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The Impact Of International Criminal Treaties On Qatari Law

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Abstract

The national criminal legislation is based on the principle of legality, which is considered the most important principle of criminal law, because it restricts all authorities to respect the penal legal text regarding crime and punishment. The criminal law remains unaffected due to its reliance on one source of criminalization and punishment, which is the law. However, national law may sometimes be affected by some influences, including international agreements. With the development of international law, international conventions have become involved in various aspects of human life, and play an important role in national laws, including criminal law. Therefore, the researcher seeks through this research to demonstrate the impact of international criminal treaties on national legislation, whether in the procedural or substantive aspects.

1. Introduction

It is well known that any law or legislation that comes to address certain aspects that have emerged, and since international law has intervened to address many important aspects at the international level, including the criminal aspects, it would also have come to address certain aspects within the criminal field.

By tracing the areas of national legislation affected by the international treaty, we find that among these aspects is objective related to the criminalization of certain acts by national legislation as a reflection of obligations imposed by international law or in application of international treaties that provide for these crimes, and to investigate and prosecute them before international or national bodies alike. Among them are those that related to procedural aspects that facilitate investigation and prosecution processes and achieve the goals of international and national criminal justice.

The two researchers deal with these aspects within two topics:

Topic one: Subject matter areas affected by national criminal legislation with the international treaty.

The second topic: the procedural areas affected by national criminal legislation with the international treaty.

The first topic

Subject areas of national criminal legislation affected by the international treaty:

The substantive aspects lie in the criminal field and revolve around the notion of the crime itself, its circumstances and responsibility for it. The substantive aspects, for example, are related to the concept of crime or the establishment of a national crime similar to the international crime, its elements, criminal responsibility and its punishment. Where these aspects are considered, or the objective aspect related to the principle of legality, in terms of the existence of crime and punishment, and when talking about the crime, it is based on the basis of criminal responsibility, which is an integral part of its principles.

In the international criminal field, we find that these aspects in the international sphere affect their counterparts at the national level. It can be said that international criminal law affects the concept of national crime, its elements, criminal responsibility and punishment for crime. The impact of these areas can be explained in claims as follows:

The first requirement: international crime.

The second requirement: international criminal responsibility.

The first requirement

International crime

The concept of international crime has gained the attention of international legal thought since ancient times, and this concept has gone through several stages of development. Its first appearance in the Adjulian documents was in the preambles of the Hague Conventions of 1899 and The Hague of 1907, when these two conventions dealt with war crimes and crimes against humanity, and then through the Treaty of Versailles (1). Then in the Charter of the Nuremberg and Tokyo Tribunals (2), many treaties have also emerged that enshrined

a number of international crimes and criminal responsibility for them, such as the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, and the Convention on the Prevention and Punishment of the Crime of Apartheid of 1973.

The international conventions dealt with these crimes without establishing a definition of international crime. Jurisprudence tried to define it, and among the most prominent of these definitions was the definition of the International Law Commission in Article 19 of the draft international criminal liability rules technicians as: "An internationally wrongful act constitutes an international crime when the state's violation results in an international obligation that is necessary to safeguard the basic interests of the international community, so that This entire society recognizes that the violation constitutes an international crime. "

International crime differs from national crime in many respects. The national crime is stipulated, its provisions, pillars, responsibility and punishment are determined by the national criminal law, while international crime provisions are regulated in accordance with the provisions of international law, and it is a crime committed against the international interest. This also applies to matters of jurisdiction over punishment and other provisions.

Nevertheless, there may be areas of mutual influence, such as the national jurisdiction to consider international crimes. As is the case for the principle of universal jurisdiction, including also that national laws and legislation criminalize some international acts or that are contained in international treaties (3). Such as the crime of combating slavery and slavery contained in the Special Convention against White Slaves of 1904, and the crime of terrorism that is included in the conventions against terrorism and financing of terrorism.

The most important area of vulnerability is related to the principle of legality, which is the spirit of criminal law. Where there is no crime and no punishment except by a text, then how will national legislation be affected by international treaties of a criminal nature.

This principle of legality is sometimes known as the legitimate element of a crime. Therefore, to demonstrate this, we point out from the outset that the elements of a national crime do not differ from the elements of international crime, so that an international crime once it enters national law may become a national crime in some aspects. In any case, we will not address the material and moral element of the crime for the similarity of that for the two types of crime, but we will address the legal element of international crime. That will be reflected in national law, either through the incorporation of the treaty into national legislation or in terms of implementing the international treaty at the national level.

The matter of the legal element differs in the international sphere because there is no legislator or legislative authority whose task is to enact laws, so the issue of defining international crimes is done through international treaties and norms or sometimes through general principles of justice (4). For example, the crime of genocide is criminalized by international custom, and not by the 1948 Convention on the Prevention and Punishment of Genocide (5). Nevertheless, interest in the principle of legality in the international arena increased, through the movement of codification and enactment of international treaties that codify international norms and enacted treaties that deal with various international crimes.

Examples of the legal element for international crimes:

First: The Nuremberg Tribunal Charter of 1945

Where Article VI of the London Charter establishing the International Military Tribunal for Nuremberg divided crimes of an international nature into three types (6): war crimes, crimes against peace, and crimes against humanity.

Second: The International Criminal Tribunals for the Former Yugoslavia and Rwanda

1. The Court of the Former Yugoslavia: This court was competent to prosecute the crimes mentioned in Articles (2-5) of its statute, which are (7): Grave breaches or serious violations of the four Geneva Conventions of 1949 and the two additional protocols thereof of 1977, violation of the laws and customs of war, and a crime Genocide, and crimes against humanity

2. The Rwanda Court: (8) These crimes are mentioned in Articles (2-4) of its Statute: Crimes against Humanity, War Crimes Included in Common Article Three of the Geneva Conventions of 1949, and the Second Additional Protocol of 1977 Concerning the Protection of Victims of Non-International Armed Conflicts.

Third: The Rome Statute of the International Criminal Court for the year 1998, and it was mentioned in its fifth article, which are: the crime of genocide, crimes against humanity, war crimes, the crime of aggression.

With reference to the legal and legislative system of the State of Qatar, we find that it has entered into several agreements, including what was called for imposing national jurisdiction over some crimes of international origin, which have become criminalized under national legislation, whether under the convention itself or according to the legislation that received those treaties. These include the Convention on the Elimination of All Forms of Racial Discrimination of 1976, the Convention on the Suppression and Punishment of the Crime of Apartheid of 1975, the Convention against Apartheid in Sports 1987, and The Convention on the Elimination of All Forms of Discrimination against Women, which Qatar joined in 2009. As the legislator Qatari criminalized acts of racial discrimination in light of this.

Among the international treaties that Qatar has acceded to and influenced national penal legislation is the Convention on the Rights of the Child of 1995. And the Optional Protocol to the Convention on the Rights of the Child on the sale of children, or their exploitation in prostitution and pornography, which Qatar acceded to in 2001. And the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in conflicts Qatar joined in 2002 and an agreement on prohibiting the worst forms of child labor and immediate measures to eliminate them, which Qatar joined in 2001.

Also among the conventions is the Protocol to Prevent Human Trafficking, especially Women and Children (Palermo Protocol), to which Qatar acceded in 2009, The Convention against Torture and Other Cruel or Inhuman and Degrading Treatment or Punishment, to which Qatar acceded in 2001.

Among the Qatari laws that contain crimes that are a reflection of international requirements: Law No. (8) of 2010 amending some provisions of the Penal Code issued by Law No. (11) of 2004. Law No. (15) of 2011 regarding combating human trafficking. And the Anti-Cyber Crime Law promulgated by Law No. (14) of 2014.

Among the conventions that the Qatari legislator has joined and incorporated nationally, and which include crimes that have been included in Qatari legislation: the Arab Convention for Combating Money Laundering and Financing of Terrorism in 2012. The International Convention for the Suppression of Acts of Nuclear Terrorism in 2014, and the Arab Agreement for the Protection of Copyright and Neighboring Rights (the amended version of the Arab Agreement Copyright Protection - Baghdad 1981) which was ratified by Decree No. (20) of 2015.

The second requirement

International criminal liability:

There is no room to discuss the concept of international criminal responsibility with all its elements. However, what concerns us most is how it affects criminal responsibility at the national level and in national legislation. However, it is necessary to briefly examine the concept of penal responsibility to know this effect.

International criminal responsibility has developed and passed through jurisprudential controversy, and there are almost three jurisprudential trends about defining this type of responsibility, namely: a trend that recognizes the responsibility of the state alone (9), a trend that acknowledges the dual responsibility of the state and the individual together, and a trend that recognizes the responsibility of individuals alone (10).

As a result, international law has recognized the international criminal responsibility of the individual for violating the international obligations established by international law, and this type of responsibility has emerged in the Charter of the Nuremberg and Tokyo Courts (11). Article 6 of the Statute of the former Yugoslavia also affirmed that: “The International Court shall have jurisdiction over natural persons under this statute,” and so has the Statute of the Rwanda Court, which affirmed the principle of international criminal responsibility for the individual by saying: “On persons accused of committing massacres in Rwanda That they assume their responsibility, whether they are private or official individuals. "

As for the Rome Statute, it also adopted the principle of individual criminal responsibility, as Article 25 stipulates that: “1. The court shall have jurisdiction over natural persons pursuant to this statute. 2. A person who commits a crime within the jurisdiction of the court shall be responsible for it in his individual and vulnerable capacity. 3. According to this statute, a person is criminally responsible and liable to punishment for any crime that falls within the jurisdiction of the court if this person commits the following:

A) Committing this crime either in his individual capacity or in association with another person or through another person, regardless of whether that other is criminally liable.

B) Ordering or soliciting to commit, or urging the commission of a crime that has actually occurred or is attempted

C) Providing aid, incitement or assistance in any other form for the purpose of facilitating the commission of this crime or attempting to commit it, including providing the means for its commission.

D) Contributing, in any other way, to a group of persons, acting with a common purpose, to commit this crime or attempt to commit it, provided that this contribution is deliberate and that it is provided: - Either with the aim of promoting the criminal activity or the criminal purpose of the group, if this activity or purpose is Involving the commission of a crime within the jurisdiction of the court. - Or with the knowledge of the intention to commit the crime with this group.

E) With regard to the crime of genocide, direct and public incitement to commit the crime of genocide.

F) Attempting to commit the crime by taking action that commences the execution of the crime with a concrete step, but the crime did not occur due to circumstances unrelated to the person’s intentions. However, the person who stops making any effort to commit the crime or prevents by other means from completing the crime is not liable. Punishment is under this Basic Law for attempting to commit a crime if he completely and voluntarily abandoned his criminal purpose.

4. Any provision in this Basic Law relating to individual criminal responsibility does not affect the responsibility of states under international law.

Article 26 stipulates that: “The court shall not have jurisdiction over any person who was under the age of 18 at the time of committing the crime attributed to him”. In addition to Article 28, which deals with the responsibility of leaders and superiors.

The national vulnerability to the principles of criminal responsibility is evident from the national legislation that enshrines the international criminal responsibility of the individual for international crimes, including that national legislation, for example, is obliged to amend national legislation to conform to international treaties, and here we find the Rome Statute as an international treaty that requires that legislation be harmonized Patriotism with the international treaty to approve the principles and provisions that came in the treaty, hence it is imperative that the principle of individual criminal responsibility be recognized.

Linked to the issue of the international criminal responsibility of the individual is the issue of impediments to responsibility and exemption from it and the issue of immunity. Among the barriers to criminal liability in the Rome Statute are the provisions of Article 31 of the Rome Statute of the International Criminal Court: mental illness, coerced intoxication, and being young.

As for the orders of the superiors and considering them as a reason for the absence of criminal responsibility for the subordinates, according to the jurist Glacier, several trends have emerged in this regard: a trend that considers that the act executed on the basis of the superior’s order is considered one of the causes of permissibility, and another direction that makes it a case of necessity in confronting what may be exposed From punishment, and another direction that he considers as moral coercion.

In general, most of the laws focus on the principle of presidential obedience, and in international criminal law the matter is somewhat different, and has gone through stages of development. According to the Nuremberg Charter, Article 8 stipulates that: “The fact that the accused acted according to the orders of his government or his superior does not exempt him from responsibility, but it can be considered A reason to reduce the sentence if the court decides that justice requires it. "

International jurisprudence establishes that the orders of superiors do not exempt from responsibility, except in the event that the subordinate does not have the place to choose. The provision for this exception was mentioned in Article 9 of the Code of Legalization of Crimes against Peace and Security of Mankind 1987 by stating: “The following constitutes an exception to the principles of Responsibility ... an order issued by a government or an administrative head if the perpetrator is morally unable to choose. As stated in Article 33 of the Rome Statute: “1. In the event that any person commits a crime within the jurisdiction of the court, the person is not exempt from criminal responsibility if his commission of that crime was in compliance with an order of a government or a president, whether military or Civilian, except in the following cases: a) If the person has a legal obligation to obey the orders of the government or the concerned president b) If the person is not aware that the order is unlawful c) If the illegality of the order is not apparent 2. For the purposes of this article, The illegality is apparent in the case of orders to commit genocide or crimes against humanity. "

However, there may be mitigation in some cases and circumstances, such as the case of error or error in the criminal character of the act (12), which is mentioned in Article 32 of the Rome Statute by saying: “1- An error in the facts does not constitute a reason for the exclusion of criminal responsibility unless it results from it. The absence of the moral element required for the commission of the crime 2- The error in the law in terms of whether a certain type of behavior constitutes a crime within the jurisdiction of the court is a reason to abstain from criminal responsibility, and it is permissible, however, that the mistake in the law is a reason for the exclusion of criminal responsibility if it results from this. The mistake is to select the moral element required to commit that crime, or if the situation is as stipulated in Article 33.

In the foregoing, the researchers concluded that criminal responsibility in international criminal law is limited to natural persons, not legal persons, meaning that it is limited to persons without the state. Whereas international crimes are clear crimes in terms of their illegality and since they are often committed in the presence of leaders and senior military officials or on their orders, it is necessary to talk about the criminal responsibility of commanders and superiors.

In the treaties on the prevention and punishment of the crime of genocide and the restitution of some principles relating to the responsibility of superiors, Article 4 of the treaties on the prevention of the crime of genocide states that: “Whoever commits the crime of genocide shall be punished, whether the perpetrator is rulers, officials or private individuals.” Therefore, every natural person who commits this crime, regardless of their status, asks whether they are constitutionally responsible rulers, public officials, or private individuals (13). At the same time, the Convention enshrines the principle of equality in responsibility and punishment for this crime, as there is no room for the official or military capacity of persons to be exempt from punishment for the perpetrators of these crimes, conspiracy, incitement, initiation or participation in committing them. "

In this regard, we find that some countries punish anyone who commits an international crime, regardless of his status, and at the same time we find that some constitutions do not provide for that. In this regard, we find that the French legislator has amended Article 55 of the French Constitution so that it is consistent with the statute of the International Criminal Court, so that leaders and presidents can be tried.

Nationally, we find that there are many countries that enacted laws that criminalize genocide, but they remained insufficient due to their connection to the state's political orientation on the one hand, and to the difficulty of the state punishing its senior officials and leaders.

As for the accountability of leaders and presidents in the systems of international criminal tribunals, the researchers find that the first signs of the matter began with the Charter of the Nuremberg and Tokyo Tribunals, then in the former Yugoslavia and Rwanda courts, and then in the Permanent International Criminal Court (14).

In Qatar, we find that the principles of international criminal responsibility have moved to the national level, as Qatar acceded to a number of conventions that enshrine this type of responsibility, for example the Convention on the Elimination of the Suppression of All Forms of Racial Discrimination, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, The Protocol to Prevent Human Trafficking, Especially Women and Children (Palermo Protocol), the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the international conventions for the protection of the world cultural and natural heritage, and the United Nations Convention against Transnational Organized Crime.

The second topic

Procedural areas where national criminal legislation is affected by the international treaty:

International criminal law affects procedural aspects of investigating, investigating, prosecuting and punishing crimes, where the effect does not stop at the objective aspects. The effect may expand the rules of jurisdiction, as is the case with respect to global jurisdiction, or to facilitate international cooperation, such as cooperation in the field of extradition of persons accused of committing international crimes. The traditional procedural aspects in national laws may not be sufficient to cover all procedural aspects and requirements, so international law resorts to completing the role required of it through such principles.

Therefore, the two researchers deal with these procedural aspects to which the influence of international criminal law extends in the field of confronting international crimes, in demands as follows:

The first requirement: global jurisdiction

The second requirement: international cooperation

The third requirement: influence in terms of the rules of temporal flow

The first requirement

Global jurisdiction

The issue of punishment for crimes in both international and domestic law does not stop at the limits of the objective aspects in terms of setting punitive texts. Rather, it needs the existence of procedural rules that put these texts into practice when these crimes are committed in order for the legal rule to achieve its function and objectives.

In the field of both international and national law, we find that violating international law in general through committing international crimes, leads to the referral of the violator to the judiciary, whether it is an internal or an international court. International crimes pose a greater risk and therefore require greater procedural attention. Including what has been done in international law of subjecting these crimes to the principle of universal jurisdiction to achieve greater deterrence and broaden the base of investigation and prosecution.

This principle is based on the idea that each country has jurisdiction to prosecute certain crimes, regardless of where they were committed, or the person who committed them or the victim, and regardless of whether or not foreign law criminalizes them, or whether the perpetrator has been previously tried abroad or not, or Whether he carried out his punishment abroad or not (15). However, this depends on the fact that these crimes are among the crimes that the international community considered violating the interests of the international community as a whole, which requires the cooperation of various countries to achieve collective international interests (16).

This principle was affirmed in the four Geneva Conventions of 1949, and within the principles of international cooperation in tracking the arrest, extradition and punishment of persons accused of committing war crimes and crimes against humanity issued by the United Nations General Assembly in Resolution 3047 (D-8) on 12/3/12 1973.

Some countries have adopted legislation establishing universal jurisdiction. In Belgium, grave violations of international humanitarian law were incorporated into Article 7 of the Belgian Criminal Code of 1993.

As for Qatar's position on global jurisdiction, it is like any other legislative position, as there are only some countries in the world that apply universal jurisdiction as a customary principle, or as a text in an independent legislation or law. We find that the Belgian legislator has enacted the law of universal jurisdiction, and some countries apply it as a customary principle without the need for a legislative text. However, none of the Arab countries were from those countries, including Qatar.

Among the agreements that include Grams fall within the framework of global jurisdiction, Qatar acceded to it, the Arab Convention for Combating Money Laundering and Financing of Terrorism in 2012 with regard to the crime of terrorism and associated crimes, The International Convention for the Suppression of Acts of

Nuclear Terrorism in 2014. Consequently, just like the countries that adopt the principle of universal jurisdiction, there is nothing that prevents the Qatari judiciary from being exposed to it in accordance with the provisions of international law for some crimes.

The second requirement

International cooperation:

Confronting international crimes requires international cooperation, which may lead to an impact on national legislation in the field of international cooperation in some areas. Almost the most important area of international cooperation is the subject of extradition. Cooperation ensures that criminals do not escape punishment when they seek refuge in countries other than the countries in which the crime was committed. Therefore, countries resort to entering into agreements to regulate the process of cooperation in extraditing criminals.

The extradition is defined as: "a procedure whereby the state abandons a person present in its territory to another country that demands his extradition to it for trial for a crime, for which he has been charged or suspected of committing it or for the execution of a punishment that he has been judged by the judiciary of that state." Delivery has conditions that are often bound by international agreements and national laws. Often the conditions relate to either the persons who may be extradited, and here we find in principle that all persons may be extradited, with the exception of what comes under an international agreement or custom. Including this is the person of the head of state who enjoys exemption from the foreign regional judiciary, so it is not permissible to extradite him to the state that requests him, unless he has lost the capacity of head of state. Among the conditions also is what is related to the nationality of the person whose extradition is requested. If the person to be extradited is a national of the country requesting extradition, then there is no doubt that he may be extradited whenever the crime attributed to him permits that, but if the person to be extradited is a subject of the country to which the request for extradition is submitted, then the matter differs. From one country to another. Some countries prohibit the extradition of nationals in such a case, and some do not. Among the conditions is what is related to the type of crime, as it is often related to surrender of serious felonies and misdemeanors, provided that the crime is punishable under the law of the two states, and that the crime is not something that is customary or stipulated not to surrender it (17).

It should be noted that extradition is not permissible in political crimes, and international custom has enshrined that, as stated in many international conventions. The European Convention on Extradition of 1975 stipulated: "The impermissibility of extradition in political crimes because the act constituting political crime may be permissible. Or not punished by the law of the country from which extradition is requested, and the political criminals are often patriots who demand freedom and democracy "(18).

As for extradition in international crimes, they are also subject to the extradition system, because they are not of a political nature, and because of their danger, which prompted states to enter into international agreements and efforts necessary to confront international crimes, which were reflected even on the national legislation of states to enshrine the duty to hand over states to perpetrators of international crimes, and to achieve cooperation in the field of combating international crime, especially international crimes (19).

At the international level, Article seven of the Genocide Treaties states: "Genocide and other acts in Article Three are not considered political crimes in terms of extradition, the contracting parties undertake in such cases to fulfill the request for extradition in accordance with their laws in force" (20).

The Rome Statute also touched on extradition when Article 90 of it referred to the situation of multiple requests for extradition and the need for international cooperation in the judicial field, and on the duty to assist the court in revealing the identity of the accused and his whereabouts to facilitate the work of the court to prosecute and punish him.

As for Qatar's position on extradition in general, we find that Qatar is a party to the Arab Convention for Combating Information Technology Crimes, where the provisions for cooperation, extradition and mutual assistance are mentioned in Chapter Four. That is reflected in the Cybercrime Law, as the Qatari legislator has a reflection of international cooperation issues in the Cybercrime Law in the first three chapters of Chapter Four of Law No. 14 of 2014 regarding the issuance of the Law on Combating Cybercrime, as this chapter includes provisions for extradition and cooperation in relation to electronic crimes.

Qatar also acceded to the United Nations Convention against Transnational Organized Crime in 2008, and articles 16, 17 and 18 of them included provisions for extradition, transportation and mutual assistance, which were reflected in the Qatari national legislation. In the field of terrorism and money laundering, Qatar also acceded to many international treaties that had an impact on national legislation, including the Arab Convention for Combating Money Laundering and Financing of Terrorism in 2012, and the International Convention for the Suppression of Acts of Nuclear Terrorism in 2014.

The third requirement

Influence in terms of temporal flow rules:

The relationship between international and national law affects rules of temporal validity (21). The rule for the validity of the legal rule and according to the general rules of law is the implementation of the immediate effect rule, meaning that the legal rule begins to take effect from the first moment in which its basic pillars are fulfilled, or from the time of agreement to abide by it, such as the moment of ratification of the treaty or the moment of its signature when the signature is binding or the moment. Join it, or from the time it was deposited at the specified time and place, and here the problem does not arise with regard to international custom. As for international treaties, general rules can be followed in this regard, with some exceptions noted. The general rule in treaties is that it applies from the date of exchange or deposit of ratification documents by each of its parties with the other parties, or for a specific body to be agreed upon, unless the treaty itself stipulates a specific date on which it begins (22).

The issue of the relationship between the international and national legal rule and its enforcement is also related to cases of its termination. The Vienna Convention on the Law of Treaties dealt with the provisions of the termination of treaties and the suspension of their implementation, as the agreement considered that the termination of the international treaty is the termination of its legal existence. This is what differs from stopping the operation of the treaty, as the suspension is temporary from the implementation of all or some of its provisions, with the survival of its legal existence and the possibility of returning to work with the provisions that were suspended after the reasons for the suspension disappear. In general, it can be said that the reasons for the termination of the treaty and the suspension of its implementation are due to agreement and other reasons other than agreement (23)

It was stated in the Vienna Convention on the Law of Treaties that the termination of the treaty makes the parties in a solution to continue to implement it, without affecting any right, obligation or legal status of the parties that may have arisen as a result of the implementation of the treaty before its expiration, unless the treaty stipulates or the parties agree to disagree. If a state denounces a collective treaty or withdraws from it, this shall apply to the relationship between that state and other states party to the treaty from the date on which that denunciation or withdrawal takes effect (24).

It should be noted that this differs from the case of stopping the operation of the treaty, as stopping the operation of the treaty relieves the parties from the obligation to implement it in their relations with each other during the suspension period, unless the treaty states or the parties agree otherwise, without affecting the legal relations established by the treaty between the parties. Here, it is indicated that the parties shall refrain during the period of suspension from actions that would impede the resumption of the treaty (25).

Consequently, the rule of immediate and direct implementation means that the effects of the treaty deviate from the situations, relations and facts that arise after its entry into force, in order to achieve stability in transactions and relations, and to achieve justice in the international community (26). This means that the international treaty will not be effective retroactively.

Nevertheless, there are exceptions to the principle of non-retroactivity, which can be deduced from the rules of the agreement relating to procedures for the judicial or political solution of international disputes, which in principle do not apply to disputes prior to their existence as a general rule. This rule was mentioned in many international treaties, such as the French-Swiss Conciliation and Arbitration Treaty of April 7, 1925, in which it was stated that every dispute prior to signing could not be submitted to arbitration (27).

There are also exceptional cases, as when committees are established to decide on the state's responsibility for damages inflicted on foreigners, the agreements usually stipulate that they apply only to disputes prior to the existence of the treaty. Even if it does not stipulate that, it will be applied in this way, unless something is mentioned in the preparatory work confirming the opposite, such as Article 3 of the treaty concluded between Mexico and France for the amicable and final solution to the financial claims of the French, due to the acts of the revolution that took place between 11/12 1910 and 5/31/1920, whereby it stipulated that the agreement shall apply to the previous events on November 20, 1920 (28).

There are also exceptions established by the judiciary on the principle of non-retroactivity or immediate effect, as international courts sometimes refer in their rulings to the determination of an exception to the general rule that international agreements relating to jurisdiction or procedures do not apply retroactively, such as the ruling of the Permanent Court of International Justice of 1924 in a case. (Mavromats) Concerning the concession contracts that were granted in Palestine, where: “A dispute arose between Greece and England. Concession contracts were granted on successive dates to Mavromats by Turkey in 1914, and then to a person called Rottenburg from England in 1921 as the mandate holder, as according to Article (26) of the Mandate Document The dispute was subject to the mandatory jurisdiction of the court, and the court decided that the mandate document was valid at the time it decided the case on 3/8/1924, because this document began to enter into force a year before this date, i.e. since 12/26/ 1923 '(29).

In the criminal field, we find that the international criminal judiciary has applied legal rules retroactively, such as the trial of war criminals in the Nuremberg court. In the London Treaties of 1945 there were legal rules with retroactive effect contrary to the established legal principles, and inferred from them the legality of the exception to the principle of non-reaction. The temporal jurisdiction of the two international tribunals (the

former Yugoslavia and Rwanda) preceded their establishment, meaning that they were established after the end of the conflict for punishment according to pre-established rules and texts (30).

This matter also directly affects national legislation. When a state joins an international treaty, it is applied against it, and it is enforced from the date of its accession or ratification. By tracing the position of the Qatari legislator towards some conventions of a criminal nature or features, we find that many of them were acceded to after a long period of entry into force.

For example, we find the Convention on the Elimination of All Forms of Discrimination against Women was concluded and passed in 1979, but Qatar joined it in 2009. We find the Convention on the Rights of the Child signed in 1989 and passed in 1990, but Qatar joined it in 1995. The same is true for The Optional Protocol to the Convention on the Rights of the Child on the sale of children, or their exploitation in prostitution and pornography in 2001, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2002. The Protocol to Prevent Human Trafficking, Especially Women and Children (Palermo Protocol) was in 2009. The Convention against Torture and others A form of cruel, inhuman or degrading treatment or punishment took place in 1984, but Qatar joined it in 2001.

Results:

1) The study showed that Qatari law does not distinguish between treaties that are related to criminal law from other such treaties, as there is nothing that distinguishes this, whether in the Qatari constitution or other legislation. However, if the criminal treaties are treaties that may pertain to the state's territory or pertain to the rights of sovereignty or the rights of citizens, public or private, or that may include an amendment of the state's laws, then their enforcement must be issued by law.

2) The study showed that Qatar is committed to implementing international obligations and the effects resulting from its accession to international treaties. In Qatar, many of the provisions of international conventions have been reflected in national legislation in fulfillment of an international commitment contained in an international treaty. Such as Law No. (9) of 1987 regarding drug control, amended by Law No. (7) of 1998, which aimed to confront international trade in narcotic substances and eliminate their smuggling, in fulfillment of a general international commitment that had been codified by various international conventions.

3) It was found through the study that the areas of national legislation being affected by the international treaty lie in both substantive and procedural aspects. In the substantive aspects, the issue of international crime and the position of the national legislator appear on it, and the influence of penal liability rules may also appear. With reference to the legal and legislative system of the State of Qatar, we find that it has entered into several agreements, including what was called for imposing national jurisdiction over some crimes of international origin that have become criminalized under national legislation, whether under the treaties themselves or according to the legislation that received those treaties. These include the Convention on the Elimination of All Forms of Racial Discrimination of 1976, the Convention on the Rights of the Child of 1995. And the Optional Protocol to the Convention on the Rights of the Child on the sale of children, or their exploitation in prostitution and pornography. Among the conventions that Qatar has acceded to, which include crimes that were included in national legislation, the Arab Convention for Combating Money Laundering and Financing Terrorism in 2012.

4) It was found that in Qatar the principles of international criminal responsibility have moved to the national level, as Qatar acceded to a number of conventions that establish this type of responsibility, for example the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Protocol to Prevent Human Trafficking, and the United Nations Convention United Against Transnational Organized Crime.

5) As for the procedural areas of influence, they lie in the principle of universal jurisdiction, the principle of international cooperation, and principles related to the rules of temporal validity. As for Qatar's position on universal jurisdiction, it is like any other legislative position, as there are only some countries in the world that apply universal jurisdiction as a customary principle, or as a text in independent legislation.

6) With regard to extradition in general, it was found that Qatar is a party to the Arab Convention for Combating Information Technology Crimes, as the provisions for cooperation, extradition and mutual assistance were mentioned in Chapter Four. This was reflected in the Cybercrime Law, in the first three chapters of Chapter Four of Law No. 14 of 2014 regarding the issuance of the Anti-Cyber Crime Law. Qatar also acceded to the United Nations Convention against Transnational Organized Crime in 2008 and articles 16, 17 and 18 of them included provisions for extradition, transportation and mutual assistance, which were reflected in Qatar's national legislation.

7) In terms of temporal validity, the study traced the position of the Qatari legislator on some agreements of a criminal nature or features, and found that many of them were joined after a long period of entry into force. For example, we find that the Convention on the Elimination of All Forms of Discrimination Against Women in 1979 was concluded and Sirted in 1979, but Qatar joined it in 2009. We also find that the Convention on the Rights of the Child was signed in 1989 and passed in 1990, and Qatar joined it in 1995.

Recommendations:

The researchers reached the following recommendations:

1) The researchers recommend that the Qatari legislator, when incorporating any international treaty of a criminal nature, be clear in order to preserve the principle of legality, so that the penal code is amended, for example, and any new criminal texts that come in fulfillment of an international obligation are added.

2) The researchers recommend the Qatari legislator to elaborate the rules and provisions of international criminal responsibility for committing international crimes, and to state its position on the principle of universal jurisdiction.

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