est soumis aux conditions d'inscription pédagogique, d'assiduité aux cours et de présence aux examens prévues pour les bourses d'enseignement supérieur sur critères sociaux.

En cas de redoublement, un étudiant ne pourra plus bénéficier de l'aide au mérite sauf si ce redoublement est fondé sur des raisons médicales.

### 4- Dispositions transitoires applicables aux bénéficiaires d'une aide au mérite en 2014-2015

Sous réserve d'être toujours éligible à une bourse sur critères sociaux et inscrit dans le même cycle d'études, un étudiant ayant obtenu une aide au mérite en 2014-2015 au titre des dispositions de la circulaire n° 2013-0011 du 18 juillet 2013 continue à en bénéficier en 2018-2019 dans le cadre du nombre maximum de droits ouvert au titre de chaque cursus. Cette limitation s'applique aussi bien dans le cadre d'un cursus linéaire que dans le cadre d'une réorientation.

Le maintien de l'aide au mérite est soumis aux conditions d'inscription pédagogique, d'assiduité aux cours et de présence aux examens prévues pour les bourses d'enseignement supérieur sur critères sociaux.

En cas de redoublement, un étudiant ne pourra plus bénéficier de l'aide au mérite sauf si ce redoublement est fondé sur des raisons médicales.

La décision définitive d'attribution ou de non attribution de l'aide au mérite est prise par le recteur de l'académie



d'accueil et notifiée au candidat. Cette aide au mérite est versée en 9 mensualités. Son montant est fixé par arrêté interministériel. Elle ne donne pas lieu à un versement pendant les grandes vacances universitaires.

Cette aide au mérite est cumulable avec une aide à la mobilité internationale ainsi qu'avec une allocation annuelle et une aide ponctuelle accordées dans le cadre du dispositif des aides spécifiques.

### *Dispositions particulières*

L'étudiant ayant bénéficié d'une aide au mérite en 2014-2015 et inscrit en médecine, odontologie ou pharmacie bénéficie de cette aide pour la totalité de la durée de ces formations.

Il en est de même pour l'étudiant inscrit, immédiatement après le baccalauréat, dans une formation habilitée à recevoir des boursiers après un concours d'entrée ou une sélection sur dossier.

L'étudiant admis, après une CPGE, dans une grande école habilitée à recevoir des étudiants boursiers conserve son aide au mérite pendant la durée de sa formation dans cet établissement.

Un étudiant à qui une aide au mérite a été allouée avant la rentrée 2015 et qui n'a pu en bénéficier en 2017-2018 au motif qu'il n'était plus éligible à une bourse sur critères sociaux peut à nouveau la percevoir en 2018-2019 s'il redevient éligible à une bourse sur critères sociaux. Cette aide est accordée dans le cadre du nombre de droits à bourse ouverts au titre du cursus suivi et dans le cadre des modalités d'attribution prévues ci-dessus.

Un étudiant éligible à une aide au mérite en 2017-2018, ayant réalisé un service civique au titre de cette même année, peut percevoir son aide au mérite en 2018-2019 sous réserve d'être bénéficiaire d'une bourse sur critères sociaux et dans le cadre du nombre de droits à bourse ouverts au titre du cursus suivi.

## **Annexe 9 : Aide à la mobilité internationale**

L'aide à la mobilité internationale est destinée à l'étudiant qui souhaite suivre une formation supérieure à l'étranger dans le cadre d'un programme d'échanges ou effectuer un stage international. Cette formation ou ce stage doit s'inscrire dans le cadre de son cursus d'études.

### **1 - Critères d'attribution**

L'aide à la mobilité internationale fait l'objet d'un contingent annuel notifié aux établissements publics d'enseignement supérieur engagés dans la procédure de contractualisation avec l'État (ministère chargé de l'enseignement supérieur).

Elle est accordée à l'étudiant bénéficiaire d'une bourse d'enseignement supérieur sur critères sociaux ou bénéficiaire d'une allocation annuelle accordée dans le cadre du dispositif des aides spécifiques. L'étudiant doit en outre préparer un diplôme national relevant de la compétence du ministère chargé de l'enseignement supérieur.

### **2 - Modalités d'attribution**

L'étudiant transmet au service des relations internationales de son établissement, sous forme de dossier, une demande d'aide à la mobilité accompagnée d'un projet de séjour d'études ou de stage internationaux.

Le chef d'établissement retient les candidatures en fonction de la qualité et de l'intérêt pédagogiques des projets individuels des étudiants et de leur conformité avec la politique internationale menée par l'établissement.

La durée du séjour aidé de l'étudiant à l'étranger ne peut être inférieure à deux mois ni supérieure à neuf mois consécutifs. Au cours de l'ensemble de ses études supérieures, l'étudiant ne peut bénéficier d'une aide à la mobilité cumulée supérieure à neuf mois.

L'aide est accordée en prenant en compte la durée du séjour et certaines spécificités telles que l'éloignement du pays d'accueil de l'étudiant, le coût de la vie du pays choisi.

Le montant de la mensualité est fixé par arrêté interministériel.

L'établissement doit informer, avant son départ à l'étranger, chaque candidat sélectionné du montant de l'aide à la mobilité qui lui est attribué.

### **3 - Gestion et versement de l'aide à la mobilité internationale**

Le paiement des aides à la mobilité internationale est confié aux établissements d'enseignement supérieur.

Il est conseillé, dans toute la mesure du possible, de procéder au versement d'au moins une mensualité avant le départ de l'étudiant.

Le séjour ou le stage auprès de l'établissement d'accueil ainsi que l'assiduité aux cours prévus dans le projet de l'étudiant doivent être effectifs. Le contrôle est obligatoirement opéré par le chef de l'établissement d'origine. En cas de manquement constaté, l'établissement met fin immédiatement au versement de l'aide.

### **4 - Cumul**



L'aide à la mobilité internationale est cumulable avec une aide au mérite.



## **Annex 142**

United Kingdom, Education (Fees and Awards) (England)  
Regulations 2007, s 4 and Schedule 1



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STATUTORY INSTRUMENTS

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2007 No. 779

## EDUCATION, ENGLAND

## The Education (Fees and Awards) (England) Regulations 2007

<i>Made</i>	- - - -	<i>8th March 2007</i>
<i>Laid before Parliament</i>		<i>19th March 2007</i>
<i>Coming into force</i>	- -	<i>1st September 2007</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 1 and 2 of the Education (Fees and Awards) Act 1983(a).

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Fees and Awards) (England) Regulations 2007 and come into force on 1<sup>st</sup> September 2007.

(2) These Regulations apply in relation to England(b).

**Interpretation**

2.—(1) In these Regulations—

“the 2005 Act” means the Education Act 2005(c);

“academic year” means the period of twelve months beginning on 1<sup>st</sup> January, 1<sup>st</sup> April, 1<sup>st</sup> July or 1<sup>st</sup> September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1<sup>st</sup> January and before 1<sup>st</sup> April, on or after 1<sup>st</sup> April and before 1<sup>st</sup> July, on or after 1<sup>st</sup> July and before 1<sup>st</sup> August or on or after 1<sup>st</sup> August and on or before 31<sup>st</sup> December, respectively;

“award” means a fees award or a maintenance award or both;

“education” includes post-graduate research otherwise than in the course of employment;

“employment” means full-time or part-time employment;

“European Community” means the territory comprised by the Member States of the European Community as constituted from time to time;

“European Economic Area” means the area comprised by the EEA States;

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- (a) 1983 c.40. Section 1 was amended by the Education Reform Act 1988 (c.40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c.13), Schedule 8, paragraph 19; the Education Act 1994 (c. 30), Schedule 2, paragraph 7; the Education Act 1996 (c.56), Schedule 37, paragraph 57; the Teaching and Higher Education Act 1998 (c. 30), Schedule 3, paragraph 5; the Learning and Skills Act 2000 (c.21) Schedule 9, paragraphs 1 and 11; the Education Act 2002 (c.32) Schedule 21, paragraph 5 and the Education Act 2005 (c.18) Schedule 14, paragraph 9. Section 2 was amended by the Teaching and Higher Education Act 1998, section 44 and Schedule 4.
- (b) The functions of the Secretary of State under section 1 of the Education (Fees and Awards) Act 1983, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 2006/1458 with effect from 8<sup>th</sup> June 2006. The remaining functions under the Education (Fees and Awards) Act 1983, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 with effect from 1<sup>st</sup> July 1999.
- (c) 2005 c.18.



“fees award” means an award in respect only of any fees payable other than any element of those fees which is a charge for maintenance;

“HEFCE” means the Higher Education Funding Council for England<sup>(a)</sup>;

“the Islands” means the Channel Islands and the Isle of Man;

“LSC” means the Learning and Skills Council for England<sup>(b)</sup>;

“maintenance award” means any award other than a fees award;

“overseas territories” means Anguilla; Aruba; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Mayotte; Greenland; Montserrat; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten); Pitcairn, Henderson, Ducie & Oeno Islands; South Georgia and the South Sandwich Islands; St Helena and Dependencies (Ascension Island and Tristan de Cunha); St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands and Wallis and Futuna;

“post-compulsory education award” means a scholarship, exhibition, bursary or other allowance granted by a local education authority under the Local Education Authority (Post-Compulsory Education Awards) Regulations 1999<sup>(c)</sup>;

“training provider” means a person who provides training for members of the school workforce under Part 3 of the 2005 Act;

(2) Despite section 11 of the Interpretation Act 1978<sup>(d)</sup> section 3(2) of the Education (Fees and Awards) Act 1983 (references to the United Kingdom to include references to the Islands) shall not apply for the purposes of interpreting these Regulations.

(3) For the purposes of these Regulations, “parent” includes a guardian, any other person having parental responsibility for a child and any person having care of a child and “child” is to be construed accordingly.

(4) For the purposes of these Regulations, a person is to be treated as ordinarily resident in England, England and Wales, Great Britain, the United Kingdom, the United Kingdom and Islands, in the territory comprising the European Economic Area and Switzerland, in the territory comprising the European Economic Area, Switzerland and the overseas territories, or in the territory comprising the European Economic Area, Switzerland and Turkey if he would have been so resident but for the fact that—

- (a) he;
- (b) his spouse or civil partner;
- (c) his parent; or
- (d) in the case of dependent direct relative in the ascending line, his child or child’s spouse or civil partner,

is or was temporarily employed outside the area in question.

(5) For the purposes of paragraph (4), temporary employment includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.

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<sup>(a)</sup> established under section 62 of the Further and Higher Education Act 1992.

<sup>(b)</sup> established under section 1 of the Learning and Skills Act 2000.

<sup>(c)</sup> S.I. 1999/229, amended by S.I. 2000/2057, and revoked in relation to Wales by S.I. 2002/1856.

<sup>(d)</sup> 1978 c.30.



(6) For the purposes of Regulations 6, 7, 8 and 9 a person is to be treated as ordinarily resident in England, England and Wales, Great Britain, the United Kingdom, the United Kingdom and Islands, in the territory comprising the European Economic Area and Switzerland, in the territory comprising the European Economic Area, Switzerland and the overseas territories, or in the territory comprising the European Economic Area, Switzerland and Turkey if he would have been so resident but for the fact that—

- (a) he;
- (b) his spouse or civil partner;
- (c) his parent; or
- (d) in the case of a dependent direct relative in the ascending line, his child or his child's spouse or civil partner,

was temporarily receiving full-time education outside the area in question.

(7) For the purposes of these Regulations an area which—

- (a) was previously not part of the European Community or the European Economic Area; but
- (b) at any time before or after these Regulations come into force has become part of one or the other or both of these areas,

is to be considered to have always been a part of the European Economic Area.

### **Lawful acts**

3.—(1) If discrimination arises from the remission in whole or in part of any fee (on grounds of financial hardship or otherwise), nothing in these Regulations shall be construed as rendering that discrimination unlawful, if it would have been lawful had these Regulations not been made.

(2) If discrimination arises from any rule of eligibility for an award, nothing in these Regulations shall be construed as rendering that discrimination unlawful, if it would have been lawful had these Regulations not been made.

### **Fee charging**

4.—(1) It shall be lawful for the institutions mentioned in paragraph (3) to charge higher fees in the case of a person who does not fall within Schedule 1 than in the case of a person who does fall within Schedule 1.

(2) For the purposes of this regulation a person falls within Schedule 1 if they fall within it on the first day of an academic year of the course.

(3) The institutions mentioned in this paragraph are institutions—

- (a) within the higher education sector, including a constituent college, school or hall of such an institution;
- (b) within the further education sector;
- (c) which are training providers and are receiving financial support under section 78 of the 2005 Act;
- (d) which provide further education and are maintained by a local education authority;

(4) This regulation does not make lawful the charging of a fee which is unlawful by reason of a condition imposed under section 24 of the Higher Education Act 2004(a).

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(a) 2004 c.8.



### **Awards by local education authorities**

**5.—**(1) It shall be lawful for a local education authority to adopt rules of eligibility for awards under sections 1(6) or 2 of the Education Act 1962<sup>(a)</sup> or for post-compulsory education awards which—

- (a) do not take account of regulation 2(4);
- (b) confine eligibility in the case of fees awards to those persons who fall within Schedule 1, excluding those who fall within paragraph 5, or
- (c) confine eligibility in the case of maintenance awards to those persons who fall within Schedule 1, excluding those who fall within paragraphs 5 and 9.

### **Awards by research councils and others**

**6.—**(1) It shall be lawful for a research council or institution mentioned in Schedule 2 to adopt rules of eligibility which—

- (a) do not take account of regulation 2(4);
- (b) confine eligibility in the case of fees awards in connection with courses of education or training or the undertaking of research to those persons who fall within Schedule 1, excluding those who fall within paragraph 5; or
- (c) confine eligibility in the case of maintenance awards in connection with courses of education or training or the undertaking of research to those persons who fall within Schedule 1, excluding those who fall within paragraphs 5 and 9.

(2) As regards paragraphs 2 and 3 of Schedule 1, the research council or institution may, in adopting rules of eligibility under paragraph (1)—

- (a) confine eligibility to those persons who have been ordinarily resident in Great Britain for three years preceding the date of application for the award, or
- (b) exclude from eligibility those persons who are not ordinarily resident in Great Britain, in England and Wales or in England (as the maker of the award may determine) on the date of application for the award.

(3) Where rules of eligibility confine awards to persons who are or will be ordinarily resident in part only of the United Kingdom and Islands, a person who is ordinarily resident in some other part of the United Kingdom and Islands shall not for the purposes of this regulation be considered to fall within paragraph 9 of Schedule 1.

(4) The makers of awards may adopt different eligibility rules for different classes or descriptions of awards.

### **Payments by the Training and Development Agency for Schools**

**7.—**(1) It shall be lawful for the Training and Development Agency for Schools<sup>(b)</sup> to adopt rules of eligibility for awards by any training provider to which it makes grants, loans or other payments under section 78 of the 2005 Act which confine eligibility to those persons who fall within Schedule 1.

(2) It shall be lawful for a training provider who is receiving financial support under section 78 of the 2005 Act to adopt rules of eligibility for awards which confine eligibility to those persons who fall within Schedule 1.

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(a) 1962 c.12. The Education Act 1962 was repealed by the Teaching and Higher Education Act 1998, subject to transitional and saving provisions to enable payments to be made pursuant to awards made under the Act before its repeal, and to enable awards to be made in respect of courses beginning before 1<sup>st</sup> September 1999 and certain courses beginning after that date.

(b) The Teacher Training Agency was established under section 1 of the Education Act 1994 and under section 74 of the Education Act 2005, its name was changed to the Training and Development Agency for Schools. Under section 78 of the Education Act 2005 the Training and Development Agency for Schools may provide financial support to any person it thinks fit in furtherance of its objectives.



**Payments by HEFCE**

**8.**—(1) It shall be lawful for HEFCE to adopt rules of eligibility for awards to be made to students who are being trained (otherwise than by a course leading to a first degree) to teach persons over compulsory school age by an institution to which it makes grants, loans or other payments under section 65 of the Further and Higher Education Act 1992 which confine eligibility to those persons who fall within Schedule 1.

(2) It shall be lawful for an institution to which HEFCE pays grants, loans or other payments for the purpose described in paragraph 1 to adopt rules of eligibility for awards which confine eligibility to those persons who fall within Schedule 1.

**Payments by the LSC**

**9.**—(1) It shall be lawful for the LSC to adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 5 of the Learning and Skills Act 2000 which confine eligibility to those persons who fall within Schedule 1.

(2) It shall be lawful for an institution to which the LSC pays grants, loans or other payments to adopt rules of eligibility for awards (however described) which confine eligibility to those persons who fall within Schedule 1.

**Revocation**

**10.**—(1) The following Regulations are revoked in relation to England—

- (a) The Education (Fees and Awards) Regulations 1997(a);
- (b) The Education (Fees and Awards) (Amendment) (England) Regulations 2000(b);
- (c) The Education (Fees and Awards) (Amendment No 2) (England) Regulations 2000(c)
- (d) The Education (Student Fees and Support) (Switzerland) Regulations 2003(d);
- (e) The Education (Fees and Awards) (Amendment) Regulations 2006(e);
- (f) Regulation 5 of the Local Education Authority (Post-Compulsory Education Awards) Regulations 1999.

8th March 2007

*Bill Rammell*  
*Minister of State*  
Department for Education and Skills

**SCHEDULE 1**

**1.** For the purposes of this Schedule—

“Directive 2004/38” means Directive 2004/38/EC of the European Parliament and of the Council of 29<sup>th</sup> April 2004(f) on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

“EC national” means a national of a Member State of the European Community;

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- (a) S.I. 1997/1972, amended by S.I. 1999/229, S.I. 2000/2192, S.I. 2000/2945, S.I. 2003/3280, S.I. 2005/2114 and S.I. 2006/483.
  - (b) S.I. 2000/2192.
  - (c) S.I. 2000/2945.
  - (d) S.I. 2003/3280.
  - (e) S.I. 2006/483.
  - (f) OJ L158, 30.4.2004, p77-123



“EEA frontier self-employed person” means an EEA national who—

- (a) is a self-employed person in the United Kingdom; and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State daily or at least once a week;

“EEA frontier worker” means an EEA national who—

- (a) is a worker in the United Kingdom; and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State daily or at least once a week;

“EEA migrant worker” means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

“EEA national” means a national of an EEA State other than the United Kingdom;

“EEA self-employed person” means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

“employed person” means an employed person with the meaning of Annex 1 to the Swiss Agreement;

“family member” means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person—
  - (i) his spouse or civil partner;
  - (ii) his child or the child of his spouse or civil partner; or
  - (iii) dependent direct relatives in his ascending line or that of his spouse or civil partner;
- (b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
  - (i) his spouse or civil partner; or
  - (ii) his child or the child of his spouse or civil partner;
- (c) in relation to an EC national who falls within article 7(1)(c) of Directive 2004/38—
  - (i) his spouse or civil partner; or
  - (ii) direct descendants of his or of his spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of his or his spouse or civil partner;
- (d) in relation to an EC national who falls within article 7(1)(b) of Directive 2004/38—
  - (i) his spouse or civil partner;
  - (ii) direct descendants of his or of his spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of his or his spouse or civil partner; or
  - (iii) dependent direct relatives in his ascending line or that of his spouse or civil partner;
- (e) in relation to a United Kingdom national, for the purposes of paragraph 9—
  - (i) his spouse or civil partner; or
  - (ii) direct descendants of his or of his spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of his or his spouse or civil partner;

“person with leave to enter or remain” means a person—

- (a) who has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom;



- (b) who has been granted leave to enter or to remain accordingly; and
- (c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002)(a); and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since he was granted leave to enter or remain;

“refugee” means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951(b) as extended by the Protocol thereto which entered into force on 4th October 1967(c);

“right of permanent residence” means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

“self-employed person” means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of article 7 of Directive 2004/38 or the EEA Agreement, as the case may be; or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

“settled” has the meaning given by section 33(2A) of the Immigration Act 1971(d);

“Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21<sup>st</sup> June 1999(e) and which came into force on 1<sup>st</sup> June 2002;

“Swiss employed person” means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” means a Swiss national who—

- (a) is an employed person in the United Kingdom; and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State daily or at least once a week;

“Swiss frontier self-employed person” means a Swiss national who—

- (a) is a self-employed person in the United Kingdom; and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State daily or at least once a week;

“Swiss self-employed person” means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

“Turkish worker” means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom; and
- (b) is, or has been lawfully employed in the United Kingdom.

“worker” means a worker within the meaning of article 7 of Directive 2004/38 or the EEA Agreement as the case may be.

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(a) 2002 c.41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19), section 26 and Schedules 2 and 4, and the Immigration, Asylum and Nationality Act 2006 (c.13), section 9.

(b) Cmnd. 9171.

(c) Cmnd. 3906 (out of print; photocopies are available, free of charge, from the Student Support Division, Department for Education and Skills, Mowden Hall, Staindrop Road, Darlington DL3 9BG).

(d) 1971 c.77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c.61).

(e) Cm. 4904.



### Persons who are settled in the United Kingdom

#### 2.—(1) A person who on the first day of the first academic year of the course—

- (a) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence;
- (b) is ordinarily resident in the United Kingdom;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with regulation 2(4).

#### 3. A person who—

- (a) is settled in the United Kingdom by virtue of having acquired the right of permanent residence on the first day of an academic year of the course;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where his residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of residence referred to in paragraph (c).

### Refugees and their family members

#### 4.—(1) A person—

- (a) who is a refugee;
- (b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he was recognised as a refugee; and
- (c) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

#### (2) A person—

- (a) who is the spouse or civil partner of a refugee;
- (b) who was the spouse or civil partner of the refugee on the date on which the refugee made his application for asylum;
- (c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he was given leave to remain in the United Kingdom; and
- (d) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

#### (3) A person—

- (a) who is the child of a refugee or the child of the spouse or civil partner of a refugee;
- (b) who, on the date on which the refugee made his application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;
- (c) who was under 18 on the date on which the refugee made his application for asylum;
- (d) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he was given leave to remain in the United Kingdom; and



- (e) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

#### **Persons with leave to enter or remain and their family members**

##### **5.—(1) A person**

- (a) with leave to enter or remain; and
- (b) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

##### **(2) A person—**

- (a) who is the spouse or civil partner of a person with leave to enter or remain;
- (b) who was the spouse or civil partner of the person with leave to enter or remain on the date on which that person made his application for asylum; and
- (c) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

##### **(3) A person—**

- (a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain;
- (b) who, on the date on which the person with leave to enter or remain made his application for asylum, was the child of that person or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;
- (c) who was under 18 on the date on which the person with leave to enter or remain made his application for asylum; and
- (d) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

#### **Workers, employed persons, self-employed persons and their family members**

##### **6.—(1) A person who—**

- (a) is—
  - (i) an EEA migrant worker or an EEA self-employed person;
  - (ii) a Swiss employed person or a Swiss self-employed person;
  - (iii) a family member of a person mentioned in paragraph (i) or (ii);
  - (iv) an EEA frontier worker or an EEA frontier self-employed person;
  - (v) a Swiss frontier employed person or a Swiss frontier self-employed person; or
  - (vi) a family member of a person mentioned in paragraph (iv) or (v);
- (b) subject to sub-paragraph (3), is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

##### **(2) A person who—**

- (a) is an EC national falling within paragraph (a)(i) or (a)(iv) of sub-paragraph (1);
- (b) subject to sub-paragraph (3), is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.



(3) Paragraph (b) of sub-paragraphs (1) and (2) do not apply where the person falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

**7. A person who—**

- (a) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (c) is entitled to support by virtue of Article 12 of Council Regulation (EEC) No. 1612/68 on the freedom of movement of workers<sup>(a)</sup>, as extended by the EEA Agreement.

**Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere**

**8.—(1) A person who—**

- (a) is settled in the United Kingdom;
- (b) left the United Kingdom and exercised a right of residence after having been settled in the United Kingdom;
- (c) is ordinarily resident in the United Kingdom on the day on which the first term of the first academic year actually begins;
- (d) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) in a case where his ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if he is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who has a right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and has a right of permanent residence, if he goes to the state within the territory comprising the European Economic Area and Switzerland of which he is a national or of which the person in relation to whom he is a family member is a national.

**EC nationals**

**9.—(1) A person who—**

- (a) is either—
  - (i) an EC national on the first day of an academic year of the course; or
  - (ii) a family member of a such a person;
- (b) is undertaking the course in the United Kingdom;
- (c) in the case of a person falling with in sub-paragraph (1)(a)(i), has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course;

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(a) OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) p475).



- (d) in the case of a person falling within sub-paragraph (1)(a)(ii), has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) subject to sub-paragraph (2), whose ordinary residence in the relevant territory has not during any part of the period referred to in paragraphs (c) or (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the relevant territory in accordance with regulation 2(4).

**10.—(1) A person who—**

- (a) is an EC national other than a United Kingdom national on the first day of the first academic year of the course;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; and
- (d) in a case where his ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the European Community after the first day of the first academic year of the course and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EC national other than a United Kingdom national on the first day of the first academic year of the course is treated as being satisfied.

**Children of Swiss nationals**

**11. A person who—**

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where his ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

**Children of Turkish workers**

**12. A person who—**

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.



## **Annex 143**

Chile, Decree 97 of 2013, 22 February 2013, Article 1(c)

Spanish with English translation (extract)





Tipo Norma	:Decreto 97
Fecha Publicación	:09-10-2013
Fecha Promulgación	:22-02-2013
Organismo	:MINISTERIO DE EDUCACIÓN
Título	:REGLAMENTA EL PROGRAMA DE BECAS DE EDUCACIÓN SUPERIOR
Tipo Versión	:Última Versión De : 08-01-2019
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#### REGLAMENTA EL PROGRAMA DE BECAS DE EDUCACIÓN SUPERIOR

Núm. 97.- Santiago, 22 de febrero de 2013.-  
Considerando:

Que la Ley N° 20.641, de Presupuestos del Sector Público año 2013, en su Partida 09, Capítulo 01, Programa 30, Subtítulo 24, Ítem 03, Asignación 200, Glosa 03 contempla recursos para becas de educación superior.

Que, según dicha asignación, el referido Programa se ejecutará de acuerdo al decreto N° 116, de 2012, del Ministerio de Educación, que modifica el decreto N° 337, de 2010, que reglamenta el Programa de Becas de Educación Superior, año 2010.

Que, a efectos de dar cumplimiento a lo dispuesto en la ley N° 20.641, resulta una obligación de esta Secretaría de Estado dictar un nuevo reglamento que permita ejecutar cabalmente el Programa de Becas de Educación Superior, durante el año 2013 y siguientes, por los beneficios que conlleva para el desarrollo de la educación superior.

Visto: Lo dispuesto en los artículos 32 N° 6 y 35 de la Constitución Política de la República de Chile; en la ley N° 18.575 Orgánica Constitucional de Bases Generales de la Administración del Estado, cuyo texto refundido, coordinado y sistematizado fue fijado por el decreto con fuerza de ley N° 1/19.653, de 2000, del Ministerio Secretaría General de la Presidencia; en la ley N° 18.956, de 1990, que Reestructura el Ministerio de Educación Pública; en el decreto con fuerza de ley N° 2, de 2009, del Ministerio de Educación, que fija el texto refundido, coordinado y sistematizado de la ley N° 20.370 con las normas no derogadas del decreto con fuerza de ley N° 1, de 2005, del Ministerio de Educación; en la ley N° 19.123, de 1992, que Crea Corporación Nacional de Reparación y Reconciliación, Establece Pensión de Reparación y otorga otros Beneficios en favor de Personas que Señala; en la ley N° 19.992, de 2009, que Establece Pensión de Reparación y otorga otros Beneficios a favor de las Personas que Indica; en la Ley N° 20.422, de 2010, que establece Normas sobre Igualdad de Oportunidades e Inclusión Social de Personas con Discapacidad; en la ley 20.405, que crea el Instituto de Derechos Humanos; en la Ley N° 20.129, de 2006, que Establece un Sistema Nacional de Aseguramiento de la Calidad de la Educación Superior; en la Ley N° 20.641, de Presupuestos del Sector Público año 2013; en la resolución exenta N° 8.590, de 2012, del Ministerio de Educación; en la resolución exenta N° 8.763, de 2012, del Ministerio de Educación; y en la resolución N° 1.600, del año 2008, de la Contraloría General de la República;

Decreto:

Artículo único: Déjase sin efecto el decreto supremo N° 337, de 2010, y sus modificaciones y reglántase el





Programa de Becas de Educación Superior, en el sentido que se indica a continuación:

## TÍTULO I

### Normas Generales

Artículo 1°.- Las normas del presente reglamento regulan el otorgamiento de los beneficios del Programa de "Becas de Educación Superior", las que en adelante también podrán denominarse:

a) "Beca Bicentenario" es aquella dirigida a estudiantes de buen rendimiento académico que se matriculen como alumnos/as de primer año en carreras en cuyo ingreso se considere el puntaje obtenido en la Prueba de Selección Universitaria (PSU), en alguna de las instituciones de Educación Superior a que se refiere el artículo 1° del decreto con fuerza de ley N° 4, de 1981, del Ministerio de Educación, que se encuentre acreditada institucionalmente de conformidad a la ley N° 20.129 al 31 de diciembre del año anterior al proceso de asignación de becas respectivo.

Asimismo, se podrá otorgar a estudiantes en situación de discapacidad según lo informe el Servicio de Registro Civil e Identificación, de acuerdo con el Registro Nacional que mantiene al efecto, a quienes se les eximirá de rendir la PSU y en reemplazo se les exigirá tener un promedio de notas de enseñanza media igual o superior a 5,0 (cinco coma cero).

Adicionalmente, esta beca estará destinada a aquellos estudiantes que se encuentren en cursos superiores en las instituciones precedentemente descritas, y cumplan los requisitos que se establecen en el artículo 24.

b) "Beca Juan Gómez Millas". Es aquella dirigida a estudiantes de buen rendimiento académico egresados de enseñanza media y que se matriculen como alumnos en alguna de las instituciones de educación superior a que se refiere el artículo 52 del DFL (Ed.) N° 2, de 2010, que tengan el carácter de instituciones autónomas y se encuentren acreditadas institucionalmente al 31 de diciembre del año anterior al proceso de asignación de becas respectivo, de conformidad a la ley N° 20.129. Asimismo, podrán optar a este beneficio los estudiantes de cursos superiores, que cumplan con los requisitos establecidos para esta beca en los artículos 26 y 74, letra b) del presente reglamento.

Asimismo, se podrá otorgar a estudiantes en situación de discapacidad según lo informe el Servicio de Registro Civil e Identificación, de acuerdo con el Registro Nacional que mantiene al efecto, a quienes se les eximirá de rendir la PSU y se les exigirá en reemplazo tener un promedio de notas de enseñanza media igual o superior a 5,0 (cinco coma cero).

Adicionalmente, se podrá otorgar a estudiantes extranjeros provenientes de América Latina y el Caribe de comprobada necesidad socioeconómica, que se matriculen en las instituciones de educación superior mencionadas anteriormente, que cumplan con los requisitos de admisión relativos a calidad académica asimilables a los puntajes de la Prueba de Selección Universitaria de las universidades chilenas.

c) "Beca Nuevo Milenio". Está dirigida a estudiantes de buen rendimiento académico que se matriculen en primer año, o en cursos superiores que accedan a este beneficio

Decreto 253,  
EDUCACIÓN  
Art. ÚNICO N° 1  
D.O. 08.01.2019  
Decreto 167,  
EDUCACIÓN  
Art. ÚNICO N° 1 a)  
D.O. 04.11.2014

Decreto 167,  
EDUCACIÓN  
Art. ÚNICO N° 1 b)  
D.O. 04.11.2014  
Decreto 253,  
EDUCACIÓN  
Art. ÚNICO N° 1 a)  
D.O. 02.06.2017





por primera vez, de carreras técnicas de nivel superior y profesionales en instituciones que se encuentren acreditadas de conformidad a la ley N° 20.129 al 31 de diciembre del año anterior al proceso de asignación de becas respectivo. Tratándose de carreras profesionales, éstas deberán ser impartidas por institutos profesionales.

Asimismo, se podrá otorgar a estudiantes en situación de discapacidad según lo informe el Servicio de Registro Civil e Identificación, de acuerdo con el Registro Nacional que mantiene al efecto, a quienes se les exigirá tener un promedio de notas de enseñanza media igual o superior a 5,0 (cinco coma cero).

Adicionalmente, esta beca incluye estudiantes que habiendo egresado de enseñanza media dentro de los cuatro años previos al año de su matrícula, se encuentren dentro de los mejores promedios de notas de su promoción, considerados por establecimiento, y que obtengan los mejores resultados, ordenados estos por estricto orden de precedencia, al aplicarse los factores de selección ranking y notas de enseñanza media, por establecimiento y notas de enseñanza media (NEM), según el procedimiento determinado en el artículo 31 del presente decreto.

d) "Beca para Estudiantes Hijos de Profesionales de la Educación". Se dirige a estudiantes destacados, hijos/as de profesionales de la educación o del personal a que se refiere la ley N° 19.464, que se desempeñen en establecimientos educacionales regidos por DFL (Ed.) N° 2, de 1998, y por el decreto ley N° 3.166, de 1980, que se matriculen como estudiantes de primer año en instituciones de educación superior autónomas. Asimismo, podrán optar a este beneficio los estudiantes que se encuentren matriculados en cursos superiores, que cumplan con los requisitos establecidos en los artículos 33 y 34, y con el requisito de avance curricular en los términos señalados en el artículo 74 letra b) del presente reglamento.

e) "Beca Vocación de Profesor". Es aquella dirigida a estudiantes que hayan obtenido como mínimo 600 puntos promedio en la Prueba de Selección Universitaria, entre las pruebas de Lenguaje y Comunicación y Matemática, que se matriculen por primera vez como alumnos de primer año en carreras de pedagogía acreditadas por al menos 2 años, al 31 de diciembre del año anterior al proceso de asignación de becas respectivo, en conformidad a la ley N° 20.129, y que tengan el carácter de elegibles de acuerdo a lo establecido en los artículos 40 y 41 del presente decreto.

Asimismo, se podrá otorgar este beneficio a aquellos estudiantes provenientes de establecimientos educacionales regidos por el DFL (Ed.) N° 2, de 1998, y el DL N° 3.166, de 1980, cuyo promedio de notas de enseñanza media se encuentre en el 10% mejor de su cohorte de egreso en el año anterior al proceso de asignación de becas respectivo y que hayan obtenido a lo menos 580 puntos promedio en la PSU de las pruebas de Lenguaje y Comunicación y Matemáticas.

Adicionalmente, esta beca está dirigida a aquellos estudiantes que se encuentren matriculados en el último año de una licenciatura y que opten por un ciclo o programa de formación pedagógica elegible para licenciados al año siguiente o subsiguiente, de acuerdo a lo establecido en el artículo 42 del presente decreto, en instituciones de Educación Superior reconocidas oficialmente por el Estado y acreditadas institucionalmente por a lo menos 2 años, de conformidad a la ley N° 20.129, al 31 de diciembre del año anterior al proceso de asignación de becas respectivo. El beneficio financia en este caso, el último año de licenciatura y el programa de formación pedagógica de una duración máxima de cuatro semestres.

INCISO ELIMINADO.

Los beneficiarios de esta beca, una vez obtenido el título profesional, deberán cumplir con la obligación de ejercer su profesión en los establecimientos educacionales

Decreto 167,  
EDUCACIÓN  
Art. ÚNICO N° 1 c)  
D.O. 04.11.2014

Decreto 253,  
EDUCACIÓN  
Art. ÚNICO N° 1 b)  
D.O. 02.06.2017

Decreto 167,  
EDUCACIÓN  
Art. ÚNICO N° 1 d)  
D.O. 04.11.2014  
Decreto 108,





determinados en el presente reglamento, en los plazos y formas establecidos en el Título VIII, Párrafo 5°.

f) "Becas de Reparación". Incluye los siguientes beneficios:

. En virtud de la ley 19.123, de 1992, se establece la continuidad gratuita de los estudios en universidades, institutos profesionales y centros de formación técnica reconocidos por el Estado para los hijos/as de personas declaradas víctimas

de violaciones a los derechos humanos o de la violencia política, que se individualizan en el Volumen Segundo del Informe de la Comisión

Nacional

de Verdad y Reconciliación y de las que se reconozcan en tal calidad por la Corporación Nacional de Reparación y Reconciliación,

mediante

. el pago de la matrícula y del arancel mensual. Adicionalmente, la ley N° 19.992, de 2004,

garantiza

la continuidad de los estudios de las personas que

fueron víctimas directas de violaciones a los derechos humanos, individualizadas en los anexos "Listado de prisioneros políticos y torturados" y "Menores de edad nacidos en prisión o detenidos

con sus padres", de la Nómina de Personas Reconocidas como Víctimas, que forma parte del Informe de la Comisión Nacional sobre Prisión Política y Tortura, creada por el decreto supremo

N° 1.040, de 2003, del Ministerio del Interior. Los beneficiarios que soliciten continuar sus estudios de enseñanza superior en instituciones de educación superior estatales o privadas reconocidas por el Estado, tendrán derecho al pago de la matrícula y del arancel mensual. Incluye también, de conformidad a lo establecido por el artículo 6° transitorio de la ley N°

20.405,

a un descendiente de hasta segundo grado de consanguinidad en línea recta, en caso de no

haber

utilizado el beneficio con anterioridad.

g) "Beca de Excelencia Académica". Es aquella dirigida a estudiantes meritorios que egresen de enseñanza media en el año inmediatamente anterior a la matrícula, de establecimientos educacionales regidos por el DFL (Ed.) N° 2, de 1998, y el DL (Ed.) N° 3.166, de 1980, cuyo promedio de notas de enseñanza media se encuentre en el 10% mejor del establecimiento o que hayan obtenido un puntaje nacional en la Prueba de Selección Universitaria rendida para dicho proceso de admisión, de acuerdo a la información oficial que entregue el Departamento de Evaluación, Medición y Registro Educativo de la Universidad de Chile (DEMRE). En el evento que alguna región del país no tuviere alumnos con puntaje nacional, se asignará el beneficio de esta beca al estudiante que haya obtenido el mejor puntaje de esa región. Para la obtención de este beneficio deberán matricularse como estudiantes de primer año en las instituciones de educación superior señaladas en el artículo 52 del DFL (Ed.) N° 2, de 2010, que se encuentren acreditadas institucionalmente al 31 de diciembre del año previo a la matrícula, conforme a la ley N° 20.129.

h) "Beca Nivelación Académica". Es aquella dirigida a estudiantes meritorios de primer año, que se matriculen en programas de nivelación académica aprobados mediante resolución dictada por el Subsecretario de Educación antes del 31 de diciembre del año previo a la matrícula, en

EDUCACIÓN

Art. ÚNICO N° 1,

a)

D.O. 07.09.2015





instituciones de educación superior que se encuentren acreditadas institucionalmente a la misma fecha de conformidad a la ley N° 20.129.

Adicionalmente, este programa podrá financiar planes de nivelación de instituciones que incorporen alumnos provenientes de establecimientos respecto de las cuales el Ministerio de Educación haya solicitado al Consejo Nacional de Educación la revocación del reconocimiento oficial, conforme a los artículos N° 64, N° 74 y N° 81, del DFL N° 2, de 2009, del Ministerio de Educación, que fija el texto refundido, coordinado y sistematizado de la ley N° 20.370 con las normas no derogadas del DFL N° 1, de 2005, del Ministerio de Educación. En este caso, los planes serán aprobados por el Ministerio de Educación en un plazo extraordinario, según lo determine la División de Educación Superior de dicha Secretaría de Estado.

i) "Beca de Articulación". Este beneficio se otorgará a estudiantes meritorios, egresados o titulados de carreras técnicas de nivel superior dentro de los cuatro años precedentes al año de postulación y, que habiendo obtenido un promedio de notas de educación media igual o superior a 5,0 (cinco coma cero), deseen continuar sus estudios en carreras conducentes a títulos profesionales, en instituciones de educación superior acreditadas, conforme a la ley N° 20.129, al 31 de diciembre del año anterior al proceso de asignación de becas respectivo. Para la selección de los postulantes, se considerará el nivel socioeconómico del alumno y su familia, junto a su rendimiento académico.

j) Beca de Reubicación" que se asignará a estudiantes matriculados al 31 de diciembre de 2012 en la Universidad del Mar, y que durante el año 2016 se matriculen en Instituciones de educación superior que cuenten con acreditación institucional vigente al 31 de diciembre de 2015, conforme a la ley N° 20.129.

Asimismo, se podrá financiar la reubicación de alumnos que provienen de los hogares pertenecientes a los siete deciles de menores ingresos de la población del país, provenientes de instituciones respecto de las cuales el Ministerio de Educación haya solicitado al Consejo Nacional de Educación la revocación del reconocimiento oficial y éste haya dado su aprobación, conforme al artículo N° 64, 74 y 81, del DFL N° 2, de 2010, del Ministerio de Educación. Este beneficio será aplicable a todas aquellas instituciones que hayan sido objeto de alguna de las medidas consagradas en la ley N° 20.800, que sea conducente a la reubicación de estudiantes en una institución distinta a la de origen.

Las becas a que se refiere este reglamento serán incompatibles con el financiamiento del acceso gratuito a las instituciones de educación superior, establecido en la Ley de Presupuestos vigente, o en la norma que la reemplace. Los postulantes que hayan sido beneficiados con Gratuidad no podrán acceder a las Becas reguladas por el presente reglamento, con excepción de las becas Vocación de Profesor y de Reparación, respecto de las cuales los postulantes podrán optar entre uno u otro beneficio.

Decreto 253,  
EDUCACIÓN  
Art. ÚNICO N° 1 c)  
D.O. 02.06.2017

Decreto 167,  
EDUCACIÓN  
Art. ÚNICO N° 1 e)  
D.O. 04.11.2014

Decreto 253,  
EDUCACIÓN  
Art. ÚNICO N° 1 d)  
D.O. 02.06.2017

Decreto 253,  
EDUCACIÓN  
Art. ÚNICO N° 1 e)  
D.O. 02.06.2017

Artículo 2°.- Las becas que se otorguen en virtud de lo dispuesto por el presente Reglamento tendrán por objeto cubrir, total o parcialmente, el valor del arancel real de la carrera correspondiente.

Se entenderá por "arancel real" el valor anual de la carrera, establecido por la institución de educación superior donde estudie el becario, informado al Ministerio de Educación en la oferta académica respectiva, cualquiera



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

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**REGULATION OF THE HIGHER EDUCATION SCHOLARSHIPS PROGRAM**

No. 97.- Santiago, 22 February 2013.

[...]

TITLE I  
General Provisions

Article 1.- The provisions of this regulation govern the granting of the benefits of the “Higher Education Scholarship Program,” which may also be referred to hereinafter:

- a) “Bicentennial Scholarship.” This scholarship is aimed at students of good academic performance that enroll as first-year students in careers in which the score obtained in the University Selection Test (PSU in Spanish) is considered, in one of the institutions of Higher Education referred to in article 1 of the Decree with force of law No. 4 of 1981 of the Ministry of Education, which is institutionally accredited in accordance with Law No. 20.129 as of December 31 of the year prior to the process of allocation of the respective scholarship.

Likewise, this scholarship may be granted to students in a situation of disability according to the report of the Civil Registry and Identification Service, according to the National Registry that maintains for this purpose, who will be exempted from taking the PSU and in replacement will be required to have a high school grade point average equal to, or higher than, 5.0 (five point zero).

Additionally, this scholarship will be destined to those students that are in superior courses in the institutions previously described and that fulfill the requirements established in article 24.

- b) “Juan Gomez Millas Scholarship.” This scholarship is aimed at students with good academic performance who have graduated from high school and that are enrolled as



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

students in one of the higher education institutions referred to in article 52 of DFL (Ed.) No. 2 of 2010 that have the character of autonomous institutions and are institutionally accredited as of December 31 of the year prior to the respective scholarship allocation process in accordance with Law No. 20.129. Students in higher education may also apply for this benefit in the understanding that they meet the requirements established for this scholarship in Articles 26 and 74(b) of this Regulation.

Likewise, this scholarship may be granted to students in a situation of disability according to the report of the Civil Registry and Identification Service, according to the National Registry that maintains for this purpose, who will be exempted from taking the PSU and in replacement will be required to have a high school grade point average equal to, or higher than, 5.0 (five point zero).

In addition, this scholarship may be granted to students from Latin America and the Caribbean once it is proved its socioeconomic need, that they enroll in the above-mentioned higher education institutions and that they meet the admission requirements of academic quality comparable to the scores of the University Selection Test of the Chilean universities.

- c) “New Millennium Scholarship.” This scholarship is aimed at students with good academic performance that enroll in the first year, or in higher courses that access this benefit for the first time of technical careers of higher level and professionals in institutions that are accredited in accordance with Law No. 20.129 as of December 31 of the year prior to the respective scholarship allocation process. In the case of professional careers, these must be taught by professional institutions.

Likewise, this scholarship may be granted to students in a situation of disability according to the report of the Civil Registry and Identification Service, according to the National Registry that maintains for this purpose, who will be exempted from taking the PSU and in replacement will be required to have a high school grade point average equal to, or higher than, 5.0 (five point zero).

In addition, this scholarship includes students that have graduated from high school within the four years prior to the year of enrollment, that are within the best grade point average of their class as considered by the institution, and that obtain the best results, ordered by strict order of precedence when applying the selection ranking factors and high school grades by the institution and grades of secondary education (NEM), according to the determined procedure in article 31 of this decree.

- d) “Scholarship for Students Children of Education Professionals.” This scholarship is aimed at outstanding students, children of education professionals or staff referred to in Law No. 19.464 that work in educational institutions governed by DFL (Ed.) No. 2 of 1998 and by Decree-Law No. 3.166 of 1980, that enroll as first-year students in autonomous institutions of higher education. Also eligible for this benefit are students



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

who are enrolled in higher education, that meet the requirements established in articles 33 and 34, and the requirement of curricular advancement in the terms indicated in article 74 (b) of these regulation.

- e) “Teacher Vocation Scholarship.” This scholarship is aimed at students who have obtained at least 600 average points in the University Selection Test, between the Language and Communication and Mathematics tests, that enroll for the first time as first-year students in accredited pedagogical careers for at least 2 years, as of December 31 of the year prior to the process of allocation of the respective scholarships, in accordance with Law No. 20.129, and have the character of eligible according to the provisions of Articles 40 and 41 of this decree.

Likewise, this benefit may be granted to those students coming from educational institutions governed by DFL (Ed.) N° 2, 1998 and DL N° 3.166, 1980, whose average high school grades are in the top 10% of their class cohort in the year prior to the respective scholarship award process and that have obtained at least 580 average points in the PSU of the Language and Communication and Mathematics tests.

Additionally, this scholarship is aimed at those students that are enrolled in the last year of a bachelor’s degree and that opt for a cycle or pedagogical training program eligible for graduates the following or subsequent year, in accordance with the provisions of Article 42 of this decree in Higher Education institutions officially recognized by the State and institutionally accredited for at least 2 years in accordance with Law No. 20.129, as of December 31 of the year prior to the process of allocation of the scholarships. In this case, the benefit finances the last year of the bachelor’s degree and the pedagogical training programme of a maximum duration of four semesters.

SECTION DELETED.

The beneficiaries of this scholarship, once obtained the professional title, will have to comply with the obligation to exercise their profession in the educational institutions determined in this regulation, in the terms and forms established in Title VIII, Paragraph 5.

- f) “Reparation Scholarships.” This scholarship includes the following benefits:

By virtue of Law 19.123, of 1992, it is established the free continuity of studies in universities, professional institutions and technical training centers recognized by the State for the children of persons declared victims of human rights violations or political violence that are individualized in Volume Two of the Report of the National Truth and Reconciliation Commission and of those that are recognized as such by the National Corporation for Reparation and Reconciliation, through the payment of the tuition and the monthly fee. In addition, Law No. 19.992 of 2004 guarantees the continuity of the studies of persons who were direct victims of human rights violations, identified in the



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

annexes “List of political and tortured prisoners” and “Minors born in prison or detained with their parents” of the List of Persons Recognized as Victims that is part of the Report of the National Commission on Political Prisoners and Torture, created by Supreme Decree No. 1.040 of 2003 of the Ministry of the Interior. Beneficiaries who request to continue their higher education studies in public or private higher education institutions recognized by the State, shall have the right to payment of tuition and monthly fee. It also includes, in accordance with what has been established by the transitory article 6 of Law No. 20.405, to a descendant of up to the second degree of inbreeding in straight line, in case of not having used the benefit earlier.

- g) “Academic Excellence Scholarship.” This scholarship is aimed at meritorious students that graduate from high school in the year immediately prior to enrollment from educational institutions governed by DFL (Ed.) No. 2, 1998 and DL (Ed.) No. 3.166, 1980, whose average high school grades are in the top 10% of the institution or that have obtained a national score in the University Selection Test given for that admission process, according to official information provided by the Department of Educational Evaluation, Measurement and Registration of the University of Chile (DEMRE). In the event that any region of the country does not have students with a national score, the benefit of this scholarship will be assigned to the student who has obtained the best score in that region. In order to obtain this benefit, they must enroll as first-year students in the higher education institutions indicated in article 52 of DFL (Ed.) No. 2 of 2010, which are institutionally accredited as of December 31 of the year prior to enrollment, in accordance with Law No. 20.129.
- h) “Academic Leveling Scholarship.” This scholarship is aimed at meritorious first-year students that enroll in academic leveling programs approved by resolution issued by the Undersecretary of Education before December 31 of the year prior to enrollment, in institutions of higher education that are institutionally accredited on the same date pursuant to Law No. 20.129.

In addition, this program may finance leveling plans for institutions that incorporate students from institutions for which the Ministry of Education has requested the National Education Council to revoke official recognition, in accordance with Articles 64, 74 and 81 of the DFL, No. 2 of 2009 of the Ministry of Education that fixes the consolidated, coordinated and systematized text of Law No. 20.370 with rules not repealed from DFL No. 1 of 2005 of the Ministry of Education. In this case, the plans will be approved by the Ministry of Education within an extraordinary period of time, as determined by the Division of Higher Education of said Ministry of the State.

- i) “Articulation Scholarship.” This scholarship will be granted to meritorious students, graduated of technical careers of higher level within the four years preceding the year of application having obtained a grade point average of high school equal to or higher than 5.0 (five point zero), that wish to continue their studies in careers leading to professional degrees in accredited higher education institutions, in accordance with Law No. 20.129,



**ENGLISH TRANSLATION**  
**(FROM SPANISH)**

as of December 31 of the year prior to the process of allocation of the respective scholarships. For the selection of applicants, the socioeconomic level of the student and his/her family will be considered, together with his/her academic performance.

- j) “Relocation Scholarship.” This scholarship will be granted to students enrolled as of December 31, 2012 at the Universidad del Mar, and that during the year 2016 are enrolled in higher education institutions that have institutional accreditation in force as of December 31, 2015, according to Law No. 20.129.

Likewise, it may also finance the relocation of students from households belonging to the seven lowest income deciles of the country's population, from institutions for which the Ministry of Education has requested the National Council of Education to revoke official recognition and has given its approval, in accordance with articles 64, 74 and 81 of DFL No. 2 of 2010, of the Ministry of Education. This benefit will be applicable to all institutions that have been subject to any of the measures enshrined in Law No. 20.800, leading to the relocation of students to an institution other than the one of origin.

The scholarships referred to in this regulation shall be incompatible with the financing of free access to higher education institutions established in the Budget Law in force, or in the law that replaces it. Applicants who have benefited from Free admission will not be able to access the Scholarships governed by this regulation, with the exception of the Teacher Vocation and Reparation Scholarships, for which applicants may choose between one or the other benefit.

[...]







## **Annex 144**

India, Council for Cultural Relations, “General Scholarship Scheme-GSS”

<http://www.iccr.gov.in/content/general-scholarships-scheme-gss>





Home > Scholarships > General Scholars...

## General Scholarship Scheme (GSS) - Indian Council For Cultural Relations (ICCR)

Fully Funded · Deadline: Invalid Date

[Visit Scholarship Website](#)

The General Scholarship Scheme (GSS) is one of the most important and popular schemes of the ICCR for foreign students. Scholarships are awarded under this scheme annually to international students belonging to certain Asian, African and Latin American countries for the undergraduate, postgraduate degrees and for pursuing research at Indian universities.

ICCR accepts applications only through Indian Missions overseas. Candidates are advised to apply through the Indian missions in their respective countries. No application may be sent directly to ICCR or through their country's Embassies/High Commissions in New Delhi. Applicants are advised to go through the "University Handbook" available with our Mission before selecting course and giving options for universities. Candidate should clearly mention the course and University to which he/she is seeking admission. Courses may be selected on the basis of the subjects studied in high school. Applicants applying for doctoral/ post-doctoral courses should include a synopsis of the proposed area of research. Applications for Casual research will not be entertained. Students wishing to study performing arts should, if possible, enclose video/ audio of their recorded performances. Applicants are required to give three choices for the Universities they wish to have admissions in. However, in case the candidates are not accepted by any of the three Universities of their choices, they may clearly mention whether or not would they wish to be considered for admission in the Universities/Institutions apart from the three choices. ICCR would forward applications of only such candidates to other Universities offering similar courses as desired by the candidate, who express willingness in the application to be considered for admissions in other Universities, in other cities of India. Applications of candidates not wanting to be considered in other Universities than their three options would be returned. Students intending to apply for research courses after completing their postgraduation courses will have to go back to their respective countries, apply afresh for research courses, and come back to the University/ Institution granting them admissions only after obtaining correct visa i.e., the Research Visa. Please note, NO requests for direct admissions to research courses would be entertained in ICCR. NO requests for changing the category of visa from 'Student's Visa' to 'Research Visa' would be entertained in ICCR.

### Eligibility

Since medium of course is English language in all the Universities in India, nominated candidates should have good knowledge of English to the extent that they are able to fluently speak in English and comprehend lessons in English without any difficulty.

#### Test your English

Prepare for your study by taking the most popular and most accepted English language proficiency test.



### Benefits

#### Scholarship consists of:

Living Allowance (Stipend)

House Rental Allowance

Feedback





3/27/2019

General Scholarship Scheme (GSS) - Indian Council For Cultural Relations (ICCR) - ScholarshipPortal

Contingent Grant

Thesis and Dissertation Expenses

Medical Benefits

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2/2







## **Annex 145**

Jamaica, Foreign Nationals and Commonwealth Citizens  
(Employment) Act, s. 3



***FOREIGN NATIONALS AND COMMONWEALTH CITIZENS  
(EMPLOYMENT)***

1

**THE FOREIGN NATIONALS AND COMMONWEALTH  
CITIZENS (EMPLOYMENT) ACT**

**ARRANGEMENT OF SECTIONS**

1. Short title.
2. Interpretation.
3. Control of employment of foreign nationals and Commonwealth citizens.
4. Application for work permit.
5. Appointment of authorized persons.
6. Production of work permit.
7. Power of Minister to vary or cancel permit.
8. Power to grant exemptions.
9. Offences and penalties.
10. Regulations.
11. Minister may, by order, increase monetary penalty.



**FOREIGN NATIONALS AND COMMONWEALTH CITIZENS  
(EMPLOYMENT)**

3

**THE FOREIGN NATIONALS AND  
COMMONWEALTH CITIZENS (EMPLOYMENT) ACT**

Acts  
48 of 1964,  
14 of 2011.

[1st December, 1964.]

1. This Act may be cited as the Foreign Nationals and Commonwealth Citizens (Employment) Act. Short title.

2. In this Act—

Interpreta-  
tion.  
14/2011  
S. 2.

“authorized person” means—

(a) an immigration officer under the Aliens Act; or

(b) any person appointed as an authorized person under section 5;

“Caribbean Community” means the Caribbean Community established by Article 2 of the Revised Treaty;

“CARICOM national” means a person who—

(a) is a citizen of a Member State; or

(b) has a connection with a Member State of a kind which entitles him to be regarded as belonging to or, if it be so expressed, as being a native or resident of the Member State for the purposes of the laws thereof relating to immigration;

“Commonwealth citizen” means a person who has the status of a Commonwealth citizen pursuant to section 9 of the Constitution of Jamaica and who is not a citizen of Jamaica;

“foreign national” means a person who is not—

(a) a citizen of Jamaica;

(b) a Commonwealth citizen; or



**FOREIGN NATIONALS AND COMMONWEALTH CITIZENS  
(EMPLOYMENT)**

(c) a CARICOM national;

“Member State” means a Member State of the Caribbean Community in accordance with Article 3 of the Revised Treaty, excluding an Associate member within the meaning of Article 231;

“Revised Treaty” means the Revised Treaty of Chaguanas establishing the Caribbean Community, including the CARICOM Single Market and Economy, signed at Nassau, Commonwealth of the Bahamas, on the 5th day of July, 2001; and

“work permit” or “permit” means—

(a) in relation to a person who is or is about to be employed by another, a permit in writing—

(i) issued under this Act by the Minister to, and in the name of, the employee or person about to be employed; and

(ii) specifying the name of the employer, the place of employment, or both; and

(b) in relation to any other person, a permit in writing issued under this Act by the Minister authorizing such person to engage in an occupation.

Control of  
employment  
of foreign  
nationals  
and Com-  
monwealth  
citizens.  
14/2011  
S. 3(a).

3.—(1) Subject to the provisions of this Act, a foreign national or a Commonwealth citizen other than a CARICOM national falling within the category specified in the Schedule shall not:

(a) engage in any occupation in Jamaica for reward or profit; or

(b) be employed in Jamaica,

unless there is in force in relation to him a valid work permit and he so engages or is so employed in accordance with the terms and conditions which may be specified in the permit.



**FOREIGN NATIONALS AND COMMONWEALTH CITIZENS  
(EMPLOYMENT)**

5

(2) Subject to the provisions of this Act, no person shall have in his employment in Jamaica a foreign national or a Commonwealth citizen without there being in force a valid work permit in relation to that employment.

(3) Subject to the provisions of this Act—

- (a) any foreign national or Commonwealth citizen who engages in any occupation in Jamaica or is employed in Jamaica in contravention of the provisions of subsection (1); and
- (b) any person who has in his employment in Jamaica a foreign national or a Commonwealth citizen in contravention of the provisions of subsection (2),

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment.

14/2011  
S. 3(b)(i).

(4) It shall be presumed, upon the trial of any person for a contravention of subsection (1), that the accused, and, upon the trial of any person for a contravention of subsection (2), that the person alleged to have been in employment in contravention of the said subsection (2), is not a citizen of Jamaica unless the contrary is proved.

(5) A prosecution in respect of a contravention of subsection (2) shall not be instituted without the sanction of the Director of Public Prosecutions.

(6) A Commonwealth citizen who is ordinarily resident in Jamaica at the date of the passing of this Act and who—

- (a) resided in Jamaica for not less than nine months (whether continuously or not) in each of the ten years immediately prior to that date; and
- (b) was employed in Jamaica for not less than nine months (whether continuously or not) in each of the ten years aforesaid,



**FOREIGN NATIONALS AND COMMONWEALTH CITIZENS  
(EMPLOYMENT)**

may, notwithstanding subsection (1), engage in any occupation for reward or profit or be employed without a work permit so long as he continues ordinarily to reside in Jamaica.

In paragraph (b) of this subsection "employed" includes to engage in any occupation for reward or profit.

(7) In any proceedings under this Act against a Commonwealth citizen the proof that he satisfies the requirements of paragraphs (a) and (b) of subsection (6) shall lie upon him and as *prima facie* evidence he may produce a certificate from the Minister (which certificate the Minister may in writing at any time cancel if he shall think fit) that he satisfies those requirements.

(8) The Minister may, by order subject to affirmative resolution, amend the Schedule.

14/2011  
S. 3(c).  
Schedule.

Application  
for work  
permit.

4.—(1) An application for the grant of a work permit shall be addressed to the Minister, who may in his absolute discretion grant the permit either conditionally or without conditions or may refuse to grant it.

(2) A work permit shall be in such form as the Minister may think fit and different forms of work permit may be issued as respects different classes of persons and as the circumstances require.

Appointment  
of authorized  
persons.

5.—(1) The Minister may appoint such persons as he thinks fit to be authorized persons for the purposes of this Act.

(2) Every authorized person appointed under this section shall be furnished with a certificate of appointment and where he seeks to exercise his power under this Act, shall, if so required, produce his certificate of appointment.

Production  
of work  
permit.

6.—(1) Every work permit shall be kept by the person to whom it is issued, who shall at all times produce the permit to an authorized person or a constable on demand, or within three days after such demand at such police station as may be specified by the person first-mentioned at the time of the demand.



## **Annex 146**

Singapore, Housing and Development Board, Regulations for  
Renting Out Your Flat

<http://www.hdb.gov.sg/cs/infoweb/residential/renting-a-flat/renting-from-the-open-market/regulations-for-renting-out-your-flat>





# Regulations for Renting Out Your Flat

## Non-Citizen Quota for Renting Out of Flat

If you are a non-Malaysian non-citizen (Singapore Permanent Resident or foreigner) renting the HDB flat, you will be subject to the Non-Citizen Quota for Renting Out of Flat. The quota is to help maintain a good ethnic mix in HDB estates. Malaysians are not subject to this quota in view of their close cultural and historical similarities with Singaporeans.

The quota is set at 8% at the neighbourhood level and 11% at the block level, and applicable if any tenant renting the flat is a non-Malaysian non-citizen. If the quota is reached, only Singaporeans and Malaysians can rent a flat in that neighbourhood/ block. This quota does not apply to the renting out of bedrooms.

You may use our [e-Service](#) to check if an HDB flat can be rented by non-Malaysian non-citizens. The e-Service can also be accessed via the [HDB Map Services](#).

## Rental period

You must rent an HDB flat/ bedroom for at least 6 months. Owners can apply to rent out flat/ bedrooms for a maximum period of 3 years per application if their tenants are all Singaporeans or Malaysians. For application involving non-Malaysian non-citizens, the maximum rental period per approval is 2 years.

## Maximum number of tenants and occupants

Take note of the maximum number of tenants and occupants allowed in each flat when renting the flat/ bedrooms.

Renting of Flat		Renting of Bedroom(s)	
Flat Type	Maximum Number of tenants Allowed in Each Flat^	Maximum Number of Bedroom(s) Allowed	Maximum Number of Occupants* Allowed in Each Flat^



	Renting of Flat	Renting of Bedroom(s)	
1-room and 2-room	4	Owners are not allowed to rent out the bedroom.	
3-room	6	1	6
4-room and bigger	6	2	6

\* Include flat owners, authorised occupiers, and tenants

^ Only bedrooms originally constructed by HDB can be rented out. All other parts of the flat (including partitioned rooms) cannot be used as bedrooms for tenants.

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Last reviewed on 14 May 2018

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## **Annex 147**

Australia, Foreign Acquisitions and Takeovers Regulation 2015  
(Cth), s. 5





## **Foreign Acquisitions and Takeovers Regulation 2015**

### **Select Legislative Instrument No. 217, 2015**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),  
Governor-General of the Commonwealth of Australia, acting with the  
advice of the Federal Executive Council, make the following regulation.

Dated 26 November 2015

Peter Cosgrove  
Governor-General

By His Excellency's Command

Scott Morrison  
Treasurer

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*OPC61188 - A*



**Part 1** Preliminary**Section 4**

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**4 Simplified outline of this Part**

This Part defines terms that are used in this instrument.

Terms used in this instrument that are not defined in this Part may be defined in section 4 of the Act.

**5 Definitions**

**Note:** A number of expressions used in this instrument are defined in the Act, including the following:

- (a) asset;
- (b) Australian business;
- (c) Australian land;
- (d) entity;
- (e) foreign person;
- (f) interest;
- (g) security;
- (h) share.

In this instrument:

**acquire** an interest of a specified percentage in a business has the meaning given by section 6.

**Act** means the *Foreign Acquisitions and Takeovers Act 1975*.

**ADI** has the same meaning as in the *Banking Act 1959*.

**Note:** ADI is short for authorised deposit-taking institution.

**agreement country** means any of the following countries:

- (a) the United States of America;
- (b) New Zealand;
- (c) Chile;
- (d) Japan;
- (e) the Republic of Korea.

**agreement country investor** means an entity (within the ordinary meaning of the term) that is an enterprise or a national of an agreement country (other than a foreign government investor).



**agribusiness**: see section 12.

Note: *Agribusiness* is defined in section 4 of the Act.

**agricultural land corporation** has the meaning given by subsection 13(2).

**agricultural land trust** has the meaning given by subsection 13(3).

**Australian and New Zealand Standard Industrial Classification Codes** means the Australian and New Zealand Standard Industrial Classification Codes, as in force from time to time, published by the Australian Bureau of Statistics.

**Australian land corporation** has the meaning given by subsection 13(4).

**Australian land trust** has the meaning given by subsection 13(5).

**Australian media business** means an Australian business of publishing daily newspapers, or broadcasting television or radio, in Australia (including on websites from which all or part of those newspapers or broadcasts may be accessed).

**class value** has the meaning given by subsections 21(3) and (5).

**consideration** has a meaning affected by subsection 14(2).

**consideration for the acquisition or issue** of a class of securities has the meaning given by subsection 21(4).

**direct interest** in an entity or business has the meaning given by section 16.

**enterprise** of a country has the meaning given by section 7.

**excluded provisions** has the meaning given by section 28.

**existing value** has the meaning given by subsection 53(6).

**exploration tenement** means any of the following:

- (a) a right (however described) under a law of the Commonwealth, a State or a Territory to recover minerals (such as coal or ore), oil or gas in Australia or from the



**Part 1** Preliminary

**Section 5**

---

seabed or subsoil of the offshore area for the purposes of prospecting or exploring for minerals, oil or gas;

- (b) a right that preserves a right mentioned in paragraph (a);
- (c) a lease under which the lessee has a right mentioned in paragraph (a) or (b);
- (d) an interest in a right mentioned in paragraph (a) or (b) or under a lease mentioned in paragraph (c).

**foreign government investor** has the meaning given by section 17.

**GDP implicit price deflator value** has the meaning given by subsection 53(6).

**general insurer** has the meaning given by the *Insurance Act 1973*.

**general partner** means a partner of a limited partnership whose liability relating to the partnership is not limited.

**government authority** has the meaning given by subsection 44(3).

**interest**: a person holds an **interest** of a specified percentage in a business if the value of the interests in assets of the business held by the person, alone or together with one or more associates of the person, is that specified percentage of the value of the total assets of the business.

Note 1: See also the definition in this section of **acquire** an interest of a specified percentage in a business.

Note 2: A percentage may be specified by referring to:

- (a) “20%”; or
- (b) “any percentage”; or
- (c) a “direct interest”; or
- (d) a percentage that a person holds in other assets.

**land entity** means an agricultural land corporation, an agricultural land trust, an Australian land corporation or an Australian land trust.

**life company** has the meaning given by the *Life Insurance Act 1995*.

**limited partner** means a partner of a limited partnership whose liability relating to the partnership is limited.

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**limited partnership** means an association of persons that:

- (a) was formed solely for the purposes of becoming a partnership where the liability of at least one partner relating to the partnership is limited; and
- (b) is recognised under a law of the Commonwealth, a State, a Territory, a foreign country or a part of a foreign country as such a partnership.

**mining operation** has the meaning given by subparagraph 44(4)(b)(ii).

**mining, production or exploration entity** means an entity where the total value of legal or equitable interests in tenements held by the entity, or any subsidiary of the entity, exceeds 50% of the total asset value for the entity.

**moneylending agreement** means:

- (a) an agreement entered into in good faith, on ordinary commercial terms and in the ordinary course of carrying on a business (a **moneylending business**) of lending money or otherwise providing financial accommodation, except an agreement dealing with any matter unrelated to the carrying on of that business; and
- (b) for a person carrying on a moneylending business, or a subsidiary or holding entity of a person carrying on a moneylending business—an agreement to acquire an interest arising from a moneylending agreement (within the meaning of paragraph (a)).

**most recent financial statement** has the meaning given by subsection 23(2).

**national** of a country has the meaning given by section 8.

**public infrastructure** means:

- (a) an airport or airport site (within the meaning of the *Airports Act 1996*); or
- (b) a port (within the meaning of the *Maritime Transport and Offshore Facilities Security Act 2003*); or



## Part 1 Preliminary

Section 5

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- (c) infrastructure for public transport (whether or not the infrastructure is operated or owned by a Commonwealth, State or Territory body); or
- (d) a system or facility that is used to provide any of the following services to the public:
  - (i) the generation, transmission, distribution or supply of electricity;
  - (ii) the supply of gas;
  - (iii) the storage, treatment or distribution of water;
  - (iv) the treatment of sewage.

**public utility** means a body that provides any of the following products or services, or any similar products or services, to the public:

- (a) reticulated products or services, such as electricity, gas, water, sewerage or drainage;
- (b) telecommunication services;
- (c) transport services.

**relevant agreement country investor** means an entity (within the ordinary meaning of the term) that is an enterprise or national of:

- (a) the United States of America; or
- (b) New Zealand; or
- (c) Chile;

(other than a foreign government investor).

**relevant subsidiary** of an entity (the **higher entity**) means an entity that is:

- (a) a subsidiary of the higher entity; and
- (b) either:
  - (i) for a corporation—a relevant entity that is carrying on an Australian business; or
  - (ii) for a unit trust—a relevant entity the trustee of which holds assets of an Australian business.

**resident trust** means a trust that is taken to be a resident trust estate under subsection 95(2) of the *Income Tax Assessment Act 1936*.

**sensitive business**: see section 22.



## Section 6

Note: *Sensitive business* is defined in section 26 of the Act.

*starts an Australian business* has the meaning given by section 10.

*tenement* means an exploration tenement or a mining or production tenement.

Note: Although an agreement giving rights that form the basis of a tenement may be any duration, the duration of the agreement must be at least 5 years for an interest in the agreement to be an interest in Australian land. (See the definitions of *exploration tenement* in this section, and *mining or production tenement* and *interest* in Australian land in sections 4 and 12 of the Act.)

*total asset value* has the meaning given by section 20.

*total earnings* has the meaning given by subsection 12(2).

*vacant*: land is *vacant* if there is no substantive permanent building on the land that can be lawfully occupied by persons, goods or livestock.

## **6 Meaning of *acquire an interest of a specified percentage in a business***

- (1) A person *acquires* an interest of a specified percentage in a business if the person:
- (a) starts to hold an interest of that percentage in the business; or
  - (b) would start to hold an interest of that percentage in the business on the assumption that the person held interests in assets of the business that are interests that he or she has offered to acquire; or
  - (c) for a person who already holds an interest of that percentage in the business:
    - (i) starts to hold additional interests in assets of the business; or
    - (ii) would start to hold additional interests in assets of the business if interests in assets of the business were transferred as the result of the exercise of rights of a kind mentioned in paragraph 15(1)(b) or (c) of the Act.

Note: A percentage may be specified by referring to:

- (a) “20%”; or



## **Annex 148**

Australia, Foreign Investment Review Board, Guidance Note 34





## MONETARY SCREENING THRESHOLDS

One of the tests in determining whether an action is a significant action under the *Foreign Investment and Takeovers Act 1975* is whether the monetary screening threshold test is met. Some significant actions (called notifiable actions) must be notified to the Treasurer before the actions can be taken. This guidance note outlines the monetary screening thresholds.

- For further information on significant and notifiable actions, see Guidance Note 35.

Monetary screening thresholds are met when either the amount paid for an interest or the value of an entity or assets exceeds the threshold amount, depending on the type of action. The exception is for agricultural land, where the test is cumulative.

Monetary screening thresholds are indexed annually on 1 January except for the \$15 million agricultural land threshold and the \$50 million land threshold for Singapore and Thailand investors, which are not indexed.

## FREE TRADE AGREEMENT COUNTRY INVESTORS

Australia currently has nine free trade agreements (FTAs) in force with: the 10 ASEAN members, Chile, China<sup>1</sup>, Japan, Korea, Malaysia, New Zealand, Singapore, Thailand and the United States. Australia has also recently concluded the Trans-Pacific Partnership agreement.

Under these agreements Australia has made various commitments relating to foreign investment screening. These commitments determine what monetary screening thresholds apply to investors from certain countries.

Under the foreign investment framework, only 'agreement country' investors that are either a 'national' or an 'enterprise' of an agreement country are able to access the higher FTA thresholds.<sup>2</sup> An 'enterprise' is generally an entity (or a branch of an entity) that is constituted or organised under the law of the country and that is carrying on business activities there.

For most types of investments, the relevant monetary thresholds have been unaffected by the 2015 reforms. For some agreement countries, new thresholds apply for agribusinesses, agricultural land, and non-sensitive developed real estate. These are outlined in the tables below.

<sup>1</sup> Subject to entry-into-force of the China-Australia Free Trade Agreement.

<sup>2</sup> Applies to countries that meet the specific definitions set out in the *Foreign Acquisitions and Takeovers Regulation 2015* (see section 6 (meaning of enterprise of a country) and section 8 (meaning of national of a country)).



## NON-LAND PROPOSALS

The monetary screening thresholds for acquisitions of interests in securities in an entity or issuing securities in an entity is based on the total asset value or total issued securities value for the entity (whichever is higher). The monetary screening threshold for acquisitions of interests in the assets of an Australian business is based on the total consideration for the acquisition.

The monetary screening thresholds for agribusinesses are based on the consideration for the acquisition.<sup>3</sup> This includes the total value of other interests held by the foreign person (with associates) in the entity.

### Non-land proposals

Investor	Action	Threshold — more than:
<b>From FTA partner countries that have the higher threshold</b>	Acquisitions in non-sensitive businesses	\$1,094 million
	Acquisitions in sensitive businesses <sup>4</sup>	\$252 million
	Media sector <sup>5</sup>	\$0
	Agribusinesses	For Chile, New Zealand and United States, \$1,094 million.  For China, Japan, and Korea, \$55 million (based on the value of the consideration for the acquisition and the total value of other interests held by the foreign person (with associates) in the entity)
<b>Other investors</b>	Business acquisitions (all sectors)	\$252 million
	Media sector	\$0
	Agribusinesses	\$55 million (based on the value of the consideration for the acquisition and the total value of other interests held by the foreign person (with associates) in the entity)
<b>Foreign government investors</b>	All direct interests in an Australian entity or Australian business	\$0
	Starting a new Australian business	\$0

<sup>3</sup> Excludes non-government investors from Chile, New Zealand and the United States.

<sup>4</sup> Sensitive businesses include media; telecommunications; transport; defence and military related industries and activities; encryption and securities technologies and communications systems; and the extraction of uranium or plutonium; or the operation of nuclear facilities.

<sup>5</sup> For investments in the media sector, a holding of at least five per cent requires notification and prior approval regardless of the value of investment.



## LAND PROPOSALS

The monetary screening thresholds for acquisitions of Australian land (except agricultural land) are based on the value of the proposed investment, not the total value of the land itself.

The \$15 million screening threshold for acquisitions of agricultural land is based on the cumulative interests in agricultural land held by the foreign person (with associates). It is met if an acquisition would mean that the value of all the interests held in agricultural land exceeds the threshold amount.

### Land proposals

Investor	Action	Threshold — more than:
<b>All investors</b>	Residential land	\$0
<b>Privately owned investors from FTA partner countries that have the higher threshold</b>	Agricultural land	For Chile, New Zealand and United States, \$1,094 million For China, Japan, Korea, \$15 million (cumulative)
	Vacant commercial land	\$0
	Developed commercial land	\$1,094 million
	Mining and production tenements	For Chile, New Zealand and United States, \$1,094 million Others, \$0
<b>Privately owned investors from non-FTA countries and FTA countries that do not have the higher threshold</b>	Agricultural land	For Singapore and Thailand, where land is used wholly and exclusively for a primary production business \$50 million (otherwise the land is not agricultural land) Others \$15 million (cumulative)
	Vacant commercial land	\$0
	Developed commercial land	\$252 million Low threshold land (sensitive land) <sup>6</sup> , \$55 million
	Mining and production tenements	\$0
<b>Foreign government investors</b>	Any interest in land	\$0

## FURTHER INFORMATION

Further information is available on the FIRB website at [www.firb.gov.au](http://www.firb.gov.au) or by contacting +61 2 6263 3795.

**Important notice:** This Guidance Note provides a summary of the relevant law. As this Note tries to avoid legal language wherever possible it may include some generalisations about the law. Some provisions of the law referred to have exceptions or important qualifications, not all of which may be described here. The Commonwealth does not guarantee the accuracy, currency or completeness of any information contained in this document and will not accept responsibility for any loss caused by reliance on it. Your particular circumstances must be taken into account when determining how the law applies to you. This Guidance Note is therefore not a substitute for obtaining your own legal advice.

<sup>6</sup> Low threshold land includes mines and critical infrastructure (for example, an airport or port).



## **Annex 149**

New Zealand, Overseas Investment Act 2005, s. 61B



**Reprint  
as at 22 October 2018**



## Overseas Investment Act 2005

Public Act      2005 No 82  
Date of assent      21 June 2005  
Commencement      see section 2

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Treasury.**



- (2) Regulations under this Act (including regulations for prescribing fees, charges, bonds, or administrative penalties) may make different provisions for different cases on any differential basis.

Section 61(1)(aaa): inserted, on 22 October 2018, by section 46(1) of the Overseas Investment Amendment Act 2018 (2018 No 25).

Section 61(1)(aab): inserted, on 22 October 2018, by section 46(1) of the Overseas Investment Amendment Act 2018 (2018 No 25).

Section 61(1)(aac): inserted, on 22 October 2018, by section 46(1) of the Overseas Investment Amendment Act 2018 (2018 No 25).

Section 61(1)(ba): inserted, on 22 October 2018, by section 46(2) of the Overseas Investment Amendment Act 2018 (2018 No 25).

Section 61(1)(c): replaced, on 22 October 2018, by section 46(3) of the Overseas Investment Amendment Act 2018 (2018 No 25).

Section 61(1)(ca): inserted, on 22 October 2018, by section 46(3) of the Overseas Investment Amendment Act 2018 (2018 No 25).

Section 61(1)(i): replaced, on 22 October 2018, by section 46(4) of the Overseas Investment Amendment Act 2018 (2018 No 25).

Section 61(1)(j): replaced, on 22 October 2018, by section 46(4) of the Overseas Investment Amendment Act 2018 (2018 No 25).

Section 61(1)(ja): inserted, on 22 October 2018, by section 46(4) of the Overseas Investment Amendment Act 2018 (2018 No 25).

Section 61(1)(jb): inserted, on 22 October 2018, by section 46(4) of the Overseas Investment Amendment Act 2018 (2018 No 25).

Section 61(1)(ka): inserted, on 22 October 2018, by section 46(5) of the Overseas Investment Amendment Act 2018 (2018 No 25).

Section 61(2): replaced, on 22 October 2018, by section 46(6) of the Overseas Investment Amendment Act 2018 (2018 No 25).

## 61B Purpose of exemptions

The purpose of sections 61C and 61D is to—

- (a) provide flexibility where compliance with this Act is impractical, inefficient, or unduly burdensome but where the purpose of this Act can still be substantially achieved through terms and conditions of the exemption; or
- (b) allow for exemptions that are minor or technical; or
- (c) allow for exemptions in respect of all or any of the following matters:
  - (i) interests in land to be used for diplomatic or consular purposes:
  - (ii) persons registered as a charitable entity under the Charities Act 2005:
  - (iii) minor increases in ultimate ownership and control by overseas persons if consent has already been granted for those overseas persons to own or control sensitive assets:
  - (iv) security arrangements that are entered into in the ordinary course of business:



- (v) relationship property as defined in section 8 of the Property (Relationships) Act 1976:
- (vi) interests in land acquired for the purpose of providing network utility services:
- (vii) interests in residential (but not otherwise sensitive) land acquired in order to comply with a requirement imposed by or under the Resource Management Act 1991 and to support a business that is not principally in the business of using land for residential purposes.

Section 61B: inserted, on 22 October 2018, by section 47 of the Overseas Investment Amendment Act 2018 (2018 No 25).

### **61C Regulations may contain class or individual exemptions**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations exempting any transaction, person, interest, right, or assets, or any class of transactions, persons, interests, rights, or assets, from the requirement for consent or from the definition of overseas person or associate or associated land.
- (2) *See* sections 61E (criteria for all exemptions) and 61F (other provisions applying to all exemptions).

Section 61C: inserted, on 22 October 2018, by section 47 of the Overseas Investment Amendment Act 2018 (2018 No 25).

### **61D Minister may grant individual exemptions**

- (1) The Minister may exempt any transaction, person, interest, right, or assets from the requirement for consent or from the definition of overseas person or associate or associated land.
- (2) *See* sections 61E (criteria for all exemptions) and 61F (other provisions applying to all exemptions).
- (3) The Minister must publish each exemption granted under subsection (1) on an Internet site maintained by or for the regulator.

Section 61D: inserted, on 22 October 2018, by section 47 of the Overseas Investment Amendment Act 2018 (2018 No 25).

### **61E Criteria for all exemptions**

- (1) The Minister may recommend any regulations under section 61C, or grant an exemption under section 61D, only if the Minister considers—
  - (a) that there are circumstances that mean that it is necessary, appropriate, or desirable to provide an exemption for any of the matters referred to in section 61B(a) to (c); and
  - (b) that the extent of the exemption is not broader than is reasonably necessary to address those circumstances.
- (2) In so considering, the Minister—



## **Annex 150**

New Zealand, Overseas Investment Regulations 2005,  
ss. 75-82 and Part 5



Reprint  
as at 14 January 2019



**Overseas Investment Regulations 2005**  
(SR 2005/220)

Silvia Cartwright, Governor-General

**Order in Council**

At Wellington this 1st day of August 2005

Present:

Her Excellency the Governor-General in Council

Pursuant to section 61 of the Overseas Investment Act 2005, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Finance, makes the following regulations.

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Treasury.**



**Australian branch** means a branch of an enterprise if the branch—

- (a) is located in Australia; and
- (b) is carrying out business activities in Australia

**Australian enterprise** means an enterprise that is constituted or organised under Australian law

**Australian Government** includes—

- (a) the Crown in right of Australia; and
- (b) an Australian State or territory; and
- (c) Australian regional or local government

**Australian individual** means a natural person who is—

- (a) an Australian citizen under Australian law; or
- (b) a permanent resident of Australia under Australian law and who is ordinarily resident in New Zealand

**Australian investor** is to be read in accordance with regulation 78.

Regulation 74: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

### *Exemptions for Australian investors*

Heading: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

## **75 Exemption for Australian investors in respect of residential (but not otherwise sensitive) land**

A transaction does not require consent for the purposes of section 10(1)(a) of the Act to the extent that—

- (a) it will result in an overseas investment in sensitive land where the relevant land is residential (but not otherwise sensitive) land; and
- (b) every relevant investor either is an Australian investor or is not an overseas person.

### **Example 1**

A New Zealand citizen acquires the freehold estate in residential (but not otherwise sensitive) land as the agent for an Australian citizen, such that the New Zealand citizen is a relevant investor under paragraph (b) of the definition of relevant investor in regulation 71, and the Australian citizen is a relevant investor under paragraph (a) of that definition. There are no other associates.

The exemption can be relied upon because the New Zealand citizen is not an overseas person (see section 7(2)(a) of the Act) and the Australian citizen is an Australian investor.



**Example 2**

A trust is organised under Australian law. The trustees, who are all Australian individuals, are entering into a transaction to acquire the freehold estate in residential (but not otherwise sensitive) land. The trustees will hold the land on trust for an overseas person who is not an Australian investor. That beneficiary's equitable interest in the land is enough to make that beneficiary a relevant investor under paragraph (a) of the definition of relevant investor in regulation 71. As not all of the relevant investors are Australian investors, the exemption cannot be relied upon.

This is the case regardless of whether (and why) the trust is an Australian investor under regulation 78 (ie, regardless of whether it has substantive business operations in Australia or meets the ownership and control test under regulation 72).

Regulation 75: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

**76 Exemption for Australian investors in respect of regulated *profit à prendre***

A transaction does not require consent for the purposes of section 10(1)(a) of the Act to the extent that—

- (a) it will result in an overseas investment in sensitive land where the interest in land described in section 12(a) of the Act is a regulated *profit à prendre*; and
- (b) every relevant investor either is an Australian investor or is not an overseas person.

Regulation 76: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

**77 Exemption for Australian investors in respect of relationship property**

(1) A transaction does not require consent for the purposes of section 10(1)(a) of the Act to the extent that—

- (a) the transaction will result in an overseas investment in sensitive land where the relevant land is residential (but not otherwise sensitive) land or where the interest in land described in section 12(a) of the Act is a regulated *profit à prendre* or both (the **exempted land**); and
- (b) the transaction will result in either of the following:
  - (i) the acquisition by an overseas person of exempted land if—
    - (A) the exempted land is, or will be as a result of the acquisition, relationship property of the overseas person and the overseas person's spouse or partner; and
    - (B) the overseas person's spouse or partner is an Australian individual;
  - (ii) the acquisition by a company incorporated in New Zealand (**A Co**) of exempted land if—



- (A) all of the securities in A Co are wholly owned as relationship property by a person (B) and B's spouse or partner; and
  - (B) B is an Australian individual.
- (2) In this regulation,—
 

**relationship property** means relationship property as defined in section 8 of the Property (Relationships) Act 1976

**spouse or partner** means spouse, civil union partner, or de facto partner.

Regulation 77: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

## 78 Definition of Australian investor

In this subpart, **Australian investor**—

- (a) means—
  - (i) an Australian individual; or
  - (ii) the Australian Government; or
  - (iii) an Australian enterprise, if the enterprise—
    - (A) carries on substantive business operations in Australia; or
    - (B) meets the ownership and control test; or
  - (iv) a non-NZ enterprise that is acting through an Australian branch of the enterprise if—
    - (A) the branch carries on substantive business operations in Australia; or
    - (B) the enterprise meets the ownership and control test; but
- (b) does not include an enterprise that is acting through an NZ branch of the enterprise.

Regulation 78: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

## Subpart 3—Implementation of Singapore CEP

Part 4 subpart 3: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

### *Introduction and definitions*

Heading: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

## 79 Introduction to subpart 3

The purpose of this subpart is to implement obligations in the Singapore CEP in relation to overseas investments in sensitive land where the relevant land is residential (but not otherwise sensitive) land.



Regulation 79: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

## 80 Definitions for subpart 3

In this subpart, unless the context otherwise requires,—

**Singaporean branch** means a branch of an enterprise if the branch—

- (a) is located in Singapore; and
- (b) is carrying out business activities in Singapore

**Singaporean enterprise** means an enterprise that is constituted or organised under Singaporean law

**Singaporean individual** means a natural person who is—

- (a) a national of Singapore under Singaporean law; or
- (b) a permanent resident of Singapore under Singaporean law and who is ordinarily resident in New Zealand

**Singaporean investor** is to be read in accordance with regulation 83.

Regulation 80: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

### *Exemptions for Singaporean investors*

Heading: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

## 81 Exemption for Singaporean investors in respect of residential (but not otherwise sensitive) land

A transaction does not require consent for the purposes of section 10(1)(a) of the Act to the extent that—

- (a) the transaction will result in an overseas investment in sensitive land where the relevant land is residential (but not otherwise sensitive) land; and
- (b) every relevant investor either is a Singaporean investor or is not an overseas person.

Regulation 81: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

## 82 Exemption for Singaporean investors in respect of relationship property

- (1) A transaction does not require consent for the purposes of section 10(1)(a) of the Act to the extent that—

- (a) the transaction will result in an overseas investment in sensitive land where the relevant land is residential (but not otherwise sensitive) land (the **exempted land**); and
- (b) the transaction will result in either of the following:
  - (i) the acquisition by an overseas person of exempted land if—



- (A) the exempted land is, or will be as a result of the acquisition, relationship property of the overseas person and the overseas person's spouse or partner; and
    - (B) the overseas person's spouse or partner is a Singaporean individual;
  - (ii) the acquisition by a company incorporated in New Zealand (**A Co**) of exempted land if—
    - (A) all of the securities in A Co are wholly owned as relationship property by a person (**B**) and B's spouse or partner; and
    - (B) B is a Singaporean individual.
- (2) In this regulation,—

**relationship property** means relationship property as defined in section 8 of the Property (Relationships) Act 1976

**spouse or partner** means spouse, civil union partner, or de facto partner.

Regulation 82: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).

### 83 Definition of Singaporean investor

In this subpart, **Singaporean investor**—

- (a) means—
  - (i) a Singaporean individual; or
  - (ii) a Singaporean enterprise, if the enterprise—
    - (A) carries on substantive business operations in Singapore; or
    - (B) meets the ownership and control test; or
  - (iii) a non-NZ enterprise that is acting through a Singaporean branch of the enterprise if—
    - (A) the branch carries on substantive business operations in Singapore; or
    - (B) the enterprise meets the ownership and control test; but
- (b) does not include an enterprise that is acting through an NZ branch of the enterprise.

Regulation 83: inserted, on 22 October 2018, by regulation 18 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154).



## Part 5

### Alternative monetary thresholds for overseas investments in significant business assets

Part 5: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

#### Subpart 1—Introduction and definitions

Subpart 1: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

#### 84 Introduction to Part 5

- (1) This Part, which is made under section 61A of the Act, provides for alternative monetary thresholds under section 13 of the Act (overseas investments in significant business assets).
- (2) The details of the alternative monetary thresholds are in subparts 2 and 3.
- (3) Subpart 2 relates to the following:
  - (a) the Comprehensive and Progressive Agreement for Trans-Pacific Partnership done at Santiago on 8 March 2018 (the **CPTPP Agreement**);
  - (b) the Free Trade Agreement between New Zealand and the Republic of Korea done at Seoul on 23 March 2015 (the **Korea FTA**);
  - (c) the Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu on Economic Cooperation done at Wellington on 10 July 2013 (**ANZTEC**);
  - (d) the New Zealand–Hong Kong, China Closer Economic Partnership Agreement done at Hong Kong on 29 March 2010 (the **Hong Kong CEP**);
  - (e) the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China done at Beijing on 7 April 2008 (the **China FTA**);
  - (f) the Trans-Pacific Strategic Economic Partnership Agreement done at Wellington on 18 July 2005 (the **P4 Agreement**).
- (4) Subpart 3 relates to the Protocol on Investment to the New Zealand–Australia Closer Economic Relations Trade Agreement done at Wellington on 16 February 2011 (the **Australian CER Investment Protocol**).

Regulation 84: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

#### 85 Definitions

- (1) In this Part, unless the context otherwise requires,—  
**ANZTEC** is to be read in accordance with regulation 84(3)(c)



**Australian CER Investment Protocol** is to be read in accordance with regulation 84(4)

**Brunei branch** means a branch of an enterprise if the branch—

- (a) is located in the Brunei territory; and
- (b) is carrying out business activities in the Brunei territory

**Brunei enterprise** means an enterprise constituted or organised under the law of Brunei Darussalam

**Brunei individual** means a natural person who is a national of Brunei Darussalam under its laws

**Brunei territory** means the territory of Brunei Darussalam as defined by the definition of territory in Annex 2.A of the P4 Agreement

**Chile branch** means a branch of an enterprise if the branch—

- (a) is located in the Chile territory; and
- (b) is carrying out business activities in the Chile territory

**Chile enterprise** means an enterprise constituted or organised under the law of the Republic of Chile

**Chile individual** means a natural person who is a national of the Republic of Chile as defined under Article 10 of the Constitución Política de la República de Chile

**Chile territory** means the territory of the Republic of Chile as defined by the definition of territory in Annex 2.A of the P4 Agreement

**China branch** means a branch of an enterprise if the branch—

- (a) is located in the China customs territory; and
- (b) is carrying out business activities in the China customs territory

**China customs territory** means the entire customs territory of the People's Republic of China

**China enterprise** means an enterprise that is constituted or organised under the law of the People's Republic of China

**China FTA** is to be read in accordance with regulation 84(3)(e)

**China individual** means a natural person who is a national or permanent resident of the People's Republic of China under its laws

**CPTPP Agreement** is to be read in accordance with regulation 84(3)(a)

**enterprise** means any of the following, whether acting for profit or not:

- (a) a body corporate;
- (b) a trust (including a unit trust);
- (c) a partnership;
- (d) a sole proprietorship;



- (e) a joint venture:
- (f) any other unincorporated body of persons

**Hong Kong area** means the Hong Kong Special Administrative Region of the People's Republic of China, together with the Shenzhen Bay Port Hong Kong Port Area

**Hong Kong branch** means a branch of an enterprise if the branch—

- (a) is located in the Hong Kong area; and
- (b) is carrying out business activities in the Hong Kong area

**Hong Kong CEP** is to be read in accordance with regulation 84(3)(d)

**Hong Kong enterprise** means an enterprise that is constituted or organised under the law of the Hong Kong Special Administrative Region of the People's Republic of China

**Hong Kong individual** means a natural person who is a permanent resident of the Hong Kong Special Administrative Region of the People's Republic of China under its domestic law

**Korea FTA** is to be read in accordance with regulation 84(3)(b)

**non-NZ enterprise** means an enterprise that is neither constituted nor organised under the law of New Zealand

**non-NZ government investor** means—

- (a) the government, or any part of the government (including regional or local government), of—
  - (i) a territory other than New Zealand; or
  - (ii) a part of a territory other than a part of New Zealand; or
- (b) a relevant government enterprise; or
- (c) a person who is acting—
  - (i) as an agent, a trustee, or a representative of a non-NZ government investor; or
  - (ii) in any way on behalf of a non-NZ government investor; or
  - (iii) subject to the direction, control, or influence of a non-NZ government investor

**NZ branch** means a branch of an enterprise if the branch is located in New Zealand

**NZ individual** means—

- (a) a New Zealand citizen; or
- (b) a natural person who is ordinarily resident in New Zealand

**ownership and control test** is to be read in accordance with regulation 86

**P4 Agreement** is to be read in accordance with regulation 84(3)(f)



**relevant government enterprise** is to be read in accordance with regulation 87

**relevant investor**, in relation to a transaction, means—

- (a) an overseas person if, as a result of the transaction and either alone or with any other person, the overseas person—
  - (i) acquires rights or interests in securities of a person; or
  - (ii) establishes a business in New Zealand; or
  - (iii) acquires property (including goodwill and other intangible assets) in New Zealand used in carrying on business in New Zealand (whether by 1 transaction or a series of related or linked transactions); or
- (b) an associate of an overseas person if, as a result of the transaction and either alone or with any other person, the associate—
  - (i) acquires rights or interests in securities of a person; or
  - (ii) establishes a business in New Zealand; or
  - (iii) acquires property (including goodwill and other intangible assets) in New Zealand used in carrying on business in New Zealand (whether by 1 transaction or a series of related or linked transactions)

**type 1 investor** is to be read in accordance with regulation 90

**type 2 investor** is to be read in accordance with regulation 92(1)

**type 3 investor** is to be read in accordance with regulation 94(1)

**type 4 investor** is to be read in accordance with regulation 96(1)

**type A branch** means a branch of an enterprise if the branch—

- (a) is located in a type A territory; and
- (b) is carrying out business activities in that type A territory

**type A enterprise** means an enterprise that is constituted or organised under the law of any of the following:

- (a) any of the following parties to the CPTPP Agreement:
  - (i) Australia:
  - (ii) Canada:
  - (iii) Japan:
  - (iv) Mexico:
  - (v) Singapore:
  - (vi) Viet Nam:
- (b) the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu:
- (c) the Republic of Korea



**type A individual** means a natural person who is any of the following:

- (a) a national of any of the following parties to the CPTPP Agreement as defined by the definition of natural person who has the nationality of a Party in Annex 1-A of the Trans-Pacific Partnership Agreement (done at Auckland on 4 February 2016) as incorporated into the CPTPP Agreement by Article 1.1 of that agreement:
  - (i) Australia:
  - (ii) Canada:
  - (iii) Japan:
  - (iv) Mexico:
  - (v) Singapore:
  - (vi) Viet Nam:
- (b) a person who is a permanent resident of a party to the CPTPP Agreement listed in paragraph (a):
- (c) a person who is a citizen or permanent resident under the laws of the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu:
- (d) a national of the Republic of Korea as defined by paragraph (a) of the definition of national in Article 1.5 of the Korea FTA

**type A territory** means any of the following:

- (a) the territory for any of the following parties to the CPTPP Agreement as defined by the definition of territory in Annex 1-A of the Trans-Pacific Partnership Agreement (done at Auckland on 4 February 2016) as incorporated into the CPTPP Agreement by Article 1.1 of that agreement:
    - (i) Australia:
    - (ii) Canada:
    - (iii) Japan:
    - (iv) Mexico:
    - (v) Singapore:
    - (vi) Viet Nam:
  - (b) the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu:
  - (c) the territory for the Republic of Korea as defined by paragraph (a) of the definition of territory in Article 1.5 of the Korea FTA.
- (2) *See regulation 98 for further definitions that apply in subpart 3.*

Regulation 85: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

Regulation 85(1) **type A enterprise** paragraph (a)(vi): inserted, on 14 January 2019, by regulation 4(1) of the Overseas Investment (CPTPP–Viet Nam) Amendment Regulations 2018 (LI 2018/252).



Regulation 85(1) **type A individual** paragraph (a)(vi): inserted, on 14 January 2019, by regulation 4(2) of the Overseas Investment (CPTPP–Viet Nam) Amendment Regulations 2018 (LI 2018/252).

Regulation 85(1) **type A territory** paragraph (a)(vi): inserted, on 14 January 2019, by regulation 4(3) of the Overseas Investment (CPTPP–Viet Nam) Amendment Regulations 2018 (LI 2018/252).

## 86 Definition of ownership and control test

- (1) For the purposes of this Part, an enterprise meets the **ownership and control test** (subject to subclauses (3) to (5)) if—
  - (a) the enterprise is a body corporate (**S**) and a qualifying individual or individuals have, directly or indirectly,—
    - (i) a beneficial entitlement to, or a beneficial interest in, more than 75% of S’s securities; and
    - (ii) the power to control the composition of more than 75% of S’s governing body; and
    - (iii) the right to exercise, or to control the exercise of, more than 75% of the voting power at a meeting of S; or
  - (b) the enterprise is a trust (**T**) that is not a unit trust and—
    - (i) more than 75% of T’s governing body are qualifying individuals; and
    - (ii) a qualifying individual or individuals have, directly or indirectly, a beneficial entitlement to, or a beneficial interest in, more than 75% of T’s trust property; and
    - (iii) more than 75% of the persons having, directly or indirectly, the right to amend, or to control the amendment of, T’s trust deed are qualifying individuals; and
    - (iv) more than 75% of the persons having, directly or indirectly, the right to control the composition of T’s governing body are qualifying individuals; or
  - (c) the enterprise is a unit trust (**U**) and—
    - (i) the manager or trustee (or both) is a qualifying individual; and
    - (ii) a qualifying individual or individuals have, directly or indirectly, a beneficial entitlement to, or a beneficial interest in, more than 75% of U’s trust property; or
  - (d) the enterprise is a partnership, an unincorporated joint venture, or any other unincorporated body of persons (**V**) that is not a trust and—
    - (i) more than 75% of V’s partners or members are qualifying individuals; and
    - (ii) a qualifying individual or individuals have, directly or indirectly,—



- (A) a beneficial entitlement to, or a beneficial interest in, more than 75% of V's profits or assets (including on V's winding up); and
  - (B) the right to exercise, or to control the exercise of, more than 75% of the voting power at a meeting of V.
- (2) In subclause (1), **qualifying individual** means—
  - (a) an NZ individual or a type A individual, if this regulation is being applied for the purposes of regulation 90(a)(ii)(B) or (iii)(B); or
  - (b) an NZ individual, a type A individual, a Hong Kong individual, a Brunei individual, or a Chile individual, if this regulation is being applied for the purposes of regulation 92(1)(a)(ii)(B) or (iii)(B); or
  - (c) an NZ individual, a type A individual, a Hong Kong individual, a China individual, a Brunei individual, or a Chile individual, if this regulation is being applied for the purposes of regulation 94(1)(a)(ii)(B) or (iii)(B); or
  - (d) an NZ individual, a type A individual, or a China individual, if this regulation is being applied for the purposes of regulation 96(1)(a)(ii)(B) or (iii)(B); or
  - (e) an NZ individual or an Australian individual (as defined in regulation 98(1)), if this regulation is being applied for the purposes of regulation 100(a)(ii)(B) or (iii)(B).
- (3) An enterprise cannot meet the **ownership and control test** in relation to a transaction if, in relation to the transaction, the enterprise—
  - (a) is an agent, a trustee, or a representative of an overseas person who is not a qualifying investor; or
  - (b) acts in any way on behalf of an overseas person who is not a qualifying investor; or
  - (c) is subject to the direction, control, or influence of an overseas person who is not a qualifying investor.
- (4) In subclause (3), references to an enterprise include, if the enterprise is a trust, the trustees of the trust.
- (5) In subclause (3), **qualifying investor** means—
  - (a) a type 1 investor, if this regulation is being applied for the purposes of regulation 90(a)(ii)(B) or (iii)(B); or
  - (b) a type 2 investor, if this regulation is being applied for the purposes of regulation 92(1)(a)(ii)(B) or (iii)(B); or
  - (c) a type 3 investor, if this regulation is being applied for the purposes of regulation 94(1)(a)(ii)(B) or (iii)(B); or
  - (d) a type 4 investor, if this regulation is being applied for the purposes of regulation 96(1)(a)(ii)(B) or (iii)(B); or



- (e) an Australian non-government investor (as defined in regulation 98(1)), if this regulation is being applied for the purposes of regulation 100(a)(ii)(B) or (iii)(B).
- (6) See the example in regulation 72(3).

Regulation 86: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## **87 Definition of relevant government enterprise**

- (1) In this Part, **relevant government enterprise** means—
  - (a) a body corporate (**W**), if a relevant government investor or investors have, directly or indirectly,—
    - (i) a beneficial entitlement to, or a beneficial interest in, 25% or more of W's securities; or
    - (ii) the power to control the composition of 25% or more of W's governing body; or
    - (iii) the right to exercise, or to control the exercise of, 25% or more of the voting power at a meeting of W; or
  - (b) a trust (**X**) that is not a unit trust, if—
    - (i) 25% or more of X's governing body are relevant government investors; or
    - (ii) a relevant government investor or investors have, directly or indirectly, a beneficial entitlement to, or a beneficial interest in, 25% or more of X's trust property; or
    - (iii) 25% or more of the persons having, directly or indirectly, the right to amend, or to control the amendment of, X's trust deed are relevant government investors; or
    - (iv) 25% or more of the persons having, directly or indirectly, the right to control the composition of X's governing body are relevant government investors; or
  - (c) a unit trust (**Y**), if—
    - (i) the manager or trustee (or both) is a relevant government investor; or
    - (ii) a relevant government investor or investors have, directly or indirectly, a beneficial entitlement to, or a beneficial interest in, 25% or more of Y's trust property; or
  - (d) a partnership, an unincorporated joint venture, or any other unincorporated body of persons (**Z**), if Z is not a trust and—
    - (i) 25% or more of Z's partners or members are relevant government investors; or



- (ii) a relevant government investor or investors have, directly or indirectly,—
  - (A) a beneficial entitlement to, or a beneficial interest in, 25% or more of Z's profits or assets (including on Z's winding up); or
  - (B) the right to exercise, or to control the exercise of, 25% or more of the voting power at a meeting of Z.
- (2) In subclause (1), **relevant government investor** means a non-NZ government investor or an associate of a non-NZ government investor, subject to regulation 98(2).

Regulation 87: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

### Subpart 2—Implementation of CPTPP Agreement, Korea FTA, ANZTEC, Hong Kong CEP, China FTA, and P4 Agreement

Subpart 2: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

#### **88 Introduction to subpart 2 and interaction between regulations in Part 5**

- (1) The purpose of this subpart is to implement obligations in the CPTPP Agreement, the Korea FTA, ANZTEC, the Hong Kong CEP, the China FTA, and the P4 Agreement.
- (2) For that purpose, this subpart is to be applied subject to the exclusions contained in the following provisions:
  - (a) Article 9.12.6 of the Trans-Pacific Partnership Agreement (done at Auckland on 4 February 2016) as incorporated into the CPTPP Agreement by Article 1.1 of that agreement:
  - (b) Articles 10.3.3 and 10.15.5 of the Korea FTA:
  - (c) Articles 3.3 and 9.5 of Chapter 12 of ANZTEC:
  - (d) Article 2 of Chapter 13 of the Hong Kong CEP:
  - (e) Articles 105 and 137.5 of the China FTA:
  - (f) Article 12.3 of the P4 Agreement.
- (3) This subpart is subject to regulation 97(2) and (3) (which deals with the interaction between this subpart and subpart 3).

Regulation 88: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).



*Type 1 investors*

Heading: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

**89 Alternative monetary thresholds for overseas investments in significant business assets by type 1 investors**

- (1) This regulation applies to a transaction if every relevant investor either is a type 1 investor or is not an overseas person.
- (2) In applying section 13 of the Act (overseas investments in significant business assets) to the transaction,—
  - (a) an alternative monetary threshold of \$200 million applies in subsection (1)(a)(ii), subject to subclause (3); and
  - (b) an alternative monetary threshold of \$200 million applies in subsection (1)(b)(ii) and (c).
- (3) Subclause (2)(a) does not apply to the acquisition by a type 1 investor (**Z**) of rights or interests in securities of a person (**A**) if—
  - (a) an associate of Z has—
    - (i) a beneficial entitlement to, or a beneficial interest in, any of A's securities; or
    - (ii) the power to control (otherwise than indirectly through Z) the composition of A's governing body to any extent; or
    - (iii) a right to exercise, or to control the exercise of, any voting power (other than voting power of Z) at a meeting of A; and
  - (b) that associate is an overseas person and is not a type 1 investor.
- (4) See the examples in regulation 75.

Regulation 89: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

**90 Definition of type 1 investor**

In this Part, **type 1 investor**—

- (a) means—
  - (i) a type A individual; or
  - (ii) a type A enterprise, if the enterprise—
    - (A) has substantial business activities in a type A territory; or
    - (B) meets the ownership and control test; or
  - (iii) a non-NZ enterprise that is acting through a type A branch of the enterprise if—
    - (A) the branch has substantial business activities in a type A territory; or



- (B) the enterprise meets the ownership and control test; but
- (b) does not include—
  - (i) a non-NZ government investor; or
  - (ii) an enterprise that is acting through an NZ branch of the enterprise.

Regulation 90: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

### *Type 2 investors*

Heading: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## **91 Alternative monetary thresholds for overseas investments in significant business assets by type 2 investors**

- (1) This regulation applies to a transaction if every relevant investor either is a type 2 investor or is not an overseas person.
- (2) In applying section 13 of the Act (overseas investments in significant business assets) to the transaction,—
  - (a) an alternative monetary threshold of \$200 million applies in subsection (1)(a)(ii), subject to subclause (3); and
  - (b) an alternative monetary threshold of \$200 million applies in subsection (1)(b)(ii) and (c).
- (3) Subclause (2)(a) does not apply to the acquisition by a type 2 investor (**Z**) of rights or interests in securities of a person (**A**) if—
  - (a) an associate of Z has—
    - (i) a beneficial entitlement to, or a beneficial interest in, any of A's securities; or
    - (ii) the power to control (otherwise than indirectly through Z) the composition of A's governing body to any extent; or
    - (iii) a right to exercise, or to control the exercise of, any voting power (other than voting power of Z) at a meeting of A; and
  - (b) that associate is an overseas person and is not a type 2 investor.

Regulation 91: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## **92 Definition of type 2 investor**

- (1) In this Part, **type 2 investor**—
  - (a) means any of the following who is also a type 2 service supplier:
    - (i) a type A individual or a Hong Kong individual or a Brunei individual or a Chile individual;
    - (ii) a type A enterprise or a Hong Kong enterprise or a Brunei enterprise or a Chile enterprise if the enterprise—



- (A) has substantial business activities in a type A territory or the Hong Kong area or the Brunei territory or the Chile territory; or
  - (B) meets the ownership and control test:
- (iii) a non-NZ enterprise that is acting through a type A branch or a Hong Kong branch or a Brunei branch or a Chile branch of the enterprise if—
  - (A) the branch has substantial business activities in a type A territory or the Hong Kong area or the Brunei territory or the Chile territory; or
  - (B) the enterprise meets the ownership and control test; but
- (b) does not include—
  - (i) a non-NZ government investor; or
  - (ii) an enterprise that is acting through an NZ branch of the enterprise.
- (2) In subclause (1)(a), **type 2 service supplier** means a person who—
  - (a) is supplying, or seeking to supply, a service in New Zealand; and
  - (b) for the purpose of doing that,—
    - (i) is investing to establish in New Zealand a commercial presence through which the person will supply the service; or
    - (ii) is investing in a commercial presence that the person has already established in New Zealand and through which the person is supplying, or will supply, the service.
- (3) In subclause (2),—

**commercial presence** means any type of business or professional establishment, including through the constitution, acquisition, or maintenance of an enterprise, including a representative office within the Hong Kong area, the Brunei territory, or the Chile territory for the purpose of supplying a service

**supply**, in relation to a service, includes the production, distribution, marketing, sale, and delivery of a service.

Regulation 92: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

### *Type 3 investors*

Heading: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## **93 Alternative monetary thresholds for overseas investments in significant business assets by type 3 investors**

- (1) This regulation applies to a transaction if every relevant investor either is a type 3 investor or is not an overseas person.



- (2) In applying section 13 of the Act (overseas investments in significant business assets) to the transaction,—
  - (a) an alternative monetary threshold of \$200 million applies in subsection (1)(a)(ii), subject to subclause (3); and
  - (b) an alternative monetary threshold of \$200 million applies in subsection (1)(b)(ii) and (c).
- (3) Subclause (2)(a) does not apply to the acquisition by a type 3 investor (**Z**) of rights or interests in securities of a person (**A**) if—
  - (a) an associate of **Z** has—
    - (i) a beneficial entitlement to, or a beneficial interest in, any of **A**'s securities; or
    - (ii) the power to control (otherwise than indirectly through **Z**) the composition of **A**'s governing body to any extent; or
    - (iii) a right to exercise, or to control the exercise of, any voting power (other than voting power of **Z**) at a meeting of **A**; and
  - (b) that associate is an overseas person and is not a type 3 investor.

Regulation 93: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

#### **94 Definition of type 3 investor**

- (1) In this Part, **type 3 investor**—
  - (a) means any of the following who is also a type 3 service supplier:
    - (i) a type A individual, a Hong Kong individual, a China individual, a Brunei individual, or a Chile individual;
    - (ii) a type A enterprise, a Hong Kong enterprise, a China enterprise, a Brunei enterprise, or a Chile enterprise if the enterprise—
      - (A) has substantial business activities in a type A territory, the Hong Kong area, the China customs territory, the Brunei territory, or the Chile territory; or
      - (B) meets the ownership and control test:
    - (iii) a non-NZ enterprise that is acting through a type A branch, a Hong Kong branch, a China branch, a Brunei branch, or a Chile branch of the enterprise if—
      - (A) the branch has substantial business activities in a type A territory, the Hong Kong area, the China customs territory, the Brunei territory, or the Chile territory; or
      - (B) the enterprise meets the ownership and control test; but
  - (b) does not include—
    - (i) a non-NZ government investor; or



- (ii) an enterprise that is acting through an NZ branch of the enterprise.
- (2) In subclause (1)(a), **type 3 service supplier** means a person who—
  - (a) is supplying, or seeking to supply, an Annex 9 service in New Zealand; and
  - (b) for the purpose of doing that,—
    - (i) is investing to establish in New Zealand a commercial presence through which the person will supply the Annex 9 service; or
    - (ii) is investing in a commercial presence that the person has already established in New Zealand and through which the person is supplying, or will supply, the Annex 9 service.
- (3) In subclause (2),—

**Annex 9 service** means a service within a sector set out in the column titled “Sector” in Annex 9 of the China FTA (which relates to trade in services)

**commercial presence** is to be read in accordance with the definition of that term in Article 103 of the China FTA (which relates to trade in services)

**supply**, in relation to a service, is to be read in accordance with the definition of supply of a service in Article 103 of the China FTA.

Regulation 94: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

#### *Type 4 investors*

Heading: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

### **95 Alternative monetary thresholds for overseas investments in significant business assets by type 4 investors**

- (1) This regulation applies to a transaction if every relevant investor either is a type 4 investor or is not an overseas person.
- (2) In applying section 13 of the Act (overseas investments in significant business assets) to the transaction,—
  - (a) an alternative monetary threshold of \$200 million applies in subsection (1)(a)(ii), subject to subclause (3); and
  - (b) an alternative monetary threshold of \$200 million applies in subsection (1)(b)(ii) and (c).
- (3) Subclause (2)(a) does not apply to the acquisition by a type 4 investor (**Z**) of rights or interests in securities of a person (**A**) if—
  - (a) an associate of Z has—
    - (i) a beneficial entitlement to, or a beneficial interest in, any of A’s securities; or



- (ii) the power to control (otherwise than indirectly through Z) the composition of A's governing body to any extent; or
- (iii) a right to exercise, or to control the exercise of, any voting power (other than voting power of Z) at a meeting of A; and
- (b) that associate is an overseas person and is not a type 4 investor.

Regulation 95: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## 96 Definition of type 4 investor

### (1) In this Part, **type 4 investor**—

- (a) means—
  - (i) a type A individual or a China individual; or
  - (ii) a type A enterprise or a China enterprise, if the enterprise—
    - (A) has substantial business activities in a type A territory or the China customs territory; or
    - (B) meets the ownership and control test; or
  - (iii) a non-NZ enterprise that is acting through a type A branch, or a China branch, of the enterprise if—
    - (A) the branch has substantial business activities in a type A territory or the China customs territory; or
    - (B) the enterprise meets the ownership and control test; but
- (b) does not include—
  - (i) a person who is acting for the purpose of supplying, or seeking to supply, a service in New Zealand; or
  - (ii) a non-NZ government investor; or
  - (iii) an enterprise that is acting through an NZ branch of the enterprise.

- (2) In subclause (1)(b)(i), **supply**, in relation to a service, is to be read in accordance with the definition of supply of a service in Article 103 of the China FTA (which relates to trade in services).

Regulation 96: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## Subpart 3—Implementation of Australian CER Investment Protocol

Subpart 3: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## 97 Introduction to subpart 3 and interaction between regulations in Part 5

- (1) The purpose of this subpart is to implement obligations in the Australian CER Investment Protocol.



- (2) Subclause (3) applies if more than 1 regulation in this Part applies to a transaction.
- (3) Regulation 99 overrides subpart 2 and regulation 101 if, or to the extent to which, it gives an alternative monetary threshold for the transaction.

Regulation 97: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## 98 Definitions for subpart 3

- (1) In this subpart, unless the context otherwise requires,—

**Australia** does not include its external territories

**Australian branch** means a branch of an enterprise if the branch—

- (a) is located in Australia; and
- (b) is carrying out business activities in Australia

**Australian enterprise** means an enterprise that is constituted or organised under Australian law

**Australian government investor** is to be read in accordance with regulation 102(1)

**Australian individual** means a natural person who is, under Australian law,—

- (a) an Australian citizen; or
- (b) a permanent resident of Australia

**Australian non-government investor** is to be read in accordance with regulation 100

**GDP implicit price deflator index value** is to be read in accordance with regulation 103(1)

**March 2012 value** is to be read in accordance with regulation 103(2)

**non-ANZ government investor** means—

- (a) the government, or any part of the government (including regional or local government), of—
  - (i) a territory other than Australia or New Zealand; or
  - (ii) a part of a territory other than a part of Australia or New Zealand; or
- (b) a relevant government enterprise; or
- (c) a person who is acting—
  - (i) as an agent, a trustee, or a representative of a non-ANZ government investor; or
  - (ii) in any way on behalf of a non-ANZ government investor; or
  - (iii) subject to the direction, control, or influence of a non-ANZ government investor.



- (2) In applying regulation 87(1) for the purposes of paragraph (b) of the definition of non-ANZ government investor in subclause (1), **relevant government investor** means a non-ANZ government investor or an associate of a non-ANZ government investor.

Regulation 98: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

*Australian non-government investors*

Heading: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

**99 Alternative monetary thresholds for overseas investments in significant business assets by Australian non-government investors**

- (1) This regulation applies to a transaction if every relevant investor either is an Australian non-government investor or is not an overseas person.
- (2) In applying section 13 of the Act (overseas investments in significant business assets) to the transaction,—
- (a) an alternative monetary threshold of the amount given by subclause (3) applies in subsection (1)(a)(ii), subject to subclause (5); and
  - (b) an alternative monetary threshold of the amount given by subclause (3) applies in subsection (1)(b)(ii) and (c).
- (3) The amount to be used under subclause (2)(a) and (b) is determined on the following basis:
- (a) the amount is \$477 million for 2013;
  - (b) for each subsequent year starting with 1 January, the amount is the higher of the following:
    - (i) the amount given by the formula in subclause (4) (rounded to the nearest \$1 million);
    - (ii) the amount for the previous year.
- (4) The formula is—
- $$(\$477 \text{ million} \times \text{GDP implicit price deflator index value}) \div \text{March 2012 value}$$
- (5) Subclause (2)(a) does not apply to the acquisition by an Australian non-government investor (**Z**) of rights or interests in securities of a person (**A**) if—
- (a) an associate of Z has—
    - (i) a beneficial entitlement to, or a beneficial interest in, any of A's securities; or
    - (ii) the power to control (otherwise than indirectly through Z) the composition of A's governing body to any extent; or
    - (iii) a right to exercise, or to control the exercise of, any voting power (other than voting power of Z) at a meeting of A; and



- (b) that associate is an overseas person and is not an Australian non-government investor.

Regulation 99: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## 100 Definition of Australian non-government investor

In this subpart, **Australian non-government investor**—

- (a) means—
  - (i) an Australian individual; or
  - (ii) an Australian enterprise, if the enterprise—
    - (A) carries on substantive business operations in Australia; or
    - (B) meets the ownership and control test; or
  - (iii) a non-NZ enterprise that is acting through an Australian branch of the enterprise if—
    - (A) the branch carries on substantive business operations in Australia; or
    - (B) the enterprise meets the ownership and control test; but
- (b) does not include—
  - (i) an Australian government investor; or
  - (ii) a non-ANZ government investor; or
  - (iii) an enterprise that is acting through an NZ branch of the enterprise.

Regulation 100: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

### *Australian government investors*

Heading: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## 101 Alternative monetary thresholds for overseas investments in significant business assets by Australian government investors

- (1) This regulation applies to a transaction if every relevant investor is 1 of the following:
  - (a) an Australian government investor;
  - (b) an Australian non-government investor;
  - (c) not an overseas person.
- (2) In applying section 13 of the Act (overseas investments in significant business assets) to the transaction,—
  - (a) an alternative monetary threshold of the amount given by subclause (3) applies in subsection (1)(a)(ii), subject to subclause (5); and



- (b) an alternative monetary threshold of the amount given by subclause (3) applies in subsection (1)(b)(ii) and (c).
- (3) The amount to be used under subclause (2)(a) and (b) is determined on the following basis:
  - (a) the amount is \$100 million for 2013;
  - (b) for each subsequent year starting with 1 January, the amount is the higher of the following:
    - (i) the amount given by the formula in subclause (4) (rounded to the nearest \$1 million);
    - (ii) the amount for the previous year.
- (4) The formula is—
 
$$(\$100 \text{ million} \times \text{GDP implicit price deflator index value}) \div \text{March 2012 value}$$
- (5) Subclause (2)(a) does not apply to the acquisition by an Australian non-government investor or an Australian government investor (**Z**) of rights or interests in securities of a person (**A**) if—
  - (a) an associate of **Z** has—
    - (i) a beneficial entitlement to, or a beneficial interest in, any of **A**'s securities; or
    - (ii) the power to control (otherwise than indirectly through **Z**) the composition of **A**'s governing body to any extent; or
    - (iii) a right to exercise, or to control the exercise of, any voting power (other than voting power of **Z**) at a meeting of **A**; and
  - (b) that associate is an overseas person and is neither an Australian non-government investor nor an Australian government investor.

Regulation 101: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## 102 Definition of Australian government investor

- (1) In this subpart, **Australian government investor**—
  - (a) means—
    - (i) the Australian Government; or
    - (ii) an Australian enterprise in which the Australian Government has a 25% or more ownership or control interest; or
    - (iii) a non-NZ enterprise that is acting through an Australian branch of the enterprise, if the Australian Government has a 25% or more ownership or control interest in the enterprise; but
  - (b) does not include—
    - (i) a non-ANZ government investor; or
    - (ii) an enterprise that is acting through an NZ branch of the enterprise.



(2) In subclause (1)(a), **Australian Government** includes—

- (a) the Crown in right of Australia; and
- (b) an Australian State or territory; and
- (c) Australian regional or local government.

Regulation 102: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

### *Supplementary provision*

Heading: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## **103 Supplementary provision relating to Australian investments**

- (1) The **GDP implicit price deflator index value** to be used in the calculations in regulations 99(4) and 101(4) is the first value published by Statistics New Zealand in the implicit price deflator table in the quarterly gross domestic product release for the most recent year ended on 31 March.
- (2) For the purposes of regulations 99(4) and 101(4), **March 2012 value** means the latest version of the GDP implicit price deflator index value for the year ended on 31 March 2012 as published by Statistics New Zealand.
- (3) The regulator must, each year,—
  - (a) publish the amounts given by regulations 99(3) and 101(3) for that year on an Internet site maintained by or on behalf of the regulator; and
  - (b) notify those amounts in the *Gazette*.

Regulation 103: inserted, on 30 December 2018, by regulation 5 of the Overseas Investment (CPTPP) Amendment Regulations 2018 (LI 2018/224).

## **Part 3**

### **Miscellaneous**

*[Revoked]*

Part 3: revoked, on 22 October 2018, by regulation 17 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154)

### *Notices*

*[Revoked]*

Heading: revoked, on 22 October 2018, by regulation 17 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154)

## **39 Relevant Minister or Ministers may give notice of exercise of powers**

*[Revoked]*

Regulation 39: revoked, on 22 October 2018, by regulation 17 of the Overseas Investment Amendment Regulations 2018 (LI 2018/154)







## **Annex 151**

Australia, Social Security (International Agreements) Act 1999  
(Cth), Schedule 3





## **Social Security (International Agreements) Act 1999**

**No. 173, 1999**

### **Compilation No. 52**

**Compilation date:** 1 January 2018

**Includes amendments up to:** F2017L00694

**Registered:** 12 January 2018

This compilation is in 2 volumes

**Volume 1:** sections 1–25  
Schedules

Volume 2: Endnotes

Each volume has its own contents

**This compilation includes a commenced amendment made by  
F2016L01827**

Prepared by the Office of Parliamentary Counsel, Canberra



## Schedule 3 New Zealand

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**PART B**

EXCHANGE OF NOTES AMENDING THE AGREEMENT ON SOCIAL  
SECURITY BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE  
GOVERNMENT OF NEW ZEALAND, DONE AT WELLINGTON ON 8  
DECEMBER 2016

**New Zealand initiating note**

NOTE NUMBER: NZHC 2017 024

The New Zealand High Commission, Canberra presents its compliments to the Department of Foreign Affairs and Trade of Australia and has the honour to refer to the *Agreement on Social Security between the Government of Australia and the Government of New Zealand*, done at Wellington on 8 December 2016 (hereinafter referred to as “the Agreement”) and to subsequent discussions between the two Governments over correction of errors in the text.

The High Commission has the further honour to propose that, on the basis of the aforementioned discussions, the following corrections to the Agreement be made in accordance with Article 79(1)(b) of the Vienna Convention on the Law of Treaties:

1. Article 1(c) and 1(n)(ii) of the Agreement are corrected by deleting the references to the year “2016” and replacing it with the year “1964” so that both references now read the “Social Security Act 1964”.
2. Article 6 of the Agreement is corrected by inserting in paragraph 5, after the words “payable to”, the words “a person in”.

The High Commission has the honour to propose that, if the forgoing is acceptable to the Government of Australia, this note, and the Department’s note in reply, shall together constitute an Exchange of Notes Correcting Errors in the Agreement. The corrected text will replace the defective text.

The New Zealand High Commission, Canberra takes this opportunity to renew to the Department of Foreign Affairs and Trade of Australia the assurances of its highest consideration.

New Zealand High Commission  
CANBERRA

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24 March 2017

**Australian note in reply**

Nº 17/PAD 09

The Department of Foreign Affairs and Trade presents its compliments to the New Zealand High Commission in Canberra and has the honour to refer to the latter's note, NZHC 2017 024 seeking corrections to the *Agreement on Social Security between the Government of Australia and the Government of New Zealand* (the "agreement") done at Wellington on 8 December.

The Department of Foreign Affairs and Trade of Australia has the further honour to advise that the request is acceptable to the Government of Australia and that, accordingly, the High Commission's note and this note in reply shall together constitute an Exchange of Notes correcting errors in the agreement.

The Department of Foreign Affairs and Trade avails itself of this opportunity to renew to the New Zealand High Commission, Canberra the assurances of its highest consideration.

CANBERRA

11 April 2017



## **Annex 152**

Australia, Paid Parental Leave Act 2010 (Cth), s. 45





## **Paid Parental Leave Act 2010**

**No. 104, 2010**

### **Compilation No. 27**

<b>Compilation date:</b>	1 March 2017
<b>Includes amendments up to:</b>	Act No. 61, 2016
<b>Registered:</b>	9 March 2017

**This compilation includes commenced amendments made by Act No. 11, 2016**

Prepared by the Office of Parliamentary Counsel, Canberra



**Chapter 2** When parental leave pay is payable to a person

**Part 2-3** Eligibility for parental leave pay

**Division 5** The Australian residency test

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Section 45

## **Division 5—The Australian residency test**

### **45 When a person satisfies the *Australian residency test***

- (1) A person satisfies the *Australian residency test* on a day if, on that day, the person:
- (a) is an Australian resident; or
  - (b) is a special category visa holder residing in Australia; or
  - (c) satisfies subsection (2).

*When a person satisfies this subsection*

- (2) A person satisfies this subsection if:
- (a) the person is the holder of a visa determined by the Minister for the purposes of subparagraph 729(2)(f)(v) of the Social Security Act; and
  - (b) either:
    - (i) the person is in Australia; or
    - (ii) the person is temporarily absent from Australia for not more than 6 weeks and the absence is an allowable absence in relation to special benefit within the meaning of Part 4.2 of that Act.

### **46 Effect of absence from Australia on Australian residency test**

- (1) Despite section 45, a person does not satisfy the *Australian residency test* on a day (the *relevant day*) if:
- (a) before the relevant day, the person left Australia; and
  - (b) on the relevant day, the person has been absent from Australia for more than 56 weeks since the day the person left Australia.

*Effect of a person's return to Australia within 56 weeks*

- (2) If:







## **Annex 153**

United States Department of Treasury Press Release,  
“Treasury Designates Al-Qa’ida Supporters in Qatar and Yemen”,  
18 December 2013



## U.S. DEPARTMENT OF THE TREASURY

## Press Center

## Treasury Designates Al-Qa'ida Supporters in Qatar and Yemen

12/18/2013

**WASHINGTON** – The U.S. Department of Treasury today imposed sanctions on two al-Qa'ida supporters based in Qatar and Yemen. Abd al-Rahman bin 'Umayr al-Nu'aymi (Nu'aymi) and 'Abd al-Wahhab Muhammad 'Abd al-Rahman al-Humayqani (Humayqani) were named as Specially Designated Global Terrorists (SDGTs) pursuant to Executive Order (E.O.) 13224. Nu'aymi was designated for providing financial support to al-Qa'ida, Asbat al-Ansar, al-Qa'ida in Iraq, and al-Shabaab, and Humayqani was designated for providing financial support to and acting on behalf of al-Qa'ida in the Arabian Peninsula (AQAP).

"It is essential for countries to take proactive steps to disrupt terrorist financing, especially where al-Qa'ida and its affiliates are concerned. We will continue to work with our partners in the Gulf to ensure that charitable donations are not used to support violence in the region or elsewhere," said Under Secretary for Terrorism and Financial Intelligence David S. Cohen.

Nu'aymi is a Qatar-based terrorist financier and facilitator who has provided money and material support and conveyed communications to al-Qa'ida and its affiliates in Syria, Iraq, Somalia and Yemen for more than a decade. He was considered among the most prominent Qatar-based supporters of Iraqi Sunni extremists. Humayqani has used his Yemen-based charity as a cover for funneling financial support to AQAP and has frequently traveled throughout the Arabian Peninsula while conducting business for AQAP. During political unrest in Yemen, Humayqani reportedly assisted AQAP in gaining a foothold and safe haven in al-Bayda' Governorate, Yemen and as of mid-2011 served as the acting AQAP amir there. Both Nu'aymi and Humayqani are at the center of global support networks that fund and facilitate terrorism.

As a result of today's designation, any assets these individuals may have under U.S. jurisdiction are frozen, and U.S. persons are generally prohibited from doing business with them.

**'Abd al-Rahman bin 'Umayr al-Nu'aymi**

In 2013, Nu'aymi ordered the transfer of nearly \$600,000 to al-Qa'ida via al-Qa'ida's representative in Syria, Abu-Khalid al-Suri, and intended to transfer nearly \$50,000 more.

Nu'aymi has facilitated significant financial support to al-Qa'ida in Iraq, and served as an interlocutor between al-Qa'ida in Iraq leaders and Qatar-based donors. Nu'aymi reportedly oversaw the transfer of over \$2 million per month to al-Qa'ida in Iraq for a period of time. He also served as an interlocutor between these Qatari nationals and al-Qa'ida in Iraq leaders. Between 2003 and 2004, Nu'aymi provided support to the Iraqi insurgency more broadly and served as a conduit for their broadcast materials to media outlets.

Nu'aymi as of mid-2012 provided approximately \$250,000 to two U.S.-designated al-Shabaab figures, Mukhtar Robow and Sheikh Hassan Aways Ali, the latter of whom is also designated by the United Nations (UN). Also in 2012, Nu'aymi provided financial support to a charity headed by Yemen-based Abd al-Wahhab Muhammad 'Abd al-Rahman al-Humayqani, who channeled funding to AQAP.

**'Abd al-Wahhab Muhammad 'Abd al-Rahman al-Humayqani**

In his capacity as the head of a Yemen-based charity, Humayqani has used his status in the charitable community to fundraise and has provided some of that funding to AQAP and has facilitated financial transfers from AQAP supporters in Saudi Arabia to Yemen in support of AQAP operations. As of 2012, Humayqani was an important figure within AQAP and reportedly had a relationship with important AQAP leaders. Humayqani and others in March 2012 reportedly orchestrated an AQAP attack on a Yemeni Republican Guard base in al-Bayda' Governorate, Yemen. The attack employed multiple vehicle-borne improvised explosive devices and killed seven. He is suspected to have recruited individuals to AQAP who were involved in a plot to assassinate Yemeni officials.

Humayqani has provided financial support and other services to AQAP and acted for or on behalf of the group. He has represented AQAP in meetings with Yemeni officials to negotiate the release of Yemeni soldiers held by AQAP and worked with AQAP operatives to coordinate the movement of AQAP fighters within Yemen. Humayqani has directed a group of armed AQAP associates that intended to carry out attacks on Yemeni government facilities and institutions, including a Yemeni government building in al-Bayda Governorate. He has also recruited individuals in Sana, Yemen on behalf of AQAP in support of AQAP efforts in southern Yemen.

Along with the U.S. and UN designated cleric Shaykh Abd al-Majid al-Zindani, he has issued religious guidance in support of AQAP operations. Humayqani and AQAP leadership have planned to establish a new political party in Yemen, which AQAP planned to use as a cover for the recruitment and training of fighters and a means to attract broader support. AQAP leadership decided that Humayani would play a public role as a leader and spokesman for the new political party.

**Identifying Information**



## Treasury Designates Al-Qa'ida Supporters in Qatar and Yemen

Page 2 of 2

Abd al-Rahman bin Umayr al-Nu'aymi  
 AKA: Abd al-Rahman bin 'Amir al-Na'imi  
 AKA: 'Abd al-Rahman al-Nu'aimi  
 AKA: 'Abd al-Rahman bin 'Amir al-Nu'imi  
 AKA: 'Abd al-Rahman bin 'Amir al-Nu'aymi  
 AKA: 'Abdallah Muhammad al-Nu'aymi  
 AKA: 'Abd al-Rahman al-Nua'ymi  
 AKA: A. Rahman al-Naimi  
 AKA: Abdelrahman Imer al Jaber al Naimeh  
 AKA: A. Rahman Omair J Alnaimi  
 AKA: Abdulrahman Omair al Neaimi  
 DOB: 1954  
 Passport: 00868774 (Qatar) Expiration Date: April 27, 2014  
 Personal Identification Number: 25463401784 (Qatar)  
 Personal Identification Number Expiration: December 6, 2019

'Abd al-Wahhab Muhammad 'Abd al-Rahman al-Humayqani  
 AKA: 'Abd al-Wahab Muhammad 'Abd al-Rahman al-Humayqani  
 AKA: 'Abd al-Wahab Muhammad 'Abd al-Rahman al-Hamiqani  
 AKA: 'Abd al-Wahab Muhammad 'Abd al-Rahman al-Hamayqani  
 AKA: Abdul-Wahab Mohammed Abdul Rahman al-Humaikani  
 AKA: 'Abdul-Wahab Mohammed Abdul-Rahman al-Humayqani  
 AKA: 'Abdul-Wahab Mohammed Abdul-Rahman al-Humaiqani  
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 AKA: Abdul Wahab al-Humayqani  
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 AKA: 'Abd al-Wahab al-Hamayqani  
 AKA: 'Abd al-Wahab al-Humiqani  
 AKA: Abdulwahhab Mohammed Abdulrahman al-Humaikani  
 AKA: 'Abd al-Wahab al-Qawi al-Hamiqani  
 AKA: 'Abd al-Wahab al-Qawi al-Humayqani  
 AKA: 'Abd al-Wahhab Muhammad 'Abd al-Rahim al-Humayqani  
 AKA: Abu Ayed  
 AKA: Abu Ayid  
 DOB: August 4, 1972  
 POB: al-Zahir, al-Bayda', Yemen  
 Passport: 03902409 (Yemen) Date of Issue: June 13, 2010; Expiration Date: June 13, 2016  
 Passport: 01772281 (Yemen)  
 Personal Identification Number: 1987853 (Yemen)

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## **Annex 154**

Remarks of Under Secretary for Terrorism and Financial  
Intelligence David Cohen before the Center for a New American  
Security on “Confronting New Threats in Terrorist Financing”,  
4 March 2014

<https://www.treasury.gov/press-center/press-releases/pages/jl2308.aspx>



4/1/2019 Remarks of Under Secretary for Terrorism and Financial Intelligence David Cohen before the Center for a New American Security on "Confrontin..."

## U.S. DEPARTMENT OF THE TREASURY

### Press Center

#### **Remarks of Under Secretary for Terrorism and Financial Intelligence David Cohen before the Center for a New American Security on "Confronting New Threats in Terrorist Financing"**

3/4/2014

*As prepared for delivery*

I am grateful to be invited to speak here at the Center for a New American Security. In just a few years, CNAS has established itself as a leader in fostering thoughtful discussion and cutting-edge scholarship on critical security issues confronting the United States, and I appreciate the opportunity to contribute to that conversation this evening.

Before I turn to the focus of my remarks, let me say a few words about the situation in Ukraine. We are deeply concerned and are closely monitoring ongoing developments in Ukraine.

As the President has said, Russia's clear violation of Ukrainian sovereignty and territorial integrity is a breach of international law. In the coming days, we will continue to monitor Russian actions in Ukraine and respond appropriately. We are looking into a wide range of options, including sanctions and ways to increase Russia's political and economic isolation.

We are also working to assist the Government of Ukraine. In fact, Secretary Lew announced earlier today that we have been working with international partners to develop an assistance package that will help the Ukrainian government implement the reforms needed to restore financial stability and return to economic growth. We are working with Congress and our international partners on \$1 billion in loan guarantees aimed at helping insulate vulnerable Ukrainians from the effects of reduced energy subsidies. As part of this package, we also hope Congress approves IMF reforms, which would support the Fund's capacity to lend additional resources to Ukraine. Of note, Ukraine has identified combatting corruption and recovering stolen assets as a pressing need and our assistance package seeks to support this goal, among others.

#### **Introduction**

The focus of my remarks this evening will be the evolving landscape of terrorist financing, the challenges we face, and the steps we are taking to meet these challenges.

As this audience knows, since the attacks of September 11, the United States has undertaken an unprecedented effort to protect the homeland and our interests and allies abroad from the scourge of terrorism, and as part of this effort has focused as never before on detecting, disrupting, and dismantling the financial infrastructure of terrorist organizations.

Treasury's Office of Terrorism and Financial Intelligence (TFI) has been at the forefront of this effort. By developing and deploying innovative financial tools, and marshaling the support of the domestic and international private sectors, multilateral fora, foreign regulators, and foreign ministries, we have made it harder than ever for terrorists to raise, move, store, and use funds.



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There is no doubt that we have made significant progress over the past 12 years. Most dramatically, al-Qa'ida today is far less well-funded than it was a dozen years ago. But I am not here to recount our successes; rather, I want to describe the new challenges we face and open a dialogue on how we should adapt to address them. Because despite our progress, one need only open a newspaper to see that terrorist threats and, more specifically, terrorist *financing* threats, persist.

### **The Dollars and Cents of Terrorist Financing**

Just as we are focused on undermining the financial wherewithal of terrorist organizations, terrorists, of course, also remain focused on their finances.

Recently discovered documents belonging to al-Qa'ida in the Lands of the Islamic Maghreb (AQIM) perfectly illustrate the almost mundane financial reality for many of these groups. Among the documents found were receipts, scribbled on post-it notes: \$6,800 for "workshops," \$330 for ammunition and \$1.80 for a bar of soap. Documents recovered during the 2011 raid on Osama bin Laden's compound in Pakistan illustrate the same reality. Meticulously kept records detailed expenditures on everything from salaries for fighters and their families to floppy disks, and even included receipts for explosives.

A focus on finances has also provided propaganda value for terrorists. In 2010, the English language magazine of al-Qa'ida in the Arabian Peninsula's (AQAP) featured a cover image with the figure "\$4,200" superimposed over a UPS plane, the target of a failed plot to use bombs concealed in printer cartridges to destroy the aircraft in U.S. airspace.

The message AQAP was trying to send was clear: By its accounting, attacking the United States could cost as little \$4,200.

On one level, that message is borne out in reality. The recent attack on the Westgate Mall in Nairobi reportedly cost less than \$5,000 to execute, and the materials used in the Boston Marathon bombings last spring reportedly cost about \$500.

But while organizing a single terrorist attack may be relatively inexpensive, managing a terrorist organization capable of conducting an attack – particularly a sophisticated, mass casualty attack on the scale of 9/11 or the Westgate Mall – remains costly, complex, and bureaucratic.

Substantial funds are required to finance each component of the terrorist life cycle: communications, logistics, recruitment, salaries, training, travel, safe havens, bribes, weapons acquisition, payments to the families of the deceased fighters, and support to other groups. This is especially true for terrorists who aspire to strike from a distance, and even more so to strike targets that are well-defended. Their sizable operating budgets and global supply chains create vulnerabilities for even the most nimble and methodical terrorist group.

We focus our efforts on exploiting these vulnerabilities by severing terrorist financing and support. To do so effectively requires a nuanced understanding of the different methods terrorists use to raise and move funds so that we can best tailor our efforts, and try to stay one step ahead of our adversaries.

### **From Global to Local: How Terrorists Raise Funds Today**

#### ***Externally Generated Capital: State Sponsors, Deep Pocket Donors, and Charities***

Now traditionally, terrorist groups relied on a variety of external funding sources to meet their needs and had comparatively easy access to the global financial system to move and store their funds. It was a rather simple system: Terrorist groups, appealing to the misbegotten sympathy of foreign states, organizations, and individuals alike, collected contributions to fund their activities, and then placed those funds into the financial system, taking advantage of unwitting and poorly defended financial institutions.

Over the past decade, powerful financial sanctions at the national and international levels, coupled with close cooperation among governments and the private sector, have helped combat these traditional methods of terrorist financing. Focusing on the potent combination of legal risk and reputational risk has proven particularly effective.



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Efforts to enhance financial transparency have also made it harder than ever for terrorists and other illicit actors to exploit the international financial system. At the core of these efforts is the work of the Financial Action Task Force (FATF), the inter-governmental body that sets the international standards for anti-money laundering and countering the financing of terrorism (AML/CFT) safeguards and works for their global adoption and implementation. Through a peer review process to evaluate compliance with its AML/CFT standards, the FATF has been extraordinarily successful in improving global capacity to combat the full range of illicit financial activity, including terrorist financing.

Turned away by banks and other reputable financial institutions, terrorist groups have increasingly turned to less regulated channels – including hawaladars, exchange houses, and cash couriers – to transfer funds. None of this is new, of course, but these channels are decidedly less effective than transacting through the global financial system. Using these alternative transfer mechanisms carries greater transaction costs; higher risk of loss and theft; logistical complications – cash is bulky and heavy; and its own legal risk, as terrorists are forced to navigate border controls to transfer funds. These mechanisms also require terrorist groups to rely on more people and larger networks than simple wire transfers, making these financing channels and the terrorists who stand to benefit from them more vulnerable to discovery.

While improved international counter-terrorism cooperation and steadily improving implementation of financial transparency standards have forced terrorist groups to alter their funds transfer patterns and diversify their revenue sources, some of the traditional fundraising and transfer practices persist and still require our attention.

First, it should come as no surprise to anyone that states continue to fund terrorism.

Iran remains the world's most active state sponsor of terrorism, planning terrorist attacks, providing lethal aid, and delivering hundreds of millions of dollars per year in support to extremist groups across the globe. Hizballah, for example, has received significant monetary payments from Iran to fund the group's activities in support of the brutal Asad regime. And during the past several years, Iranian weapons shipments, reportedly destined for Shia militants in Bahrain and Huthi rebels in Yemen, have been interdicted by local authorities.

It is worth noting that while we continue our negotiations with the Iranians concerning their nuclear program, we will not let up one iota in our efforts to disrupt Iran's support for terrorism. Just a few weeks ago, we announced designations of several entities and individuals tied to Iranian terrorist activity, including a number of Qods Force officers operating in Afghanistan.

In fact, the success of our unprecedented Iranian sanctions regime – including sanctions on Iranian financial institutions and Iran's ability to sell its oil – has had the collateral benefit of squeezing Tehran's ability to fund terrorist groups such as Hizballah. So as we continue to vigorously enforce our nuclear-related sanctions over the next six months, we expect the financial screws on Iran to tighten even more.

But, distressingly, Iran is not the only state that provides financial support for terrorist organizations.

Most notably, Qatar, a longtime U.S. ally, has for many years openly financed Hamas, a group that continues to undermine regional stability. Press reports indicate that the Qatari government is also supporting extremist groups operating in Syria. To say the least, this threatens to aggravate an already volatile situation in a particularly dangerous and unwelcome manner.

With new leadership in Doha, we remain hopeful that Qatar – a country that in other respects has been a constructive partner in countering terrorism – will continue to work closely with us to oppose and combat those who adhere to the warped and murderous ideology of Hamas and al-Qa'ida.

Meanwhile, other traditional means of funding terrorist groups, such as deep-pocket donors and charitable organizations, have experienced a resurgence of late.



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Al-Qa'ida still looks to these tried and true methods to raise funds. Since early 2012, senior al-Qa'ida leaders in Pakistan have raised millions of dollars from deep pocket donors. They receive the majority of their funds from Gulf-based sympathizers, followed by supporters based in Pakistan and Turkey.

Nevertheless, al-Qa'ida is currently experiencing financial hardship. The death of several key religious and financial leaders in Pakistan along with increased scrutiny of the group's Iran-based facilitation network – another target of our recent designation activity – have degraded its ability to move and manage funds.

Al-Qa'ida's financial strain is also the result of critical bilateral cooperation. Our partner Saudi Arabia has made great progress in stamping out al-Qa'ida funding sources within its borders. Still, we have more work to do with the Saudis to prevent other groups, such as the Haqqani Network and Lashkar-e Tayyiba (LeT), from accessing sympathetic donors in the Kingdom.

Traditional terrorist financing sources have also helped fuel the ongoing conflict in Syria. Over the past few years, charitable fundraising networks in the Gulf have collected hundreds of millions of dollars through regular fundraising events held at homes or mosques and through social media pleas. These networks then use couriers, wire transfers, hawalas, and exchange houses to move those funds to Syria, often to extremists.

Certainly much of the private fundraising in the Gulf related to Syria is motivated by a sincere and admirable desire to ease suffering, and the funds are used for legitimate humanitarian purposes. The Assad regime's ongoing brutality in Syria has led to a dire humanitarian crisis – certainly the most pressing in the world today – and the need for humanitarian relief is undeniable.

But a number of fundraisers operating in more permissive jurisdictions – particularly in Kuwait and Qatar – are soliciting donations to fund extremist insurgents, not to meet legitimate humanitarian needs. The recipients of these funds are often terrorist groups, including al-Qa'ida's Syrian affiliate, al-Nusrah Front, and the Islamic State of Iraq and the Levant (ISIL), the group formerly known as al-Qa'ida in Iraq (AQI).

The influx of funds to these groups in Syria poses a serious challenge. Apart from their highly destabilizing role in the ongoing conflict there, these well-funded and well-equipped groups may soon turn their attention to attacks outside of Syria, particularly as scores of newly radicalized and freshly trained foreign recruits return from Syria to their home countries.

To confront this challenge, we are closely tracking the movement of funds to Syria, especially – but not only – funds coming out of the Gulf. And we have already targeted and applied sanctions against several key fundraisers, extremist leaders, and terrorist organizations. We are also actively supporting our partners throughout the region, including the Saudis and the Turks, in their efforts to stem the tide of funding to extremists operating in Syria.

But there are countries in the region that could be doing much more. Our ally Kuwait has become the epicenter of fundraising for terrorist groups in Syria. A number of Kuwaiti fundraisers exploit the charitable impulses of unwitting donors by soliciting humanitarian donations from both inside and outside the country, cloaking their efforts in humanitarian garb, but diverting those funds to extremist groups in Syria. Meanwhile, donors who already harbor sympathies for Syrian extremists have found in Kuwait fundraisers who openly advertise their ability to move funds to fighters in Syria.

While we congratulate the Kuwaiti Government on steps it has taken recently to enhance its capacity to combat illicit finance, such as enacting a new law outlawing terrorist financing, we urge the Kuwaitis to do more to effectively stem the flow of money to terrorists.

There have been some encouraging conversations recently, but the appointment of Nayef al-Ajmi to be both Minister of Justice and Minister of Islamic Endowments (Awqaf) and Islamic Affairs is a step in the wrong direction. Al-Ajmi has a history of promoting jihad in Syria. In fact, his image has been featured on fundraising posters for a prominent al-Nusrah Front financier. And following his



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appointment, the Ministry of Awqaf announced it would allow non-profit organizations and charities to collect donations for the Syrian people at Kuwaiti mosques, a measure we believe can be easily exploited by Kuwait-based terrorist fundraisers.

As the Kuwaitis have been reminded recently, we are committed to helping them redouble their efforts to counter those collecting funds for terrorists while ensuring that legitimate charitable donations ease the suffering of the Syrian people. But the Kuwaitis must understand that the unregulated funding of extremists does more to destabilize the situation in Syria than to help the Syrian people.

Constraining this flow of funds is particularly challenging in an era when social media allows anyone with an Internet connection to set himself up as an international terrorist financier. We see this activity most prominently in Kuwait and Qatar, where fundraisers aggressively solicit donations online from supporters in other countries, notably Saudi Arabia, which have banned unauthorized fundraising campaigns for Syria.

Private fundraising networks in Qatar, for instance, increasingly rely upon social media to solicit donations for terrorists and to communicate with both donors and recipient radicals on the battlefield. This method has become so lucrative, and Qatar has become such a permissive terrorist financing environment, that several major Qatar-based fundraisers act as local representatives for larger terrorist fundraising networks that are based in Kuwait.

There should be no doubt that while we remain committed to working with countries such as Kuwait and Qatar to confront ongoing terrorist financing, the U.S. will not hesitate to act on its own to disrupt these terrorist financing networks. The long list of designated al-Qa'ida-linked fundraisers, financiers, and functionaries is proof of that.

In that vein, Treasury recently designated prominent terrorist financiers Abd al-Rahman bin 'Umayr al-Nu'aymi (Nu'aymi) and Muhammad 'Abd al-Rahman al-Humayqani (Humayqani). Nu'aymi is a Qatar-based financier who secured funds and provided material support for al-Qa'ida and its affiliates in Syria, Iraq, Somalia, and Yemen. Humayqani is a Yemen-based fundraiser who used his status in the charitable community as a cover for funneling financial support to AQAP.

### ***Self-Generated Capital: Criminal Activity, Kidnapping for Ransom, Territorial Control***

During the past few years, a diminished al-Qa'ida "core" has spawned numerous affiliates that recruit their own jihadists, organize their own operations, and raise their own funds. Other terrorist groups, with loose or no affiliation to al-Qa'ida, have also emerged, including, for example, the recently designated terrorist organizations Ansar al-Shari'a in Benghazi, Darnah, and Tunisia.

Many of these groups generate capital locally, often in areas subject to little if any governmental control. The funds that are raised often stay essentially where they started. Without the need to move money, terrorists can avoid key international controls and, in so doing, limit governments' ability to track and disrupt their funding flows.

These groups also increasingly have turned away from the traditional "donor" model of fundraising and rely more on criminal activity for their financial support.

Just like their longstanding reliance on less-regulated channels for transferring funds, terrorists profiting from criminal activity is hardly new. From Hizballah's cigarette smuggling to the Taliban's drug trafficking to the Haqqani network's mafia-like extortion schemes, terrorist groups have long turned to crime in their quest for funding.

And while the growing terrorist reliance on garden-variety crime poses certain challenges, it has a potentially perverse upside too: Terrorist funding networks that rely on criminal activity tend to alienate the populations where they operate, draw the attention of traditional law enforcement authorities, and are vulnerable to detection by well-designed, well-implemented, and well-resourced AML/CFT programs.



4/1/2019 Remarks of Under Secretary for Terrorism and Financial Intelligence David Cohen before the Center for a New American Security on "Confrontin..."

Even so, the magnitude and scale of this crime-terror nexus has reached new heights with the spread of kidnapping-for-ransom (KFR) as a fundraising strategy.

Apart from state sponsorship, KFR is today's greatest source of terrorist funding and the most challenging terrorist financing threat. Groups such as AQAP, AQIM, and al-Shabaab continue to collect tens of millions of dollars from ransoms. And they are putting that money to work.

AQAP used ransom money it received for the return of European hostages to finance its over \$20 million campaign to seize territory in Yemen between mid-2011 and mid-2012.

AQIM, which has provided funding for other terrorist groups including Ansar al-Sharia in Tunisia, is believed to have obtained a €30 million ransom payment in October 2013 for the release of four French hostages who worked for the French government-owned nuclear firm Areva. The French government has denied that any public funds were involved in the ransom payment.

And in July 2013, al-Shabaab elements netted an approximately \$5 million ransom in exchange for the release of two Spanish hostages who were kidnapped in Kenya in October 2011.

Meanwhile, other terrorist groups, such as Boko Haram and its offshoot, Ansaru, also are increasingly turning to KFR to finance their operations.

If we are going to successfully combat terrorist financing – especially in North Africa and Yemen – we must do a better job of preventing terrorist groups from successfully using kidnapping to raise money. We have a multi-faceted approach to do this.

First is prevention. We are working closely with international counterparts to develop and implement best practices for governments and companies to reduce the risk that their citizens and employees are kidnapped in the first place. Some kidnappings could be prevented if relatively easy precautions were taken to, in effect, harden the target. We are exploring whether the structure and terms of insurance for businesses operating in high-risk areas could be modified to create additional incentives to implement these best practices.

We know, however, that even the best efforts at prevention are not failsafe. So we are also working to reduce the underlying incentive to take hostages by encouraging governments to refrain from making concessions to terrorists. Refusing to pay ransoms or to accede to other terrorist demands is the surest way to convince potential hostage-takers that they will not be rewarded for their crime.

This has been U.S. policy for many years. The U.S. government will not pay ransoms or make other concessions to hostage-takers. Although this may appear to be cold-hearted and is often agonizingly difficult to sustain in practice, plain logic and long experience demonstrate that this policy has led to fewer Americans being taken hostage, which protects the safety and security of our citizens around the world. We are not alone in this approach; the UK, for example, also steadfastly adheres to a no-concessions policy. Yet, despite the evidence indicating that kidnappers prefer not to take hostages who are citizens of countries that refuse to pay ransoms, not all countries have adopted this position.

We are working to change that and we are making some progress. In its June 2013 Communiqué, the G-8 leaders, for the first time ever, unequivocally rejected the payment of ransoms to terrorists. And just a few weeks ago, the United Nations Security Council definitively expressed its determination to secure the safe release of hostages without ransom payments or political concessions. As our position continues to gain traction internationally, we will work hard to translate this emerging consensus from paper to practice.



4/1/2019 Remarks of Under Secretary for Terrorism and Financial Intelligence David Cohen before the Center for a New American Security on "Confrontin..."

When ransoms are paid, our final line of defense is to deny the terrorist kidnappers the benefits of their crime. We work with governments and the private sector to identify, arrest, and prosecute hostage takers, and, when possible, to locate, freeze, and seize their assets. This can be difficult because of geography and the often limited resources of the jurisdictions where terrorist kidnapping activity is most prevalent. But there have been some notable successes.

In 2012, for example, Nigerian authorities arrested an accountant for Boko Haram after he made several money transfers that aroused the suspicion of bank officials. Those officials alerted security agents, who took both the accountant and an associate into custody. At the time of his arrest, the accountant is reported to have been carrying nearly \$30,000 in cash, which he was in the process of transferring.

Terrorist groups that control territory have employed yet another self-generated revenue source – “taxing” local populations. Pioneered by groups such as Hamas and al-Shabaab, this form of pseudo-sovereignty-based fundraising has spread to other un- or under-governed territories around the world.

For example, despite losing control of the port of Kismayo, which was its key revenue source, al-Shabaab continues to generate at least hundreds of thousands of dollars per month, primarily through taxation and extortion, in its remaining strongholds in southern Somalia.

Newer groups are also translating territorial control into revenue. ISIL generates a portion of its extortion-derived proceeds from Iraqi and Syrian oil resources, while its al-Qa’ida-linked rival, al-Nusrah Front, has also exploited local natural resources to raise funds. Similarly, in 2012, prior to the French intervention in Mali, AQIM taxed local residents in northern Mali to meet their funding needs.

Attacking locally-derived financial flows that largely avoid the regulated financial system is, to be sure, a real challenge. While we continue to utilize our tools and authorities to expose and isolate many of these terrorist groups and their facilitators, and while we continue our efforts to bring transparency to those corners of the financial system that remain susceptible to abuse, combatting locally-sourced capital requires some new approaches as well.

Coercing funding out of local populations often foments bitterness within the very populations on which terrorist organizations rely. While capitalizing on this “rejection” dynamic is complex, we should use every tool available – from continuing to highlight the way terrorists exploit local populations to focusing aid efforts to compete with the services terrorist organizations provide – to turn this resentment into financial strain for the occupying terrorist groups and to deny them any mantle of legitimacy. We should also continue to provide robust technical assistance and training to willing countries worldwide to increase international financial transparency and improve global capacity to disrupt illicit finance.

### **The Critical Contribution of the Private Sector**

As terrorist financing practices evolve, our tactics and approaches to combat terrorist financing also must evolve. But one constant will be our need for collaboration with the private sector.

At first glance, the increasing use by terrorist groups of less-regulated, local, and criminal means to raise and move funds might seem to imply a less prominent role for financial institutions in combatting terrorist financing.

But the opposite is true. The clues may be better masked and the footprints fainter, but terrorist groups still systematically intersect with the international financial system – albeit in more remote and obscured ways. Complicit hawaladars still send wire transfers and dispense cash to extremists with the aid of regulated financial institutions. Corrupted exchange houses still maintain bank accounts to launder illicit funds. And terrorist groups and their supporters still establish front companies to “layer” their financial transactions and avoid detection.

Our recent actions directed at the Lebanese financial sector – beginning with our action against the Lebanese Canadian Bank in 2011 and continuing with our actions against two Lebanon-based exchange houses last year – illustrate well how terrorists still depend on the international financial system, and how we can contest their access.

Hizballah benefitted from the money laundering scheme that was the focus of these actions. The scheme spanned several continents and involved the laundering of hundreds of millions of dollars in drug proceeds. The perpetrators used bulk cash shipments, deposits into



4/1/2019 Remarks of Under Secretary for Terrorism and Financial Intelligence David Cohen before the Center for a New American Security on "Confrontin..."

exchange houses with accounts at Lebanese banks, and a trade-based money laundering scheme involving wire transfers into the United States to purchase used-cars for export to West Africa. At its core, this operation relied upon the international financial system, including U.S. banks.

So, even in this new era of terrorist financing, banks must continue to be vigilant partners in protecting the global financial system from being infiltrated by terrorist groups and their facilitators. They can and must continue to be force multipliers, including by helping us as we work to identify new typologies of abuse, sharing that knowledge with their colleagues and the government, and implementing effective risk management strategies to address current and forthcoming terrorist financing threats.

We are looking to do our part to improve this sharing of information by exploring changes to the rules governing information sharing among financial institutions and between financial institutions and the government.

In particular, we are exploring ways to expand the use of Section 314 (a) and 314 (b) of the USA PATRIOT Act to enhance the flow of information from the government to financial institutions, and between financial institutions themselves on the full spectrum of illicit financial threats. The constantly evolving nature of terrorist financing necessitates that we all have the most current and complete understanding of the threat, without which threats could go unidentified. The better the flow of information with respect to these threats among institutions, and between governments and financial institutions, the better our ability to address them collectively.

### **Confronting Morphing Tactics in Terrorist Financing**

Perhaps the most important lesson gleaned over the past 12 years is that terrorist financiers are consummate opportunists. And, if the past is any indication, we can expect to see further adaptation and evolution in how terrorists raise and move capital over the next few years.

Innovations in traditional modes of terrorist fundraising, particularly through the use of social media, will continue to pose new challenges. As we have seen in the context of Syria, fundraisers can now use social media handles instead of face-to-face solicitations, and sympathetic donors can bypass a risky rendezvous in favor of a simple and remote hashtag search.

While social media already has helped terrorists raise funds, the emergence of so-called "crypto-currencies" or "virtual currencies" could conceivably help terrorists move and spend funds. But like any other form of value transfer, well-designed, well-implemented, and well-enforced regulation can combat the abuse of these new payment methods. Guidance issued by Treasury's Financial Crimes Enforcement Network (FinCEN) on virtual currencies is a good first step in ensuring transparency in this rapidly developing field. We will, of course, continue to monitor developments and adjust our regulatory framework accordingly. We will also continue to encourage our international partners to do the same in order to stave off the illicit finance threats of new, web-based value-transfer mechanisms.

Back in the tangible world, terrorist groups continue to forge new alliances and revamp old approaches, and our efforts need to take account of this as well.

Established terrorist groups are increasingly acting as financial incubators for the next generation of extremists by providing capital to newer groups. This malignant form of mentorship can be seen in the tens of thousands of dollars that the Egypt-based Muhammad Jamal Network received from AQAP in 2012, and the over \$100,000 sent to the Gaza-based Mujahidin Shura Council by AQIM in the past year.

And following the model of LeT, Hamas, and Hizballah, we are also witnessing some terrorist groups complementing their traditional splashy attacks with a "hearts and minds" appeal to gain popular support.

Ansar al-Shari'a groups in Tunisia and Libya, and AQIM in Mali, for example, have expended greater effort toward winning over local populations. Recent press reports have highlighted AQIM receipts of \$4 for medicine "for a Shiite with a sick child" and \$100 in financial aid for a man's wedding. In Syria, al-Nusrah Front is currying local favor by providing civilians with essential items like food, water, and blankets. Leveraging social media to boost social capital, the terrorist group showcased these efforts in an online video featuring fighters delivering candy to young children and infant formula to new mothers.



4/1/2019 Remarks of Under Secretary for Terrorism and Financial Intelligence David Cohen before the Center for a New American Security on "Confrontin...

The need to counter these disingenuous groups cannot be minimized. Even legitimate charitable activity that benefits a terrorist organization strengthens that organization; this is why they do it. Although some of our international partners may disagree with us, we must not allow terrorist organizations to use the cover of seemingly legitimate charitable activity to mask and advance their broader violent objectives.

Rather than focusing their efforts locally, some other groups and individuals have aimed their charm offensive at international audiences to provide a cloak of legitimacy for their terrorist ambitions. Nu'aymi, the recently designated terrorist financier, embodied this duplicity as he promoted humanitarian causes in European capitals while surreptitiously providing money and material support to al-Qa'ida and its affiliates in Syria, Iraq, Somalia, and Yemen.

Despite his extensive terrorist financing record, Nu'aymi has maintained his position as president of the Swiss-based organization, Alkarama. We strongly urge Alkarama and other organizations that have a relationship, directly or indirectly, with Nu'aymi to distance themselves from this disgraced terrorist financier. Benign neglect cannot provide cover for those advocating for human rights while underwriting terror.

### **Conclusion**

The dynamic nature of terrorist financing presents new challenges, but also new opportunities. As we confront those challenges and exploit those opportunities, we remain as dedicated as ever to deploy our tools – astutely crafted, surgically targeted, and aggressively implemented – to protect our country from those who would do us harm.

Thank you, again, to CNAS for inviting me to speak this evening.



## **Annex 155**

Screenshots of Federal Authority For Identity & Citizenship website

Arabic with English translation

<https://beta.echannels.moi.gov.ae>





# دليل مستخدم الخدمات للحالات الإنسانية

بوابة الخدمات الذكية  
(ECHANNELS)

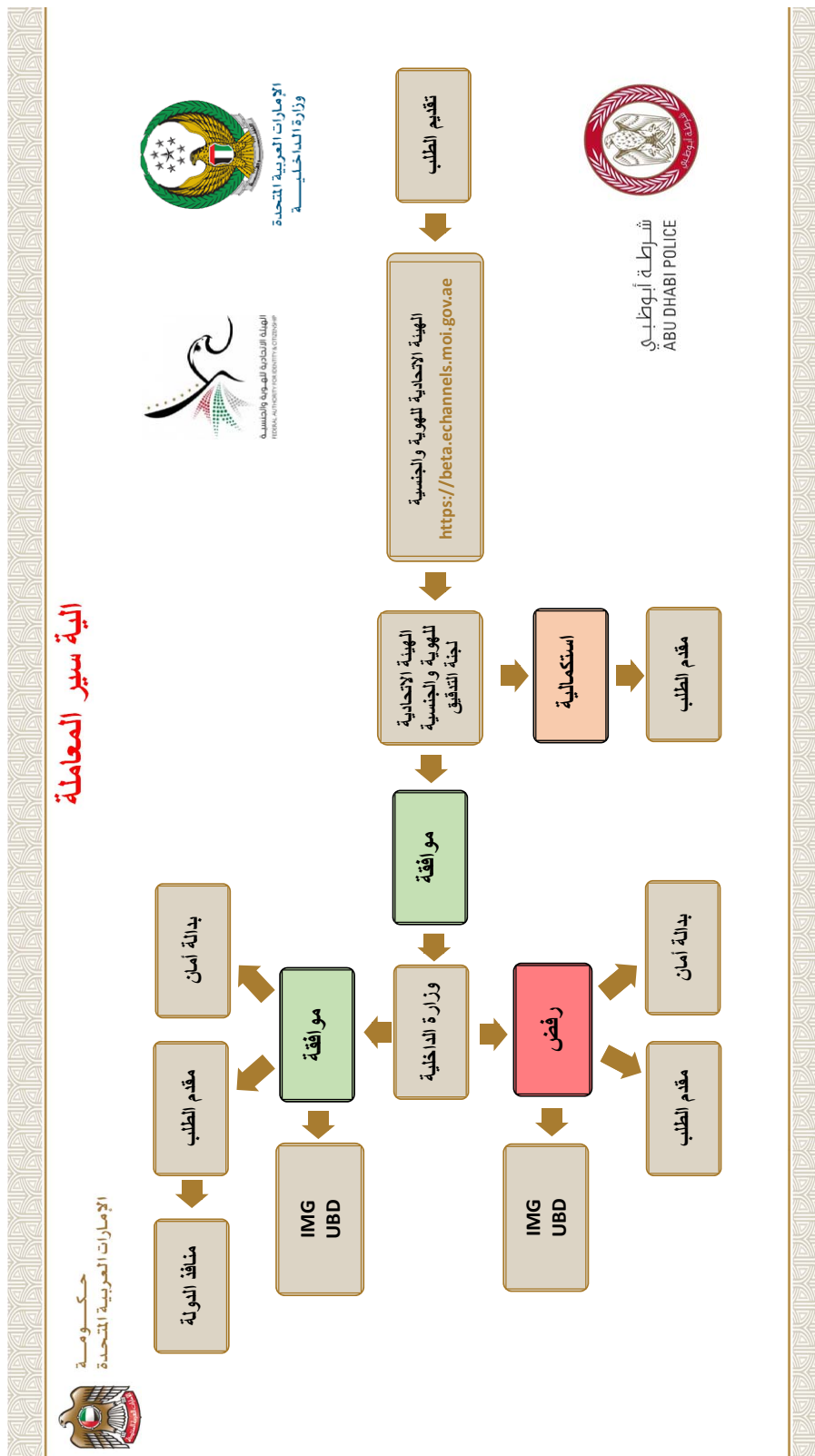




# Humanitarian Services User Guide

(ECHANNELS)



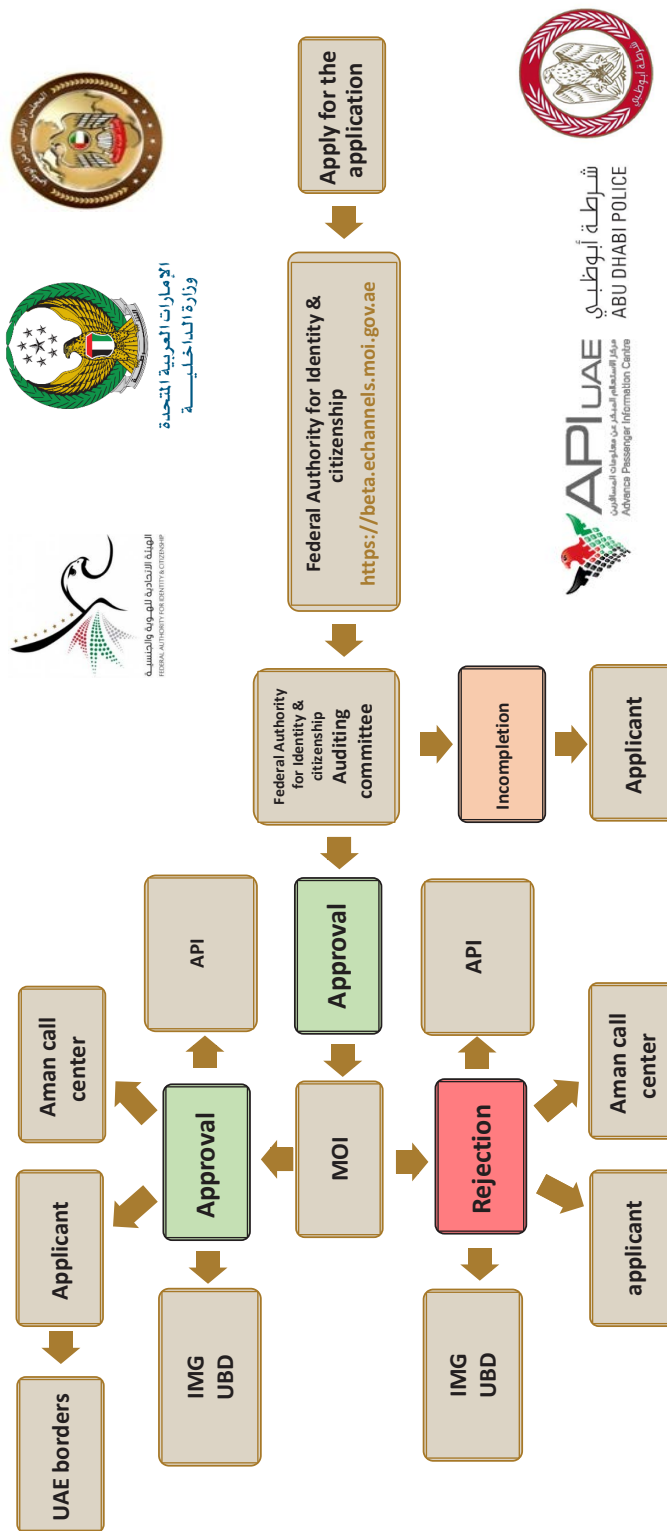




## Process of application



حكومة  
الإمارات العربية المتحدة







حكومة  
الإمارات العربية المتحدة

## خطوات تقديم الطلب

<https://beta.echannels.moi.gov.ae>



**المرحلة الأولى**  
كتابة تفاصيل رحلة الوصول، وتفاصيل رحلة الوصول مهمة لأن بعض الحقول مرتبطة بشروط

### الشروط المرتبطة بالحقول

- تاريخ الوصول التصريح صالح فقط في نفس تاريخ الوصول
- إمارة الوصول / نوع المنفذ / اسم المنفذ
- التصريح سيكون صالح فقط من خلال المنفذ الذي يتم اختياره، وعليه يرجى توخي الدقة في اختيار المنفذ الصحيح

**ملاحظة :** على مقدم الطلب ملئ كل الحقول التي يجانبها نجمة حمراء \*



**البدء بتقديم طلب "تصريح - سفرة واحدة - دخول - اصدار تصريح استثنائي"**  
قم بالضغط على **"خدمات عامة"** ومن ثم رابط **"إبدأ الخدمة"**





## Steps for application

<https://beta.echannels.moi.gov.ae>



**First stage**  
Write the details of the arrival trip -

Departure Tour Details	
Departure Date *	Departure Emirate *
<input type="text"/>	<input type="text"/>
Port Type *	Port Name *
<input type="text"/>	<input type="text"/>
Traveler Destination *	
<input type="text"/>	

Arrival Tour Details	
Arrival Date *	Arrival Emirate *
<input type="text"/>	<input type="text"/>
Port Type *	Port Name *
<input type="text"/>	<input type="text"/>

**Next**

**Conditions associated with fields**

- date of arrival / authorization is valid only on the same arrival date
- port name / port type / emirate of arrival
- The authorization will only be valid through the chosen port so be careful while choosing the port



To start applying your request press “ Public services “ and then go to “ Start Service “

Customer Satisfaction Survey | FAQ | Contact Us | **Public Services** | [Browse Smart Service](#) | [Learnings Videos and Links](#) | [User Manual](#) | [Change Language](#)

**Browse Smart Service**

<p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p> <p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p> <p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p>	<p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p> <p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p> <p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p>	<p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p> <p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p> <p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p>	<p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p> <p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p> <p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p>
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• ومن ثم على مقدم الطلب ادخال البيانات المطلوبة حسب سبب الزيارة المختار مثال : صلة قرابة

صلوة قرآنية

صلوة قرائية

## ● ادخال البيانات المطلوبة حسب سبب الزيارة

[illegible]

• يجب على مقدم الطلب اختيار الجنسية من قائمة الجنسيات المتاحة في القائمة المنسدلة

**سؤال الجواب**

الاجابة هي :

عندما يكون

تختلف باختلاف سبب الزيارة

● على مقدم الطلب اختيار سبب الزيارة وللعلم فإن البيانات والمرفقات المطلوبة

**• أنواع الذبذبات العنصرية :**

- دراسة
- صلة قرابة
- علاج
- عمل
- مالك عقار
- الخاء





حكومة  
الإمارات العربية المتحدة

## Reasons of visit

The applicant must enter data according to the reason of visit ( Example : Relationship )

Visit Reason \*

Relationship

Enter data according to the reason of visit

**Personal Information For Traveller (Service Beneficiary)**

Emirate United Number \*

Full Name (English) \*

Full Name (Arabic) \*

Current Nationality \*

Gender \*

Birth Country \*

Place Of Birth (English) \*

Mother Name (English) \*

Grandfather (Mother Side) \*

Religion \*

Qualification \*

Previous Nationality Please select

Date Of Birth \*

Marital Status \*

Place Of Birth (Arabic) \*

Mother Name (Arabic) \*

Faith Please select

Professions Please select

The applicant must select his nationality from the drop menu

Visit Reason

Nationality \* QATAR

The applicant must choose the reason for visit. Note: required data and attachment are different according to the reason of visit

Visit Reason \*

Relationship

Education

Property Owner

Relationship

Treatment

Work

Other

Types of visit:

Education - Work -  
Relationship - Property Owner -  
Treatment - Other -



## بيانات المسافرين

[illegible]

يتم تقديمه (والذي لا يزال مسودة) ويسمى الرقم المرجعي، ويمكن إيجاد الرقم المرجعي في أعلى الصفحة.

الرقم المرجعي : 0001077461962018309497487

● يمكن استخدام الرقم المرجعي لاتمام مسودة الطلب في وقت لاحق أو لمتابعة الطلب.

بيانات المسافر





Passenger information

Personal Information For Traveller (Service Beneficiary)

Emirate United Number \*

Emirate United Number

Full Name (English) \*

Full Name (English)

Full Name (Arabic) \*

Full Name (Arabic)

Current Nationality \*

QATAR

Previous Nationality

Please select

Gender \*

Please select

Date Of Birth \*

Date Of Birth

Marital Status \*

Please select

Birth Country \*

Please select

Place Of Birth (English) \*

Place Of Birth (English)

Place Of Birth (Arabic) \*

Place Of Birth (Arabic)

Mother Name (English) \*

Mother Name (English)

Mother Name (Arabic) \*

Mother Name (Arabic)

Grandfather (Mother Side) \*

Grandfather (Mother Side)

Religion \*

Please select

Faith

Please select

Qualification \*

Please select

Professions \*

Please Search

When reaching this step the website creates application number ( Reference number )

Reference Number : 0001077491902019315776198

The reference number can be used later to follow up the application

Passenger information

The applicant must fill all the fields with a red star  
The information can be filled either by writing or choosing from the drop menu



## العناوين

- يجب ادخال كافة العناوين الإخبارية بشكل صحيح وللعلم فإن العناوين تنقسم الى نوعين :
- عنوان المسافر داخل دولة الامارات
- عنوان مقدم الطلب خارج دولة الإمارات

- داخل الدوالة**

[illegible][illegible]





الإمارات العربية المتحدة  
حكومة

### EXAMPLE OF THE ADDRESS FIELDS:

ADDRESS OF Residence inside and outside the country  
Cellular phones

#### INSIDE U.A.E

Applicant location inside UAE *		Local Building	Local Building
Please Select *	Please Select *		
Please Enter Detailed Address			
Local Flat Number	UAE Mobile Number		
Local Flat Number	00971 - UNITED ARAB E...	UAE Mobile Number	
UAE Phone Number*	Permanent Country *		
00971 - UNITED ARAB E...	Please select		
Applicant location outside UAE *			
Permanent Mobile Number *	Email *		
00971 - UNITED ARAB E...	ergergergarg@hotmail.com		
PoBox			
PoBox			
Back		Next	

#### Outside U.A.E

Applicant location inside UAE *		Local Building	Local Building
Please Select *	Please Select *		
Please Enter Detailed Address			
Local Flat Number	UAE Mobile Number		
Local Flat Number	00971 - UNITED ARAB E...	UAE Mobile Number	
UAE Phone Number*	Permanent Country *		
00971 - UNITED ARAB E...	Please select		
Applicant location outside UAE *			
Permanent Mobile Number *	Email *		
00971 - UNITED ARAB E...	ergergergarg@hotmail.com		
PoBox			
PoBox			
Back		Next	

## Addresses

### ADDRESSES:

All addresses must be filled through the fields shown below, Note that addresses are divided into two types :

- Address of the passenger inside U.A.E
- Address of the passenger outside U.A.E



## " المرفقات "

**المرفقات**  
تختلف المرفقات باختلاف سبب الزيارة، مثال اذا كان سبب الزيارة "ملكية عقار" فان المرفقات المطلوبة تختلف عن اذا كان السبب "صلة قرابة"

المرفقات التي يجب إدخالها في حال كان سبب الزيارة " دراسة " :

- صورة شخصية ملونة
- صورة من جواز السفر
- خطاب موجه من المؤسسة التعليمية

صورة شخصية ملونة (إلزامي)	✓	ملحوظ / عمل بك
صورة من جواز السفر (إلزامي)	✓	ملحوظ / عمل بك
خطاب موجه من المؤسسة التعليمية (إلزامي)	✓	ملحوظ / عمل بك





## " ATTACHMENTS "

### Attachments

Attachments change according to the reason of visit, example ( if the reason of visit is " " -property owner " the attachments are different than " Relationship " "

**Attachments that should be submitted in case of the visit is " Education " :**

Colored personal photo

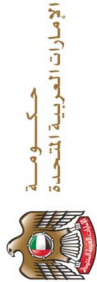
Passport copy

Letter of recommendation from the educational institution •

1	PROOF OF KINSHIP (Required)	<a href="#">Select \ Update file</a>
2	COLORED PHOTO, (Required)	<a href="#">Select \ Update file</a>
3	PASSPORT COPY (Required)	<a href="#">Select \ Update file</a>



مراجعة الطلب والمسودات "



المسودات



- من خلال هذه الخطوة يمكن إضافة طلبات المرافقين على هذا الطلب.
- و يعتبر الطلب الذي تم إدخاله أولاً هو الطلب الرئيسي وطلبات المرافقين هي الفرعية.
- في حال الرغبة في ادراج شخص مرافق إضافي، يتم الضغط على زر إدخال طلب لشخص إضافي

إدخال طلب لشخص إضافي

الطلب المرغبي

إسم المستفيد من الخدمة

صلة القرابة

تاريخ الإرسال

الحالة

طلب رئيسي

0001077461902018207103096

عائشة الموضني

19/07/2018 7:23:28 AM

جديد

إدخال طلب لشخص إضافي

إدخال طلب لشخص إضافي

إدخال طلب لشخص إضافي

مراجعة الطلب



- من خلال هذه الصفحة يتم مراجعة الطلب بشكل كامل بالإضافة للمرفقات أيضاً للتأكد من صحة البيانات المدخلة. وكذلك يمكن التعديل على البيانات من خلال الضغط على رابط "تعديل"

البيانات الشخصية للمستفيد	البيانات الشخصية للمرافق
الاسم الأول: محمد	الاسم الأول: محمد
الاسم الأخير: الموضني	الاسم الأخير: الموضني
الجنس: ذكر	الجنس: ذكر
تاريخ الميلاد: 19/07/2018	تاريخ الميلاد: 19/07/2018
الجنسية: فلسطينية	الجنسية: فلسطينية
الرقم القومي: 0001077461902018207103096	الرقم القومي: 0001077461902018207103096
العنوان: شارع التحرير، رام الله	العنوان: شارع التحرير، رام الله
الهاتف: 0199999999	الهاتف: 0199999999
البريد الإلكتروني: mm@mm.com	البريد الإلكتروني: mm@mm.com
ملاحظات:	ملاحظات:





## Drafts

- In this step, application of aide can be added in this request. The request that has been entered is the main request, and the aide requests are the sub requests.
- In case a person to be added as an additional aide, press the 'enter additional person' button.

1. For applying a family group permit, please follow these steps:  
 1. We will consider the first request as a main request (Head of group).  
 2. Click on add new applicant button, in case you need to apply for someone else.  
 3. Fill the request for this new applicant and select the relationship with the main applicant.  
 4. In case all requests are completed, click on next button to complete the payment process.  
 5. System will redirect you to the payment page in order to complete your applications and send them for ICA.

+ Add new applicant

Request Number	Service Beneficiary name	Family Relationship	Creation Date	Status	Primary Request
0001077491902019515776198	نور محمد بن محمد		14/03/2019 11:05:32 AM	NEW	<input checked="" type="checkbox"/>

Back

+ Next

## "Application Review and Drafts"

### Application Review

- In this page, the application is completely reviewed as well as the attachments to ensure the validity of the entered information. Information also can be modified by pressing the "modify" button.

Arrival Tour Details	
Arrival Date : 11/05/2019	Arrival Emirate : ABU DHABI
Port Type : AIRPORT	Port Name : ABU DHABI AIRPORT
Airline Company : 101ghn	Trip Vessel Number : 56455546

Departure Tour Details	
Departure Date : 15/03/2019	Departure Emirate : ABU DHABI
Port Type : AIRPORT	Port Name : ABU DHABI AIRPORT
Airline Company : yfjt	Trip Vessel Number : 56455545
Traveler Destination : YUWJ	

Personal Information for Traveler (Service Beneficiary)	
Unified No. : 5555	Visit Reason : Relationship
Full Name (English) : ngins hwy t	نور محمد بن محمد
Current Nationality : QATAR	Previous Nationality : QATAR
Gender : MALE	Date Of Birth : 31/01/2001
Birth Country : ALGERIA	Residence Country : ALBANIA
Place Of Birth (English) : gnggg	نور محمد بن محمد
Mother English Name : GRRR G	مرا محمد بن محمد
Grandfather (Mother Side) : RGAALGREGO	Qualification : PRIMARY EDUCATION
Profession : DRILLING TECH WORKER	Religion : CHRISTIANITY
Faith : EASTERN ORTHODOX CHURCHES	Marital Status : SINGLE
Email : enginsgnggg@hotmail.com	

Edit Information





الرسوم "

في حالة كان هناك رسوم على الطلب، ستظهر الصفحة مع الرسوم مفصلة مع قيمة المبلغ القابل للاسترداد في حالة تم رفض الطلب

وصف الرسم	المبلغ (دولار إماراتي)	مبلغ الضريبة (دولار إماراتي) 9%	المبلغ (دولار إماراتي)	وصف الرسم
رسوم الطلب	50.00	4.50	54.50	رسوم الطلب
رسوم الإصدار	100.00	9.00	109.00	رسوم الإصدار
رسوم الخدمات الإلكترونية	28.00	2.52	30.52	رسوم الخدمات الإلكترونية
رسوم وزارة الداخلية	22.00	1.98	23.98	رسوم وزارة الداخلية
المجموع	201.40	18.00	219.40	المجموع

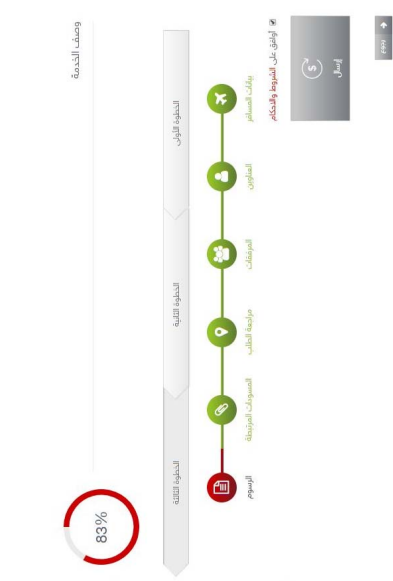
المبلغ المسترد في حالة رفض الطلب 100.00 دولار إماراتي للمبلغ المسترد في حالة قبول الطلب 0.00 دولار إماراتي

الخطوة باستخدام

إظهار على الشاشة والتحكم

إرسال

في هذه الخطوة يتم دفع رسوم الطلب، وفي حال لم يكن هناك رسوم اضبط على "الوافي على الشروط" ثم على زر "إرسال".







“ FEES “

If there are any fees on the request, a page will show the detailed fees with the recoverable amount if the request is denied.

VISA - SINGLE ENTRY - LONG STAY WORK - ISSUE NEW VISA				
Fees Description	Amount(AED)	Vat Amount (AED) 5%	Total With Vat	
<input type="checkbox"/> URGENT SERVICE FEES	400.00	0.00/Vat Free	400.00	
REQUEST FEES	100.00	0.00/Vat Free	100.00	
ISSUE FEES	450.00	0.00/Vat Free	450.00	
E-SERVICES FEES	28.00	1.40	29.40	
ICA FEES	22.00	0.00/Vat Free	22.00	
Health Insurance				
<input type="checkbox"/> DAMMAN INSURANCE FEES	400.00	5.00	405.00	
<input checked="" type="checkbox"/> ADNIC INSURANCE FEES	90.00	4.50	94.50	
Total			695.90 AED	
Refund amount in the case of rejection of the application 544.50 AED/Refund amount in the case of Acceptance of the application 0.00 AED				

Fees are paid in this step, and in case there are no fees, press the “I agree on terms and conditions”

Pay using

☐ I Agree to the Terms and Conditions

eWALLET

Credit Card

Pay Later




الاستعلام عن الطلب

- في صفحة الخدمات العامة اضغط على رابط "متابعة طلب الخدمات العامة" حسب نوع الطلب الذي تم تقديمه

- **لمتابعة حالة الطلب** يتم ادخال رقم الطلب او البريد الالكتروني المستخدم في الطلب

رقم الطالب \*  
01010774819020183087260

σ  
β

 <p>الهيئة الاتحادية للهوية والجنسية FEDERAL AUTHORITY FOR IDENTITY &amp; CITIZENSHIP</p>	<p>تمتصع الخدمات الذكية</p>	<p>الخدمات - نموذج طلبات تصاريح دخول إلى البلاد - نموذج زيارة ديوب</p>	<p>الخدمات - نموذج زيارة - ديوب - إصدار تصريح استئصال</p>	<p>تصاريح - نموذج زيارة - ديوب - إصدار تصريح استئصال</p>
<p>الهيئة الاتحادية للهوية والجنسية FEDERAL AUTHORITY FOR IDENTITY &amp; CITIZENSHIP</p>	<p>الخدمات - نموذج طلبات تصاريح دخول إلى البلاد - نموذج زيارة ديوب</p>	<p>الخدمات - نموذج طلبات تصاريح دخول إلى البلاد - نموذج زيارة ديوب</p>	<p>الخدمات - نموذج زيارة - ديوب - إصدار تصريح استئصال</p>	<p>طلبات دخول - نموذج طلبات تصاريح دخول إلى البلاد - نموذج زيارة ديوب</p>
<p>الهيئة الاتحادية للهوية والجنسية FEDERAL AUTHORITY FOR IDENTITY &amp; CITIZENSHIP</p>	<p>الخدمات - نموذج طلبات تصاريح دخول إلى البلاد - نموذج زيارة ديوب</p>	<p>الخدمات - نموذج طلبات تصاريح دخول إلى البلاد - نموذج زيارة ديوب</p>	<p>تصاريح - نموذج زيارة - ديوب - إصدار تصريح استئصال</p>	<p>التصاريح - نموذج زيارة - ديوب - إصدار تصريح استئصال</p>


- يمكن الاستعلام عن حالة الطلب أو المسودة من خلال صفحة الخدمات العامة الموجودة في الصفحة الرئيسية لـ (ECHANNELS)







## Inquire a request


\* In the Public Services, press the **“Tracking for Public Services”** according to the type of request applied.



PERMITS - SINGLE ENTRY - EXIT AND ENTRY -  
ISSUING AN EXCEPTIONAL PERMIT

 Service Card

 Start Service

 Tracking for Public Service


To follow up your application state use the **“Reference number”** or **“ E-MAIL Address ”**  
**Requests Applied Successfully**

Application Reference . 0101015031522018300709598

You will receive an email to confirm this process and show details.

You can view and print the [Receipt](#) from [here](#) , and you can track the status of request from [My Requests Page](#)













\* You can inquire on a request of a draft in the Public Services in the main page of (**ECHANNELS**)















الهيئة العامة للغمرات  
General Authority for Immigration & Customs

Customer Satisfaction Survey | FAQ | Contact Us | Public Services | Instructions | Browse Smart Service | Learning Videos and Links | User Manual | Change Language













Browse Smart Service

 <p>FINES - PAY FINES - COLLECTION OF ENTRY PERMITS OR RESIDENCES - PAY NEW FINE</p>	 <p>VISA - APPLICATION OF VISA - VISA - CITIZENSHIP OF THE REPUBLIC OF INDIA - ISSUE NEW VISA</p>	 <p>VISA - APPLICATION OF VISA - VISA - CITIZENSHIP OF THE REPUBLIC OF INDIA - EXTEND VISA</p>
 Service Card	 Service Card	 Service Card
 Start Service	 Start Service	 Start Service
 Tracking for Public Service	 Tracking for Public Service	 Tracking for Public Service

 <p>PERMITS - SINGLE ENTRY - ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p>	 <p>PERMITS - SINGLE ENTRY - EXIT - ISSUING AN EXCEPTIONAL PERMIT</p>	 <p>PERMITS - SINGLE ENTRY - EXIT AND ENTRY - ISSUING AN EXCEPTIONAL PERMIT</p>
 Service Card	 Service Card	 Service Card
 Start Service	 Start Service	 Start Service
 Tracking for Public Service	 Tracking for Public Service	 Tracking for Public Service

 <p>PERMITS - SINGLE ENTRY AND EXIT - ISSUING AN EXCEPTIONAL PERMIT</p>	 <p>OTHER SERVICES - INDIVIDUALS - COLLECT THE LEAVES PERMIT FEE - FOR LAND PORT</p>	 <p>INVESTIGATION - PERMIT - LEAVING - ISSUE</p>
 Service Card	 Service Card	 Service Card
 Start Service	 Start Service	 Start Service
 Tracking for Public Service	 Tracking for Public Service	 Tracking for Public Service





## الرد على الطلبات

الجهات المعنية	المسافر	نوع الاشعار
يرجى العلم ( رقم ) لصاحب الطلب / مريم محمد سالم نود اعلامكم بأنه تم تسجيل طلبكم بنجاح ننمى لكم التوفيق	عزيزي المسافر ( رقم الطلب ) نود اعلامكم بأنه تم تسجيل طلبكم بنجاح ننمى لكم التوفيق	اشعار ارسال الطلب
يرجى العلم ( رقم ) لصاحب الطلب / مريم محمد سالم يرجى توفيق ( صورة جواز حنيئة ، رقم الهاتف ، شهادة الميلاد ... الخ )	عزيزي المسافر ( رقم ) يرجى التواصل مع بدالة أمان 8002626	اشعار الاستكمالية
يرجى العلم بأنه تم رفض طلب : دخول / اصدار تصريح استثنائي ( رقم ) لصاحب الطلب / مريم محمد سالم بتاريخ 26/02/2019	عزيزي المسافر ( رقم الطلب ) يرجى التواصل مع بدالة أمان للاستعلام عن حالة طلبكم . 8002626	اشعار الرفض
يرجى العلم بأنه تمت الموافقة على اصدار : دخول / اصدار تصريح استثنائي ( رقم ) لصاحب الطلب / مريم محمد سالم / بتاريخ 25/02/2019 . لمزيد من المعلومات يرجى مراجعة نموذج التصريح المرفق بهذا البريد الالكتروني.	عزيزي المسافر ( رقم الطلب ) نود اعلامكم بأنه تمت الموافقة على طلبكم نتمنى لكم رحلة سعيدة ورافقتكم السلامة	اشعار الموافقة





حكومة  
الإمارات العربية المتحدة

## Response on Requests

Designated entities	Passenger	Notice type
Please be informed that (number) of the applicant/ Maryam Mohammed Salem has been registered successfully, good luck.	Dear passenger, (request number) we would like to inform you that your request has been registered successfully. Good luck.	Send a request notice
Please provide (updated passport, phone number, Birth Certificate, etc...) to the (number) of the applicant/ Maryam Mohammed Salem	Dear passenger (number) please contact Aman call center 8002626	Incomplete request notice
Please be notified that the request: entry/ issuing of an exceptional permit to the (number) of applicant Maryam Mohammed Salem has been rejected in 26/02/2019	Dear passenger, (request number) please contact Aman call center (8002626) to inquire the state of your request	Rejection notice
Be notified that the issuing of entry/ exceptional permit of the (number) of applicant Maryam Mohammed Salem has been approved in 25/02/2019. For more information, please refer to the permit form attached in this e-mail.	Dear passenger, (request number), we would like to inform you we have approved your request. We wish you a pleasant flight.	Approval notice







## **Annex 156**

“Gulf Crisis: Continuing human rights violations by the United Arab Emirates, Report on the non-compliance by the United Arab Emirates with the Order of the International Court of Justice six months following its adoption”, National Human Rights Committee, 23 January 2019





## **Gulf Crisis: Continuing human rights violations by the United Arab Emirates**

**Report on the non-compliance by the United Arab Emirates  
with the Order of the International Court of Justice  
six months following its adoption**

**Doha - Qatar  
23 January, 2019**



*Report on the non-compliance by the UAE with the ICJ's decision six months following its adoption*

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## **Gulf Crisis: Continuing human rights violations by the United Arab Emirates**

Report on the non-compliance by the United Arab Emirates  
with the Order of the International Court of Justice  
six months following its adoption

Doha, Qatar  
23 January, 2019



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## The National Human Rights Committee of Qatar at a glance

The National Human Rights Committee (hereafter “NHRC”) of Qatar is a National Human Rights Institution established in accordance with the Paris Principles adopted by the United Nations General Assembly on 20 December 1993. National Human Rights Institutions become members of the Global Alliance of National Human Rights Institutions after being accredited by the Sub-Committee on Accreditation of the Global Alliance, under the supervision of the National Institutions, Regional Mechanisms and Civil Society Division of the Office of the High Commissioner for Human Rights. The NHRC was established in 2002 and vested with the mandate to protect and promote human rights as defined by the Paris Principles. The NHRC was accredited under Status A in 2010 for a period of 5 years and was recredited under Status A in 2015 for another 5 years. Status A is the highest rating given to a national institution demonstrating a high level of credibility, independence and compliance with the Paris Principles.

### I) Introduction

Discrimination on the basis of race, colour, descent or national or ethnic origin strikes at the very heart of the human core and the essence of humanity. This is to such a discrimination in the enjoyment of their fundamental rights that the residents and citizens of the State of Qatar have been exposed following the arbitrary decisions and actions taken by the United Arab Emirates on 5 June 2017.

**Continuing violations by the UAE of the rights of citizens and residents of the State of Qatar. 745 cases of violations registered since the ICJ's decision of 23 July 2018.**

The purpose of this report is to highlight the United Arab Emirates' non-compliance with the decision of the International Court of Justice (hereafter “ICJ”) adopted on 23 July 2018 in reply to the request for the indication of provisional measures submitted by the State of Qatar in relation with the case filed by the latter in accordance with article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965.

The NHRC has welcomed the adoption by the ICJ of two types of provisional measures. The Court has first reminded the United Arab Emirates (hereafter “UAE”) of their duty to comply with their international obligations under the Convention on the Elimination of All Forms of Racial Discrimination, by indicating provi-

sional measures set to protect specific rights such as the right to the reunification of families that include a Qatari, which have been separated, the right to education and the right to have access to tribunals and other judicial organs of the UAE. The ICJ has also requested both Parties to refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.



## II) Executive Summary



- This report aims to show the extent to which the UAE have implemented the provisional measures indicated by the ICJ in its order of 23 July 2018. This order request notably the UAE to respect their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, in respect of their practices and actions that violate human rights of the citizens and residents of Qatar. This report covers the period subsequent to the abovementioned ICJ's order, that is from 23 July 2018 to 15 January 2019. The information contained in this report is based mainly on the complaints on violations received by the NHRC at its headquarters, and through the NHRC's hotline which it specifically set for that, by e-mail to the NHRC and other information-gathering activities undertaken by the NHRC.
- In its application filed against the UAE following their violation of the International Convention on the Elimination of All Forms of Racial Discrimination, the State of Qatar has respectfully requested the ICJ to order the UAE to take all necessary measures to comply with their obligations under this convention to which they are a party.
- This report highlights the human rights issues that the UAE continues to violate and take unilateral arbitrary measures against the State of Qatar despite the issuance of the ICJ's decision, including statistics on every violation committed by the UAE against citizens of Qatar and its residents related to human rights. The total number of violations that have been monitored by the NHRC amount to 1099 which involve several rights. This report however deals with the sole violations that fall within the ICJ's decision, that is the right to family reunification, the right to education and the right to have access to tribunals and other judicial organs of the UAE. Since the latter right is essential for the implementation of the right to property and the right to work, these two rights have also been taken into account in the statistics on violations identified in this report, which amount to 745.
- The report also addresses the continuing escalation of the Gulf crisis by the UAE through the dissemination of hate speech and incitement to violence and the broadcast of racist speech against the State of Qatar and its inhabitants.
- This report further recalls the content of the legal obligations to which the UAE are bound as a party to



*Report on the non-compliance by the UAE with the ICJ's decision six months following its adoption*

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the International Convention on the Elimination of All Forms of Racial Discrimination and whose violation falls within the jurisdiction of the Committee on the Elimination of Racial Discrimination and of the ICJ.

- In conclusion, this report highlights the failure of the UAE to comply with the provisional measures indicated by the ICJ in order to resolve the dispute and not to aggravate it.
- The last part of this report includes a number of recommendations addressed to the ICJ, the Committee on the Elimination of Racial Discrimination, the Government of the United Arab Emirates and the Government of the State of Qatar; these recommendations aim to establish a clear and joint mechanism to ensure the effective implementation of the ICJ's order.

### III) Methodology

- The information contained in the present report is based on the complaints examined the NHRC and submitted by the victims at the headquarters, through calls on the hotline, or via the NHRC's e-mail since the beginning of the blockade on 5 June 2017.
- Each victim who filed a complaint with the NHRC was required to open a file, provide the necessary evidence and documents and communicate any new developments to the NHRC.
- After the ICJ issued its order, the NHRC established two hotlines specifically dedicated to cases involving the UAE and falling within the jurisdiction of the ICJ.
- From 25 July 2018, the CNDH also contacted all victims of violations by the UAE to inform them of the provisional measures indicated by the ICJ and the rights resulting therefrom for them; the CNDH also invited them to contact it in case of difficulties.
- The NHRC contacted again all victims by telephone during the first week of September 2018 to update their cases. The NHRC requested the complainants to deliver any additional documents either in person or via the NHRC's e-mail, stressing the need to provide original copies of their files.
- In December 2018, the NHRC contacted all the victims mentioned in this report for their approval and authorization to include their cases in the report and to confirm details and receive updates.



## IV) Continuing violations of the rights protected by the Order of the International Court of Justice

The following table shows the number of cases received by those affected by the violations reported and documented by the NHRC, which amount to 745. The table includes violations against citizens and residents of the State of Qatar which continue despite the ICJ's decision of 23 July 2018.

Statistics as of 15 January 2019	Violation	Right to Education	Right to Family Reunification	Right to Access Tribunals & Other Judicial Organs		Total
	State			Right to Property	Right to Work	
	UAE	153	87	498	7	745
	Total	153	87	505		745

### 1) Right to education

**Continuing violation by the UAE of the right to education of citizens and residents of the State of Qatar. 153 violations since the ICJ's decision of 23 July 2018.**

The unilateral and arbitrary measures imposed on the State of Qatar by the UAE constitute a major reason for the suspension of education for Qatari students who are receiving their education in the UAE, since it is no longer possible for these students to resume their education and attend their universities there. The ICJ's decision rules that Qatari students are allowed to receive education or training in UAE institutions or that they must have access to their educational records if they wish to continue their studies in another country. Despite of that, the NHRC has documented 159 violations of this rights affecting students of Qatari nationality or residents in Qatar, out of which only 6 have been addressed. Violations of this right continue, since students are still denied access to their educational institutions and there is no clear monitoring mechanism in the UAE in this regard.

From the evidence received by the CNDH, it is clear that the UAE authorities have not yet taken the necessary measures or created a mechanism to implement the provisional measures ordered by the ICJ because academic institutions still do not cooperate with the expelled Qatari students. The absence of measures to enable students to complete their studies has the following consequences for them:

- Not being able to complete their education in the UAE;
- Not being refunded the amounts they paid to universities in the UAE;
- Being denied access to their educational records;
- Incurring additional financial costs to continue their studies in universities in other countries;
- Being delayed in completing their studies by about one year and a half; and
- Being offered no compensation for that delays.



*Report on the non-compliance by the UAE with the ICJ's decision six months following its adoption*

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It should be stressed that expelling and suspending students without any legal basis and preventing them from attending school violates not only their right to education, but also their right to free movement and residence guaranteed by international law.

The number of students affected by unilateral and arbitrary measures taken by the UAE stands at 153.

**The following few examples will illustrate the finding that the right to education of a large number of students continues to be violated despite the provisional measures ordered by the International Court of Justice.**

***[First example: Mr. Y.M.E.<sup>1</sup>, of Qatari nationality]***

Mr. Y.M.E. is a student at Ajman University of Science and Technology (UAE) in his last academic year. He completed 93 hours' contact time of the course. On 27 August 2018, he arrived at Muscat Airport to leave to the UAE on "SalamAir". The airline officials however did not allow him to take the flight to Dubai despite confirmation of his reservations, and reported that they had instructions from the UAE authorities that he is not permitted to take the flight to Dubai, and this subsequently to the ICJ's ruling. This led to the delay of the scheduled dates at the university. No action has been taken in this regard even after the student contacted with the university on 5 September 2018.

***[Second example: Ms. A.A.I.<sup>2</sup>, of Qatari nationality]***

Ms. A.A.I. is a 4th year student at the University of Sharjah (UAE), specializing in architecture. She was supposed to graduate after a year. She was contacted by phone and through e-mail by the university informing her that her studies have been suspended on the third day in the summer semester for the reason that she is a Qatari. The complainant stated that despite all her attempts, she had not received any response so far even after the ICJ issued a decision obliging the UAE to allow university students to continue with their university education or to obtain their academic records. Her latest attempts to get into contact with her university was in September 2018.

***[Third example: Ms. S.A.I.<sup>3</sup>, of Qatari nationality]***

Ms. S.A.I. is a student at the University of Abu Dhabi and was unable to complete her remaining exams. There were only two subjects to finish before graduation and she was supposed to do the exams in August 2017. The victim complained that despite her attempts to communicate with the university in the UAE in August 2018, she is still prohibited from completing her university studies even after the ICJ's decision.

***[Fourth example: Ms. B.D.R.<sup>4</sup>, of Qatari nationality]***

Ms. B.D.R. is a student at the University of Sharjah and she was unable to attend the graduation ceremony, which adversely affected her psychological state. She was also unable to obtain her academic records and other documents from the university. She also tried to communicate with the university but there was no response; furthermore her university account was suspended. She complained to the NHRC that despite her attempts to reach out to the university even after the ICJ's decision, she has not yet received any response from the university. Her last attempt to obtain her education records was in October 2018.

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1. File no. 18365

2. File no. 17613

3. File no. 17929

4. File no. 18999



**[Fifth example: Mr. S.T.S.<sup>5</sup>, Jordanian national residing in the State of Qatar]**

Mr. S.T.S. is a student at the Emirates University of Aviation and is residing in the State of Qatar. He was unable to complete his studies at the university because he holds a residence permit in the State of Qatar. He paid tuition fees and insurance fees and was unable to obtain his records or refund the amounts he paid despite his attempts to communicate with the university. Until 25 November 2018, that is even after the ICJ's decision, the aforementioned student has attempted to get into contact with the University but not to avail.

**2) Right to family reunification**

**Continuing violation by the UAE of the right to family reunification of citizens and residents of the State of Qatar. 87 violations since the ICJ's decision of 23 July 2018.**

One of the most important repercussions of the unilateral and arbitrary measures taken by the UAE against the State of Qatar are the challenges faced by the mixed families. These measures have caused the dispersal of Gulf families, difficulty in reuniting the mixed families and disruption of the social fabric of the Gulf families.

The most serious problems and issues are relating to the most vulnerable groups, such as children and mothers who found

themselves victims of these arbitrary measures. According to the ICJ Order, the UAE must ensure the reunification of separated families through the measures it took on 5 June 2017. The UAE was expected to take all necessary measures, including the establishment of a clear mechanism to ensure the reunification of separated families.

This family separation also had repercussions on the right to freedom of movement as mixed families were prevented from travelling between the State of Qatar and the UAE. These unilateral and arbitrary measures have caused serious psychological damage to the persons concerned.

The NHRC has further documented some cases where family members have been allowed to enter the UAE after being harassed at the airport and exposed to difficult entry procedures. However, in most cases, members of the same family have not been allowed access to UAE territory.

**The following few examples will illustrate the finding that the right to family reunification of a large number of persons continues to be violated despite the provisional measures ordered by the International Court of Justice.**

**[First example: Mr. Kh.A.A.<sup>6</sup>, of Qatari nationality]**

Mr. Kh.A.A. stated that following the issuance of the ICJ's decision, he travelled to the Sultanate of Oman where he stayed with his family for 4 days starting from 14 November 2018. When his family was returning to the Emirates on 18 November 2018, they were not allowed to board the "Fly Dubai" flight though his Qatari children have an Emirati residence and their mother with whom they live in the UAE is of Emirati nationality. He communicated with the UAE Ministry of Foreign Affairs and it took him a full day for his family's entry. Finally, he was granted permission and he was then required to book new airline tickets for his family in the following day. Upon his wife's arrival at the UAE airport, the UAE Authorities interrogated her for more than 3 hours continuously, in spite of the ICJ's decision obliging the UAE to allow the reunification of mixed

5. File no. 19434

6. File no. 19078



families was already issued. He adds that there is not clear mechanisms or criteria to communicate with the competent authorities in the UAE.

**[Second example: Mr. A.H.A.<sup>7</sup>, of Qatari nationality]**

Mr. A.H.A. stated that according to information provided by the NHRC, it is possible to enter the UAE after the issuance of the ICJ's decision. On 17 August 2018, he travelled with his Emirati wife and his one-year old son, to the Sultanate of Oman and he was supposed to enter the UAE through the Hili border crossing in the city of Al Ain, at 7:00 pm; despite the receipt of the entry permission for his Qatari son by e-mail, they were delayed for 7 hours on the grounds that the child's photo in the travel document is blurred. They were returned to the border point of Buraimi to take another photo of the child and then return to the Hili border point in Al-Ain where they were allowed to enter. He adds that beside the fact that a decision was passed by the ICJ, they did not take into account the situation of his family for 7 hours although a young child is involved

**[Third, Fourth and Fifth example: W.A.M.<sup>8</sup>, M.A.M.<sup>9</sup> & M.A.M.<sup>10</sup>, of Qatari nationality]**

The three concerned persons reported that their maternal grandfather and uncle were Emiratis and had died. They tried to communicate with the UAE authorities by phone to visit their relatives in the UAE to offer condolences to their relatives and participate in the funeral. They booked flights on 9 August 2018 and provided documents proving the death and the relationship of kinship. The authorities however continued to elude them and never granted them the entry permits even after the decision of the ICJ.

### 3) Right to access tribunals and other judicial organs of the UAE

**Continuing violation by the UAE of the right of the citizens and residents of the State of Qatar to access tribunals and other judicial organs. 505 violations since the ICJ's decision of 23 July 2018.**

Due to the unilateral and arbitrary measures taken against the State of Qatar, the UAE have violated a right that is considered one of the essential safeguards for human life: the rights of Qatari citizens to access to the Emirati Judiciary.

As of 15 January 2019, the NHRC has documented 505 violations of the right to Qatari citizens to access tribunals and other judicial organs, despite the ICJ's decision requesting the UAE to adopt the necessary measures to ensure that Qataris affected by the measures taken on 5 June 2017 are able to have access to tribunals and other judicial organs in UAE.

As of the date of issuance of this report, that is almost 6 months after the issuance of the ICJ's decision, no significant action was taken by the UAE authorities to allow affected Qataris to exercise this right.

Violations of the right to access to tribunals and other judicial organs infringe the right to private property and the right to work referred to in the ICJ's decision (see paragraph 67 of the Order). In this report, the NHRC mentions the right to property and the right to work as examples of violations of the right to access tribunals and other judicial organs. As to the right to property, private property owners and investors, citizens and residents of the State of Qatar, are denied the right to access to and dispose of their properties. As to the right to work, arbitrary measures forced investors to liquidate their companies in the UAE, which resulted in un-

7. File no. 17387

8. File no. 22052

9. File no. 22052

10. File no. 22052



employed persons because of job cuts. Arbitrary measures also cut off the income sources of some families who used to have transport between the State of Qatar and the UAE as their source of livelihood. Most of these violations continue despite the adoption of the ICJ decision, as victims have not been able to access the tribunals and other judicial organs in the UAE in order to put an end to the injustice and obtain redress.

**The following few examples will illustrate the finding that the right of access to the tribunals and other judicial organs of the UAE of a large number of persons continues to be violated despite the provisional measures ordered by the International Court of Justice.**

**[First example: Mr. Kh.A.M.<sup>11</sup>, of Qatari nationality]**

Mr. Kh.A.M. established "Arab Link", an exchange company, in the Emirate of Abu Dhabi with a capital of 20,000,000 UAE dirhams (Twenty millions UAE dirhams). The Abu Dhabi Islamic Bank (hereafter "the ADIB") is a partner in the company with a share of 51%, while he has a share of 49%, and the management of the company was given to the ADIB. The Company has been exposed to failures following the appointment of an Emirati General Manager of the company by the ADIB who has not been held responsible for his actions.

Following the unilateral and arbitrary measures taken against the State of Qatar, the ADIB dismissed Mr. Kh.A.M. from his position as Chairman of the Board of Directors of the Company despite the fact that there was an agreement between the two parties that he shall permanently occupy this position. A new Board of Directors was formed and the Qatari partner was notified of the company's bankruptcy and obliged to pay the loans to the financing entity. He was not allowed to access the UAE courts. On 21 November 2018, following the issuance of the ICJ's decision, Mr. Kh.A.M. attempted to get into contact with some Emirati lawyers in order to file a case but not to avail. Some of these lawyers refused while others apologized for not being able to file a lawsuit in which one of the opponents is a Qatari national since they were worried that the UAE authorities would take measures against them.

**[Second example: Mr. J.A.S.<sup>12</sup>, of Qatari nationality]**

Mr. J.A.S. owns a fully furnished house in Dubai (for more than 16 years) as well as three cars. He has been denied access to his house because he was forced to leave the UAE following the unilateral arbitrary measures taken by the UAE authorities against Qataris. Despite all his attempts following the issuance of the ICJ's decision, he has not found a clear mechanism that allows him to get access to his house or manage his property. Finally, Mr J.A.S. was left with no choice but to contact an Emirati national on 10 November 2018 in order to officially authorize him to dispose of his property on his behalf in the UAE. However, the Emirati national informed him that he cannot represent him before the UAE authorities because he is of Qatari nationality, and asked him to travel to Oman to issue an official power of attorney to use on his behalf in the UAE.

**[Third example: Ms. T.H.A.<sup>13</sup>, of Qatari nationality]**

Ms. T.H.A. has signed a contract with "Algedra Interior Design" in Dubai (UAE), to carry out the finishing work in her villa in the UAE. The works were ongoing until suspended due to the arbitrary unilateral measures taken against the State of Qatar on 5 June 2017. She contacted the company asking for the completion of work as per their agreement. However, she never received any response.

The victim submitted a complaint to the NHRC, stating that she has tried to contact the abovementioned company on 5 September 2018 following the issuance of the ICJ's decision, to return her money or to continue the work, with no response from their part. She also cannot access the UAE's tribunals to restore

11. File no. 18825

12. File no. 19189

13. File no. 18404



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her rights because of the absence of a concrete mechanism by Emirati authorities though she tried several times to enter the UAE during September 2018.

**[Fourth example: Mr. F.H.A.<sup>14</sup>, of Qatari nationality]**

Mr. F.H.A. has bought on instalments a house in the Emirate of Dubai (UAE) from "DAMAC Properties Co.", at the value of 2,200,000 UAE dirhams. He paid an amount of 900,000 UAE dirhams. He tried to contact the aforementioned company but he never received any official reply to date. Following the issuance of the ICJ's decision, he tried to enter the UAE to legally claim the amounts he paid to the company. However, he neither got any response nor found a clear or particular mechanism to enter and have access to the UAE judicial system despite the fact that the last request he submitted was on 28 November 2018.

## V) Compliance by both Parties with their obligation not to aggravate the dispute in accordance with the Order of the International Court of Justice

The ICJ's decision states that the parties shall refrain from any action that may aggravate the dispute or extend it before the Court or make it more difficult to resolve the dispute. However, the UAE continues to pursue these escalations through the continued involvement of some of its key officials, media professionals and celebrities in media escalation and incitement against the State of Qatar. Here are some examples:

Mr. Dhahi Khalfan Tamim, former deputy head of police and public security in the UAE and unofficial Advisor to the UAE Government, published several tweets inciting to violence and to stigmatize the State of Qatar and its leaders despite the decision of the International Court of Justice, which urged the parties to stop the escalation.



The UAE Ambassador to the KSA, Mr. Shakhboub bin Nahayan, also published tweets inciting to hatred and violence against the State of Qatar accusing it of spreading chaos and terrorism.



Other tweets also included blatant accusations of the involvement of the State of Qatar in supporting terrorism. An example of that is the tweet of the Counsellor to the Emirate of Abu Dhabi's heir apparent, Mr. Abdul-Khaliq Abdullah, inciting hatred and violence as well as accusing the State of Qatar of financing terrorist groups.



14. File no. 19372



Furthermore, Emirati newspapers continue on a large scale to spread hatred speech and incitement to violence through the promotion of false news. An example is Sky News, through its news website, which has gone beyond professional and moral values that are more prominent in the media and thus disregarded the legal and moral authority of the ICJ.



The hatred and violence incitement have not been limited to some UAE officials and official medias. Emirati tweeters have also sought to distort the reputation of Qatari symbols and insult officials, media officials and human rights activists in the State of Qatar.

## VI) Legal Framework

Both the State of Qatar and the UAE are parties to the International Convention on the Elimination of Racial Discrimination of 21 December 1965 and none of them has expressed any reservations to Article 22 of the Convention which provides that:

“Any dispute between two or more of the State Parties with respect to the interpretation or application of the Convention, which is not settled by negotiation, or by the procedures expressly provided for in this Convention, shall be, at the request of any of the parties to the dispute, referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.”

The State of Qatar has further confirmed the existence of a dispute between the two parties concerning the interpretation and application of the International Convention on the Elimination of All Forms of Racial Discrimination as at 5 June 2017 until the date of the issuance of this report, when the UAE have taken discriminatory measures against Qataris and their families, in breach of the underlying provisions and principles of the CERD. In this regard, the ICJ issued its decision, which obliges the UAE to take a series of provisional measures to safeguard the rights of the Qataris. It is noted that the arbitrary measures taken by the UAE affect the essence of the international convention, particularly the following articles:

- **The UAE have targeted Qataris on the basis of their nationality, in violation of paragraph 1 of article 1 of the Convention, which states that:**

### Article 1

“1. In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.



- **The measures taken by the UAE are in violation of the fundamental human rights of Qataris, under articles 2 and 5 of the Convention, which provide as follows:**

#### **Article 2**

“1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage all matters that tend to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved”.

#### **Article 5**

“In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;



- (ii) The right to leave any country, including one's own, and to return to one's country;
- (iii) The right to nationality;
- (iv) The right to marriage and choice of spouse;
- (v) The right to own property alone as well as in association with others;
- (vi) The right to inherit;
- (vii) The right to freedom of thought, conscience and religion;
- (viii) The right to freedom of opinion and expression;
- (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
  - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
  - (ii) The right to form and join trade unions;
  - (iii) The right to housing;
  - (iv) The right to public health, medical care, social security and social services;
  - (v) The right to education and training;
  - (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks".
- **The UAE have violated their obligations under articles 4 & 7 of the Convention by failing to condemn incitement to hate speech, and racial prejudice against Qatar and Qataris; the two articles provide as follows:**

#### **Article 4**

"States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination".



#### Article 7

“States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention”.

- **Furthermore, the UAE have failed to provide Qataris under their jurisdiction with effective protection and means of recourse against acts of racial discrimination, in violation of article 6 of the Convention, which states that:**

#### Article 6

“States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his/her human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination”.

## VII) Conclusions

On the basis of its examination of the situation, the National Human Rights Commission of the State of Qatar reaches the following conclusions:

1. The United Arab Emirates continue to violate the rights of vulnerable groups, such as women, children, persons with disabilities and the elderly. In particular, the arbitrary measures taken by the United Arab Emirates have resulted in the violation of the rights of thousands of members of these groups in the areas of education, family reunification, employment and health.
2. Victims of these violations are still denied their right of access to tribunal and other judicial organs of the United Arab Emirates, thus depriving them of their right to reparation and restoration of their rights. In addition, the law criminalizing empathy adopted by the Emirati authorities on 7 June 2017, which provides that sympathy towards Qatar is a punishable offence, has impeded the implementation of the right of access to justice, as many law firms in the United Arab Emirates have refused to provide legal assistance to Qataris for fear of being subject to the sanctions provided for in that law.
3. Human rights violations continue to happen due to measures taken by the UAE on 5 June 2017, and only a very small number of cases of those affected have been resolved.
4. The United Arab Emirates have not established a clear mechanism for the implementation of the International Court of Justice's order by defining or making public any mechanism that victims of violations may use to resolve their situation; nor have the United Arab Emirates established hotlines for this purpose.



## VIII) Recommendations

The United Arab Emirates continue to commit violations in total disregard of the Order of the International Court of Justice of 23 July 2018 in the case concerning the Application of the International Convention on the Elimination of All Forms of Racial Discrimination. The general situation of victims of violations remains a growing concern, which must be addressed urgently in view of the repeated violations highlighted in the above-mentioned order. These violations can only be stopped if the authorities concerned take the necessary measures described in the recommendations below.

### To the International Court of Justice

1. Recall to the United Arab Emirates their obligation to comply fully and scrupulously with the provisional measures indicated by the Court in its Order of 23 July 2018.
2. Invite both Parties to establish a clear and transparent joint recourse mechanism for all persons affected by the arbitrary measures taken by the UAE and to report on its implementation.
3. To take due account of the conclusions and recommendations of this report in the examination of the case between the State of Qatar and the United Arab Emirates.

### To the Committee on the Elimination of Racial Discrimination

1. Invite both Parties to establish a joint, clear and transparent recourse mechanism for all persons affected by the arbitrary measures taken by the UAE and to report on its implementation.
2. Monitor the implementation of the above-mentioned recourse mechanism.
3. Take due account of the conclusions and recommendations of this report in the examination of the case between the State of Qatar and the United Arab Emirates.

### To the Government of the United Arab Emirates

1. Immediately undertake to implement the provisional measures indicated by the International Court of Justice.
2. Establish a clear and transparent joint recourse mechanism for all persons affected by the arbitrary measures it has taken and report on its implementation to the International Court of Justice and the Committee on the Elimination of Racial Discrimination.
3. Immediately refrain from any action likely to aggravate or extend the dispute.

### To the Government of the State of Qatar

1. Establish the above-mentioned joint recourse mechanism in cooperation with the Government of the United Arab Emirates.
2. Document all violations committed after the adoption of the Order of the International Court of Justice and report to the latter organ and the Committee on the Elimination of Racial Discrimination.
3. Request the Committee on the Elimination of Racial Discrimination to adopt interim measures of protection in order to prevent any irreparable harm to the rights of the persons protected by the International Convention on the Elimination of Racial Discrimination.
4. Prepare a detailed report on the United Arab Emirates' compliance with the Order of the International Court of Justice and submit it to the following bodies and officials:
  - President of the International Court of Justice;
  - Secretary-General of the United Nations;
  - Security Council of the United Nations;
  - Human Rights Council;
  - Committee on the Elimination of Racial Discrimination.





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