

QATAR

**VICTIMS OF CORRUPTION:
DAMAGE REPARATION
AND LEGAL STANDING**

**INTERNATIONAL
DATABASE
2022**

SOURCE: ANONYMOUS

VICTIMS OF CORRUPTION WORKING GROUP

UNCA CIVIL **Coalition**
SOCIETY

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1. Legal Standing

1.1 Legal standing for civil society organisations and/or citizens in corruption-related cases

(A) Overview

A civil society organisation (“**CSO**”) or citizen cannot have standing in a corruption related case in Qatar.

In Qatar, proceedings are generally either criminal or civil in nature. Administrative Disputes Actions (defined below) (through which applicants with sufficient standing may challenge certain decisions or actions taken by governmental or public bodies) may be classed as constitutional or administrative (as well as civil). Both criminal and civil proceedings may also be brought by regulators against those whose activities fall within their jurisdiction.

Conduct amounting to corruption and bribery can trigger a number of criminal offences which would typically be prosecuted by criminal investigation and enforcement agencies in Qatar, including the Qatar Public Prosecution (the “**QPP**”) or police. They may also deploy civil law remedies when seeking to recover the proceeds of such conduct. Related proceedings may also be brought in appropriate circumstances by relevant regulatory authorities including the Qatar Central Bank (the “**QCB**”)¹ (e.g. prosecution of money laundering offences under the Law No. (20) of 2019 (as amended) on Combating Money Laundering and Terrorism Financing (the “**AML Law**”) and its implementing regulations (the “**AML Regulations**”). Corruption and bribery and related conduct may also form the basis for civil claims.

(B) Criminal proceedings

¹ Article 59 of the AML Regulations provides that the QCB is the relevant supervisory authority under the AML Law for the banking, money transfer services, insurance and financing and investment sectors. Other supervisory authorities for other sectors include, the Qatar Financial Markets Authority, Qatar Financial Centre Regulatory Authority, Ministry of Justice and the Ministry of Commerce and Industry.

In Qatar, criminal prosecutions are brought by the QPP or police authorities, rather than individuals or CSOs. Enforcement authority is provided under Law No. (11) of 2004 (as amended) Issuing the Penal Code (the “**Penal Code**”).

There are a number of potential outcomes to a successful criminal prosecution. These include:

- (A) fines (usually including financial penalties and orders for costs and/or compensation to the harmed parties, where these have been awarded);
- (B) custodial penalties (for individuals); and
- (C) confiscation orders².

The law in Qatar does not have a single statute pertaining to anti-corruption. Instead, the legal framework is made up of a number of statutes relating to offences synonymous with corruption. These include:

(A) The Penal Code

- (1) This contains the main provisions criminalising bribery in Qatar.
- (2) The scope of bribery under the Penal Code for public servants includes:
 - (a) a public servant who demands or accepts money (or any other benefit) and intends to or actually receives the commission or omission of an act whether or not included in their duties³;
 - (b) any person who offers a public servant any money (or any other benefit)⁴; and
 - (c) any intermediary between the briber and bribe-taker⁵.

A public servant is defined broadly as those entrusted with public authority, officers and employees of ministries, government departments, public institutions

² Article 138 of the Criminal Procedure Code

³ Article 140 of the Penal Code

⁴ Article 141 of the Penal Code

⁵ *Ibid.*

and organisations including board members and employees of entities and companies in which a Government entity holds a stake.

- (3) Any private sector employee who demands money (or any other benefit), without the knowledge and consent of his employer, to perform/refrain from performing any activities assigned to him shall be considered to have committed the offence of bribery under the Penal Code⁶.
- (4) Anyone who knowingly assists or abets in the commission of a bribe also commits an offence under the Penal Code⁷.

(B) [The AML Law](#)

Broadly speaking, the AML Law provides that the following are money laundering offences:

- (1) Conversion of proceeds of crime with a view of concealing or disguising the illicit source of funds or assisting any person involved in the commission of the crime to evade the legal consequences of his actions;
- (2) Concealment or disguise of the true nature, source, movement or the rights of proceeds of crime;
- (3) Acquisition, possession or use of proceeds of crime; and
- (4) The participation in, association with or conspiracy to commit, attempt, or aid, abet, facilitate, counsel in, cooperate in, or contribute to the commission of any of the acts stipulated above.

As corruption and money laundering are intrinsically linked, any person who commits bribery in relation to assisting or with the view of facilitating the said money laundering offences may be prosecuted by the relevant supervising authority/regulator under the AML Law and the AML Regulations.

(C) Qatar Cabinet Decision No. (18) of 2020 on the Issuance of the Code of Conduct and Integrity of Public Officials' Charter (the "Code of Conduct")

The Code of Conduct imposes an obligation on public officials to:

⁶ Article 146 of the Penal Code

⁷ Articles 38(3), 38(4), and 143 of the Penal Code

- (1) not have personal interests which conflict with public interests or the roles and obligations of their position as a public official⁸;
- (2) not request gifts, donations, benefits or interests for themselves or others, unless they are unable to be rejected (as they believe it would be beneficial to the employer) and submitted to the employer⁹;
- (3) inform their employers of any events of conflict of interest¹⁰; and
- (4) preserve the interests of the state including public funds¹¹.

(D) Qatar Decree-Law No. (31) of 2006 on the Issuance of the Military Service Law (the “Military Service Law”)

A military person (defined as any person employed in a position of military rank in accordance with the provisions of the Military Service Law) is not allowed to, amongst others, accept gifts, tips and contributions, either directly or through an intermediary¹².

(E) Qatar Law No. (24) of 2015 on the Issuance of the Law on the Regulation of Tenders and Bids (the “Procurement Law”)

Any government contract awarded under the relevant tender process will be considered to be rescinded if it is proven that the contracting party¹³:

- (1) has committed an fraud or manipulation in the execution or in obtaining the government contract; and/or
- (2) has practiced, directly or indirectly, an act of bribery of any state official or has colluded with the same to inflict damage to the government entity which is a party to the government contract.

(D) Civil proceedings

In broad terms, civil proceedings can be brought by individuals or entities (which would include CSOs) who have suffered a breach of a contractual right or damage

⁸ Article 10 of the Code of Conduct

⁹ Article 11 of the Code of Conduct

¹⁰ Article 10 of the Code of Conduct

¹¹ Article 8 of the Code of Conduct

¹² Article 72 of the Military Service Law

¹³ Article 23 of the Procurement Law

whilst under a duty of care owed to them by another and, in either case, have suffered loss as a result. The Qatar Law No. (22) of 2004 Promulgating the Qatari Civil Code (the “**Civil Code**”) recognises the parties’ freedom of contract and as long as the relevant requirements are fulfilled, the Civil Code provides for the recovery of liquidated damages and/or actual damages.

Civil claims serve a different purpose to criminal proceedings, their primary aim being to seek recovery of, or compensation for, losses. They are not intended by the courts to be punitive in nature. Consistent with that, damages are the principal remedy sought in civil proceedings.

Under Qatar Law No. (23) of 2004 on the Issuance of the Criminal Procedure Law (the “**Criminal Procedure Code**”) a person who has suffered damage directly caused by the crime may claim their civil rights against the accused either during the investigation or before the court examining the criminal law suit (other than the Court of Appeal)¹⁴. Further, the accused under the criminal case may also apply for an order to be indemnified for damage sustained as a result of perjury or vexatious accusations and the criminal court may order that the person convicted of perjury or false reporting be found liable for the compensation¹⁵.

If the criminal court considers that the civil lawsuit will require a special investigation which will result in a postponement of the criminal action, then the criminal court will refer the civil action to the relevant civil court¹⁶. Similarly, the civil plaintiff in a criminal case may abandon his claim before a criminal court and submit his civil lawsuit to the relevant civil court instead¹⁷. But any such claim before a civil court must be suspended until an irrevocable judgment on the criminal action has been issued¹⁸.

(E) Administrative Disputes

Qatar Law No. (7) of 2007 On the Settlement of Administrative Disputes (the “**Administrative Law**”) allows the Administrative Court (a division of the Court of

¹⁴ Article 19 of the Criminal Procedure Code

¹⁵ Article 22 of the Criminal Procedure Code

¹⁶ Article 23 of the Criminal Procedure Code

¹⁷ Article 24 of the Criminal Procedure Code

¹⁸ Article 25 of the Criminal Procedure Code

Cassation) to look at administrative disputes relevant to the requests presented by any entities aiming at the cancellation of final administrative decisions ("**Administrative Disputes Action**").

Any application for the cancellation of a final administrative decision must be based on the following grounds¹⁹:

- (A) lack of jurisdiction;
- (B) defect in formality;
- (C) violation of the laws and regulations or error in the application or interpretation of the same; and/or
- (D) abuse of power.

In theory, individuals may appeal against a final administrative decision of the relevant regulatory body relating to their prosecution for corruption by bringing an Administrative Disputes Action.

There are very limited instances of Administrative Disputes Action being brought before the Administrative Court.

(C) Private prosecutions

The concept of private prosecutions is not recognised under Qatari law. As discussed above, legal proceedings related to criminal cases (i.e. bribery offences) are usually initiated by the State. An Administrative Disputes Action can only be brought under limited circumstances and claims under civil law can only be brought before a criminal court under the Criminal Procedure Code if there has been some damage suffered either by a third party or the accused.

1.2 Type of Cases

We refer to those matters set out in the section above.

1.3 Legal basis under which citizens have legal standing

We refer to those matters set out in section 1.1.

¹⁹ Article 12 of the Administrative Law

1.4 Citizens and/or civil society's intervention in corruption cases in other capacities (e.g. third party contributors, expert input, etc)

Generally, if someone is not a party/disputed party to a law suit, they are not allowed to intervene in an appeal²⁰. Only those requesting to be made a party to the law suit or whose participation may be protested against by the appeal judgment may intervene in an appeal. Therefore, citizens and CSOs will not be able to intervene in corruption cases unless they are doing it in said capacity. As discussed above, third parties who have suffered damage directly caused by the crime may intervene in a criminal case (i.e. corruption case) under the Criminal Procedure Code but only in the context of claiming compensation for such damage.

Third party interventions can also be done in the context of an Administrative Disputes Action in the context of the failure of a regulatory body to prosecute.

1.5 State's entitlement to represent the citizens collectively in corruption cases and whether its intervention excludes direct intervention by citizens

As set out above, Qatari enforcement agencies prosecute criminal offences in the name of the State and not on behalf of individual victims. The principal role of individuals in criminal corruption cases, including individuals who may be victims, is to act as witnesses.

1.6 Legal standing of any foreign government or foreign-based non-governmental institution to bring corruption cases on behalf of this country's citizens

We are not aware of an instance where a foreign state or non-state institution has intervened on the behalf of the citizens of another country in corruption cases pursued in Qatar.

²⁰ Article 173 of the Civil and Commercial Procedure Law

2. Cases

2.1 Existence of corruption-related cases brought to Court by civil society organisations, journalists or citizens.

As the concept of private prosecutions does not exist in Qatar, we are not aware of any corruption-related cases brought to the courts of Qatar by CSOs, journalists or citizens.

3. Collective Damage

3.1 Legal instruments that enable claiming reparation, compensation, or restoration of collective damages in any field (environmental damages, human rights, corruption, among others)

We are not aware of any legal instruments that provide for collective redress in Qatar.

3.2 Procedures for advancing class-actions.

Class-actions are not recognised in Qatar. Litigants are expected to file their respective claims individually.

4. The Role of the victims of corruption

4.1 Definition of victims of corruption or common definition used by the courts in this country

The United Nations Convention against Corruption (the “Convention”) (that Qatar has signed and ratified in 2005 and 2007 respectively) does not seek to define victims of corruption but sets out guidelines for states to adhere to when adopting their individual approaches. The overriding description is that any approach taken should be as “broad and inclusive” as possible, whilst “recognizing

that individuals, entities and States can be considered victims of corruption”.²¹

Many states seek to rely on existing definitions and provisions on victims of crime and compensation for damages enshrined in national law.

The Convention noted three common legislative approaches to defining victims of corruption, either:

- (A) defining in criminal law who is a ‘victim’ of crime and what rights a victim is entitled to;
- (B) whilst not explicitly referring to a ‘victim’, establishing the right of an ‘injured’/‘harmed’/‘aggrieved’ person to seek compensation; and
- (C) providing the possibility to seek compensation through civil provisions or through tort law.

There is no commonly used definition for victims of corruption under Qatari law. However, there is also the possibility for victims to seek compensation through civil proceedings for harm caused by corruption and they can be classified as victims in this sense.

4. 2 Cases that recognize the role of victims

(A) Criminal proceedings

In general, the role of a victim in corruption proceedings (where identifiable) would be as a witness for the enforcement agency prosecuting the offence and to assist the public prosecution in its duties. Victims play a role in progressing criminal proceedings and have certain rights conferred under the Criminal Procedure Code. For example, the public prosecution must hear the testimony of witnesses requested by the victim unless deemed unnecessary²², the public prosecution and the victim are allowed to discuss expert reports and even request the recusal of the expert if there are strong grounds²³ and the victims may give

²¹ [unodc.org](https://www.unodc.org/) - Good Practices in Identifying the Victims of Corruption and Parameters for their Compensation - working group - 4 Aug 2016.

²² Article 84 of the Criminal Procedure Code

²³ Article 98 of the Criminal Procedure Code

their remarks following the completion of the hearing of the testimony of the witness²⁴.

(B) Civil proceedings

As noted above, those who have suffered damage as a result of the actions of others may bring civil claims to recover those losses. The role of a victim in these proceedings is as a claimant, whose witness evidence would be crucial for the case.

We are not aware of any public civil corruption-related cases that recognise the role of victims in Qatar.

(C) Administrative Disputes

As discussed above, an Administrative Disputes Action is typically brought by the individual/entity that is subject to a final administrative decision of a regulatory body (i.e. the victim). As such, their role in these proceedings is as a claimant, whose witness evidence would be crucial for the case.

We are not aware of any public administrative corruption-related cases that recognize the role of victims in Qatar.

4.3 Corruption-related court cases (criminal, civil, administrative) that awarded compensation to individuals or to identifiable or non-identifiable groups of victims to repair the damage caused by the corruption offense

Please see our answers to the above question.

4.4 Innovative or effective mechanisms that can be considered good practice regarding the recognition and compensation of victims in corruption-related cases

N/A

²⁴ Article 89 of the Criminal Procedure Code

5. Available Information

5.1 Information published by enforcement authorities (including control agencies) about corruption enforcement actions

Qatar does not maintain a public registry of corruption enforcement actions.

5.2 Feasible access to information on ongoing or concluded cases

The [Qatar Legal Portal \(Al Meezan\)](#) contains a repository of rulings of the Qatari courts. However, the list of rulings is limited (the most recent rulings are from 2016 and listings in English are only available up to 2010).

5.3 Ways for citizens or civil society organisations to gather information on whether corruption cases are being investigated or trialed

There are several avenues for citizens or CSOs to gather information:

- (A) National or international media outlets report on high profile investigations or trials. For example, the prosecution of the ex-media officer for misappropriating state funds while overseeing preparations for the Qatar 2022 FIFA World Cup was [widely reported](#).
- (B) Industry press sources, such as Global Investigations Review (“**GIR**”)²⁵ (which provides news and analysis relating to government agency and internal corporate investigations including anti-bribery and corruption, financial services misconduct, competition, fraud, money laundering, sanctions violations, tax avoidance and evasion), and M-Lex²⁶ (which provides regulatory risk news and analysis including relating to financial crime).
- (C) Tracking updates provided on websites and/or social media accounts of governmental organisations and key non-governmental organisations in this area including:
 - (1) Spotlight on Corruption²⁷;

²⁵ [Global Investigations Review](#) (some content is accessible only on a paid-for subscription basis).

²⁶ [MLex Market Insight](#) (most content is available only on a paid-for subscription basis).

²⁷ See updates on cases here: [Spotlight on Corruption, Cases](#).

- (2) Global Witness²⁸;
- (3) Fairsquare²⁹;
- (4) Administrative Control and Transparency Authority³⁰;
- (5) Rule of Law and Anti-Corruption Center³¹; and
- (6) Transparency International³².

6. Supplementary information

6.1 Main identified barriers that prevent CSOs, citizens, and journalists from standing as victims of corruption cases.

As explained above, criminal enforcement action in respect of alleged corruption is typically pursued by public enforcement authorities acting on behalf of the state rather than any particular victim. This is generally the most appropriate means for addressing alleged corruption, particularly given that such prosecutions can be very complex and resource intensive, and might require identification and consideration of numerous and wide-ranging document or witness evidence sources, expert evidence including forensic accounting, and liaison between multiple enforcement agencies nationally and in some cases internationally.

The civil courts provide an important route for redress for victims and others who have suffered damage or loss as a result of corruption, where those individuals are identifiable and the losses suffered are quantifiable and can be evidenced. As such, the challenges identified in the context of compensation orders are also likely to limit the circumstances in which successful claims for damages caused by corruption may be brought.

²⁸ [Global Witness, Investigations and advocacy for climate justice & civic freedoms.](#)

²⁹ [Fairsquare.org](#)

³⁰ [ACTA](#)

³¹ [ROLACC](#)

³² [Transparency.org - Home.](#)

Though it does not serve as a route through which compensation for victims may be sought, it is clear that the Administrative Disputes Action process provides a critical route for CSOs in particular to hold the Government to account for its decision making, including decisions not to pursue investigations into alleged corruption as well as decisions which have allegedly been influenced by corruption.

However, as there is not much public information on corruption cases in Qatar, we are unable to comment on the extent of which these avenues are exercised or the success rate of such actions.

6.2 Other aspects, issues, provisions, or practices linked to the role, recognition, and compensation of victims of corruption.

We have covered a broad range of topics in this report, and we believe it is not necessary to discuss further specific issues in relation to this topic.