



# Qatar - Global bribery offenses guide

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## 1) What is the legal framework governing bribery in Qatar?

The State of Qatar (Qatar or the State) is a constitutional monarchy. Since 2013 the hereditary Emir, or Head of State, is the His Highness Sheikh Tamin bin Hamad Al-Thani who holds the majority of legislative and executive authority. Islam is the official religion of Qatar. Although Islamic law (Sharia law) is a major source of legislation in the country, this is most prevalent in personal and family law and the impact of Sharia law on commercial and international business is minimal.

Qatar is a jurisdiction governed by civil law. It has acceded to and ratified the UN Convention against Corruption and signed the Arab Convention Against Corruption, but has not implemented legislation based on these international commitments.

There is no standalone bribery law in Qatar. Bribery and corruption are prohibited under an assortment of laws primarily aimed at Qatari public officials, of which Qatar Law No. 11/2004 On the Issuance of the Penal Code (Penal Code) contains the key laws governing and criminalizing bribery. This summary is based on the anti-bribery provisions under the Penal Code.

In addition, Qatar's Military Service Law No. 31/2006 prohibits *inter alia* a military service officer from accepting gifts, gratuitous payments whether directly or through an intermediary.

In addition, Qatar has an onshore financial and business center with a commercial and regulatory environment that is separate and independent of the existing systems of the state known as the Qatar Financial Centre (QFC). Qatar also has free zone areas that have been developed to accelerate economic diversification and these areas are managed by the Qatar Free Zones Authority (QFZA). The provisions of the Penal Code are applicable within the QFC and the QFZA.

Qatar's Procurement Law No. 24/2015 provides that if a contract with the government is awarded in accordance with the tender process it is deemed to be rescinded in the following two cases:

- if it is proven that the contracting party has committed fraud or other improper activities in the execution or acquisition of a contract; or
- if it is proven that the contacting party, personally or through a third party, directly or indirectly, bribed any state official or colluded with a state official to inflict damage to the state entity which is party to the contract.

Qatar's Cabinet Decision No. 18/2020 enacts a charter relating to the code of conduct and integrity of state officials and provides *inter alia* that state officials must:

- not have personal interests which may conflict with the interests of the State or their obligations and responsibilities as a state official;
- inform their employer of cases that may lead to a conflict of interest;
- not request or accept a gift, donation, benefit or such other interest for themselves or another except in certain limited

circumstances; and

- preserve the interests and the rights of the State including public funds.

All article references in this summary refer to the Penal Code.

## 2) What constitutes a bribe?

A bribe is not expressly defined under the Penal Code.

One can infer from the bribery offenses, however, that a bribe is money, another benefit, promise or other advantage offered or received, directly or indirectly, to induce or reward the improper performance of a person's duties.

## 3) What are the principal offenses under this legal framework?

- The Penal Code contains provisions which relate to the bribery of public servants, foreign public servants, servants of public international corporations and private sector employees.
- Bribery generally includes the request, acceptance, offer of or making of any promise or gift (or other advantage) to a public official either directly or indirectly in order to abet that public officer or person to abuse their power, whether actual or presumed, in order to obtain, from a public department of authority, an unlawful benefit (arts. 140 and 141).
- Requesting, agreeing to receive, or accepting a bribe in the capacity of a public official, foreign public servant or a servant of a public international corporation (art. 140).
- (Private sector bribery) Requesting a bribe for one's own benefit or that of another person, without the knowledge and consent of the perpetrator's employer, in return for performing or not performing any of their duties (art. 146).
- Knowingly assisting or abetting in the commission of a bribe (arts. 38(3), 38(4), and 143).
- Acting as an intermediary for a bribery transaction (art. 141).

## 4) What is the jurisdictional reach of the legal framework?

Qatar's anti-bribery provisions have extra-territorial effect. Pursuant to an amendment to the Penal Code, the bribery provisions have been extended to those that commit or participate in an act of bribery outside of the State (art. 16(3)).

## 5) Who may be liable for bribery? (Public officials, private individuals, legal entities, etc.)

Private individuals, public officials (as defined in Art. 3 of the Penal Code), private sector employees, foreign public servants, servants of public international corporations, intermediaries and accessories may be liable for bribery offenses.

## 6) Can a parent company be liable for its subsidiary's involvement in bribery?

There are no specific provisions under the anti-bribery provisions addressing a parent company's liability for its subsidiary's involvement in bribery.

Nonetheless, in certain circumstances a parent company may be liable for its subsidiary's involvement in bribery. Some possibilities include where:

- the subsidiary is established as a branch in Qatar in which the principal parent may be, on particular facts, held to be directly liable for the acts of the subsidiary
- the parent company acts as an intermediary in the bribery offense; or
- the parent company acted directly or indirectly in the commission of the bribe.

## 7) Are facilitation payments (i.e. small payments to speed up routine governmental action) considered bribes?

Yes. Provided they meet the criteria, facilitation payments are considered bribery, no matter how small the amount.

## 8) Does the legal framework restrict political and charitable contributions?

There are no express provisions under the Qatar bribery laws that restrict charitable contributions.

There are, however, restrictions under fundraising and charity laws that could apply to charitable contributions. Fundraising and the establishment of charities in Qatar is highly regulated, in part, to mitigate the risk of terrorism financing and money laundering. Charities are closely scrutinized and regulated, and fundraising is only permitted in partnership with locally established charities.

As Qatar is a constitutional monarchy, political contributions are not applicable.

## 9) Does the legal framework place restrictions on corporate hospitality?

The Penal Code makes no express provisions with regard to corporate hospitality and any financial or other advantage given in that context would be assessed by reference to the provisions described in this note.

Whether hospitality amounts to a bribe would likely be assessed on the basis of whether it constitutes a benefit under the Penal Code, which was given at least in part for the purpose of inducing improper performance of the assigned duties of a public officer or private sector employee.

## 10) Are there any defenses for bribery offenses?

The Penal Code provides that a briber or intermediary who self-reports a bribery offense before it is discovered shall be absolved from liability, even if it has already been committed (art. 141). However, it is not clear whether the self-reporter would be exempt from other corruption related offenses which may arise in connection with the same offense under other laws.

A briber or intermediary who self-reports following the discovery of a bribe may also be absolved from liability if the reporting results in criminal arrests (art. 144).

The Qatari courts may commute the penalties under the Penal Code if the defendant cooperates during the investigation and prosecution procedures.

## 11) What are the key regulatory or enforcement bodies with regard to bribery?

In addition to the police and the Qatari Public Prosecution Office, both of which have general responsibilities in connection with the criminal law, the main bodies responsible for investigating and combating bribery and corruption in Qatar are the State Audit Bureau (SAB) and Qatar's Administrative Control and Transparency Authority (the QACTA).

Furthermore, all Qatari ministries and government departments have a responsibility to investigate cases of bribery connected with their organizations and must refer suspected cases of bribery to the SAB.

## 12) What are the legal consequences of being found guilty of bribery offenses?

Legal Consequence	Application
Imprisonment for up to ten years, and a fine equal to the bribe but not less than QAR5,000 (art. 140).  Dismissal from public office is a legal consequence for any offense involving public officials.	<ul style="list-style-type: none"><li>• Public official who requests or accepts a bribe (art. 140).</li><li>• Bribers: any person who promises, offers or gives a bribe to a public official (art. 141).</li><li>• Intermediaries involved in bribery transactions (art. 141).</li></ul>
Imprisonment for up to seven years, and a fine of up to QAR15,000 (art. 142).	<ul style="list-style-type: none"><li>• Lesser offense for public official who accepts a bribe without pre-meditation: any public official who accepts money/a benefit from a person for the fact that they performed/abstained from carrying out an act of their office with the intention to receive a reward (but without</li></ul>

	prior agreement (ie not pre-meditated) (art. 142).
Imprisonment for up to three years, and a fine of up to QAR15,000 (art. 143).	<ul style="list-style-type: none"> <li>• Accessories: any person who demands or receives money or benefit, assuming that it is a bribe for an officer, even if the accessory intends to keep it or any part of it for themselves (art. 143).</li> <li>• Intermediaries are excluded from the lesser accessory to bribery offense (art. 143 (2)) (higher penalties stated above apply to intermediaries).</li> </ul>
Imprisonment for up to five years, and a fine of up to QAR15,000 (art. 145).	<ul style="list-style-type: none"> <li>• Attempted public sector bribery: any person who offers a bribe to a public official who refuses it.</li> </ul>
Imprisonment for up to three years, and/or a fine of up to QAR15,000, or either one of the aforementioned penalties (art. 146).	<ul style="list-style-type: none"> <li>• Bribery offenses in the private sector.</li> </ul>
The bribe monies/benefit shall be confiscated.	<ul style="list-style-type: none"> <li>• All of the above offenses.</li> </ul>

Additional legal consequences may apply if the acts constitute crimes under other Qatari laws, or if other offenses are committed under the Penal Code (art. 144).

### 13) Are deferred prosecution agreements (DPAs) or other similar settlement mechanisms available?

There is currently no legislation in relation to bribery of a public official which specifically addresses or permits an enforcement action or prosecution to be resolved through a settlement agreement or some other similar means.



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