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في شأن

التعاون القضائي الدولي في المسائل الجنائية

THE PUBLIC PROSECUTION-DUBAI

FEDERAL LAW NO. (39) OF 2006
REGARDING

INTERNATIONAL JUDICIAL COOPERATION IN CRIMINAL MATTERS

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FEDERAL LAW NO. (39) OF 2006 REGARDING INTERNATIONAL JUDICIAL COOPERATION IN CRIMINAL MATTERS

We, Khalifa Bin Zayed Al Nahyan, President of the United Arab Emirates,
after reviewing the constitution

and Federal Law No. (1) of 1972 regarding Ministerial Jurisdictions and Authorities of Ministers and the amended Laws

and Federal Law No. (10) of 1973 regarding the Federal Supreme Court and amended Laws.

and Federal Law No. (11) of 1973 regarding Regulation of Judicial Affairs between Emirate Union Members

and Federal Law No. (6) of 1978 regarding the Establishment of Federal Courts and Transferring Jurisdictions of Local Judicial Authorities in some Emirates, and the amended Laws.

and Federal Law No. (3) of 1983 regarding the Federal Jurisdiction and the amended Laws.

and the Criminal Law passed by Federal Law No. (3) of 1987 and the amended Laws.

and the Criminal Procedures Law No. (35) of 1992 and the amended Laws.

and Federal Law No. (43) of 1992 regarding Regulation of Punitive Facilities

and Federal Law No. (4) of 2000 regarding Criminalization of Money Laundry

and Federal Law No. (1) of 2004 regarding Combating Terrorist Crimes

As per proposals of the Minister of Justice, and the approval of the Cabinet and confirmation of the Union Supreme Council, the following Law was passed:

Part One

DEFINITIONS AND GENERAL PROVISIONS

PUBLIC PROSECUTION - DUBAI النيابة العامة - دبي

ARTICLE (1)
DEFINITIONS

In enforcing provisions of this Law, the following words and expressions shall have the meanings stated alongside, unless otherwise stipulated in the context:

State: United Arab Emirates
Ministry: Ministry of Justice
Minister: Minister of Justice
Competent Court: the competent Court of Appeal
Competent Department: the competent department at the Ministry
Competent Foreign Jurisdiction: the competent foreign jurisdiction related to a foreign state, or the international jurisdiction established as per a valid and enforceable agreement, in which the state is a party to, or as per a binding international decree.

Requesting State: the foreign state requesting an aspect of judicial cooperation from the state authorities.

Requested State: the state in which an aspect of judicial cooperation is required to be enforced.

Requested for hand over: every person requested for temporary hand over or arrest for a criminal charge or judgement passed against him from one of the foreign jurisdictions.

Request for Extradition: every person requested for extradition from abroad as a result of a criminal charge or judgment passed against him from the state courts.

Convicted requested for transfer: every person against whom a final and definite judicial judgment was passed from the state courts or courts of a jurisdiction, enforceable with a punishment restricting freedom.

Convicting State: the state in which the convicting judgemen was passed, and from which the convicted was requested to b transferred from.

Executing State: the state to which the convicted person woul be transferred to, in order to serve the sentenced punishment or th remainder of its duration.

ARTICLE (2)
GENERAL PROVISIONS FOR INTERNATIONAL JUDICIAL COOPERATION

Without prejudice to provisions of international agreements t which the State may be a Party in, and on the condition of reciprocit in dealings, the judicial authorities in the State would exchang judicial cooperation with foreign judicial authorities regarding crimin matters as per provisions of this Law.

ARTICLE (3)
NON REGULATION OF RIGHTS TO OTHER STATES

This Law does not regulate any rights to any state in requestin pursuit of any procedures of international judicial cooperation i criminal matters.

ARTICLE (4)
APPLICATION OF OTHER PENAL LAWS

Provisions stipulated in the Criminal Procedures Law and an other related Laws shall be applied in matters which are otherwis not mentioned in the context of this Law.

ARTICLE (5)
ENFORCEMENT OF PROCEDURES AS PER NATIONAL LAWS

In compliance with provisions of Article (2) of this Law, enforceabl Laws in the State shall be applied upon commencement of procedur of international judicial cooperation in foreign matters.

PART TWO

EXTRADITION OF PERSONS AND ITEMS

CHAPTER ONE
EXTRADITION OF PERSONS TO FOREIGN STATES

ARTICLE (6)
CASES OF EXTRADITION

Accused or convicted persons shall be extradited to a foreign judicial authority for interrogation, criminal proceedings, or for enforcement of criminal judgments passed against them, as per provisions stated in this Part.

ARTICLE (7)
TERMS AND CONDITIONS OF EXTRADITION

Extradition of wanted persons is conditional on the following:

The crime for which extradition is requested, shall be punishable in the Law of the requesting state, by a punishment restricting freedom for a period of at least one year, or any other more severe punishment.

That the action for which extradition is requested if committed in the state territory, constitutes a crime punishable with a sentence restricting freedom for the period of at least one year or any other more severe punishment.

If the request for extradition was related to the enforcement of a punishment restricting freedom, sentenced in one of the crimes for which extradition is requested, in order for extradition to be achieved, then the remaining un-served punishment term is required to be not be less than six months.

This shall not be effective if the action for which extradition was requested constitutes a crime punishable under the Laws of both states, where the crime would be listed under a different term or description or if elements of the crime therein varied

ARTICLE (8)
MULTIPLICITY OF CRIMES REQUESTING EXTRADITION

If the Extradition Order includes more than one crime, each of which is punishable under the Laws of both states, then the request for extradition may be responded to for all crimes, even if either of them did not satisfy the terms and conditions stipulated upon in Articles (1) and (3) of the previous Article, as long as these terms and conditions were satisfied -at least- in one of the crimes for which extradition is requested.

ARTICLE (9)
CASES OF REFUSING EXTRADITION

Extradition may not be enforced in any of the following cases:

1- If the person requested for extradition holds the nationality of the state.

2- If the Law of the state, provides jurisdiction to the competent judicial authorities regarding the crime for which extradition is requested.

3- If the subject matter of the extradition request, was a political crime or associated with a political crime, this does not include crimes of terrorism, war, genocide, crimes of aggression committed against the president of the state or any of his family members, deputy, or members of the Supreme Council or any related family members, the Prime Minister or other persons under diplomatic immunity, in addition to crimes of aggression committed against the state facilities and its basic interests.

4- If the crime for which extradition is requested is confined in the violation of military duties.

5- If serious reasons were provided for the assumption that the purpose for the extradition request is the pursuit or punishment of a person for reasons related to his ethnicity, religious affiliation, nationality or political views, or if the provision of any of these reasons was the infliction of harm to that person's status.

6- If the person requested for extradition was interrogated by the State or prosecuted for the same crime for which extradition was requested.

7- If the person requested for extradition was previously prosecuted for the crime for which his extradition is requested, and he was either acquitted or convicted, and has accordingly served the sentenced punishment.

8- If the crime for which the person is requested for extradition, had a final and conclusive judgment passed from the State courts.

9- If the criminal case lapsed or the punishment abated due to the lapse of the period, upon submission of the extradition request.

10- If the person wanted, faced or may face torture, inhumane or humiliating treatment from the requesting state, or a harsh punishment not suited to the crime, or if he was not provided with the minimum securities stipulated in the Criminal Procedures Law.

ARTICLE (10)
EXTRADITION OF A PERSON UNDER INVESTIGATION OR PROSECUTION

If the person requested for extradition is under investigation or prosecution for another crime in the State, then extradition would be postponed until the investigation or prosecution ends with the passing of a final and conclusive judgment, if he was convicted, his extradition would take place after execution of the sentenced punishment.

The State may extradite him on a temporary basis, if the State undertakes to return the extradited person immediately upon sentencing, or within the period defined by the State and which would not exceed six months from the extradition date.

ARTICLE (11)
THE METHOD OF SUBMITTING AN EXTRADITION REQUEST AND ITS ATTACHMENTS

The extradition request is submitted in writing through diplomatic channels, then transferred to the competent department, supported

with the following details and information translated to the Arabic language, and officially certified from the concerned authorities:

1- The name and description of the wanted person, a photo of him if provided, with any other information which may be useful in determining his identity, nationality and place of residence.

2- A copy of the legal provision applied for the crime, and the stipulated punishment in the requesting State.

3- An official copy of the interrogation report, and arrest warrant issued from the competent foreign judicial authority stating the type of crime and actions for which the person wanted is charged with, the time and place of the crime if the request is related to a person under investigation.

4- An official copy of the guilty verdict stating the type of crime and actions for which the person requested for extradition is charged with, and the punishment sentenced, and a statement indicating the judgment to be enforced, if the extradition request is related to a convicted person.

ARTICLE (12)
REVIEW OF EXTRADITION ORDERS

The competent department would refer the extradition order to the Attorney General, after verifying provision of the formal terms and conditions stipulated, and whether or not it was of the view that the information and documents submitted supporting the order were insufficient for deliberation, it would accordingly request from the authority requesting extradition for additional supplementary clarification, information or documents within a specified period of time.

ARTICLE (13)
URGENT EXPEDITION

Extradition of a person wanted is not possible unless after a decision is issued with the possibility of extradition from the competent court, nevertheless it is possible to obtain an extradition order by means of a decision from the Minister, upon an offer from the Attorney General, if the extradition was to one state and the person wanted for extradition approved in writing accordingly.

ARTICLE (14)
APPROVAL OF THE PERSON REQUESTED FOR EXTRADITION

The written approval for the person requested for extradition must include all personal information, details of the case for which extradition is requested, and that extradition was enforced with his choice and full knowledge of its outcome.

ARTICLE (15)
DETAINMENT OF THE PERSON REQUESTED FOR EXTRADITION IN URGENCY CASES

The Attorney General or his delegate in urgency cases, and as per the arrest warrant issued by a foreign judicial authority, may order temporary detainment of the person requested for extradition until the extradition order is received.

In this case, the person requested for extradition may not be detained for a period exceeding fifteen days unless the state requesting extradition provides an acceptable reason for the delay, and under all circumstances, the detainment period shall not exceed forty days.

The Attorney General may voluntarily or upon the request of the person requested for extradition order his release on his personal recognisance or estimated bail.

Release of the person requested for extradition does not preclude his re-arrest or detainment upon the provision of an extradition order.

ARTICLE (16)
ARREST OF THE PERSON REQUESTED FOR EXTRADITION

The Attorney General or his delegate immediately upon receiving the request for extradition may order the arrest of the convicted person in case of risk of flee, unless the convicted person was

detained as per procedures stipulated for in Article (15) of this Law.

The Attorney General may voluntarily or upon the request of the person requested for extradition order his release on his personal recognisance or estimated bail.

ARTICLE (17)
PROCEDURES BEFORE THE PUBLIC PROSECUTION

The person requested for extradition shall appear before the competent Public Prosecution within forty eight hours from the time of arrest, and the Public Prosecution must notify him with the reason for arrest, contents of the arrest warrant, and existing evidence and documents related to the warrant, consequently establishing the testimony in a record. The convicted person shall have the right to have an attorney present at the hearing.

ARTICLE (18)
REFERRAL TO THE COMPETENT COURT

The Attorney General may refer the request for extradition to the competent court within fifteen days from the date of proceedings, accompanied by a written Memorandum to be deposited with the concerned court registrar with all supporting documents.

The Public Prosecution may assign the person requested for extradition to appear for a scheduled hearing.

ARTICLE (19)
RESOLUTION PROCEDURES IN EXTRADITION REQUESTS

The concerned court may examine the extradition request in a closed session with the attendance of the Public Prosecution, the person sought for extradition and counsel (if any), and shall decide accordingly after hearing the Public Prosecution and defence.

In case of receiving a confirmation from the person sought for extradition before the court on his agreement for actual extradition, the court must then ensure his capacity and cognizance of the outcome

ance for extradition, the agreement must be clear and in
uments are thereafter returned to the Attorney General
e with provisions of Article (13) of this Law.

ARTICLE (20)
DECISION OF THE COURT

petent court issues its decision regarding the possibility
ı as per the Law, and the court's decision must be

ARTICLE (21)
ASING THE PERSON SOUGHT FOR EXTRADITION

ision issued with the non-possibility of extradition is
he immediate release of the person sought for extradition
wise provided for in the decision.

ARTICLE (22)
CHALLENGING THE EXTRADITION ORDER

rney General and person sought for extradition may
ıe order issued by the competent court before the
;ourt of Appeal.
od for Appeal is thirty days from the date of the court
ɔrder was passed in the presence of all parties and from
;ummoning the person requested for extradition in case
ia order.

ARTICLE (23)
'URES FOR APPEAL IN THE EXTRADITION DECISION

ı the decision referred to in the previous Article is enforced
f a report submitted to the registrar of the concerned
eal, at submission the court date will be fixed which time
ıall be scheduled which shall not exceed ten days from

the date of submitting the report, and shall be regarded as a notice for the hearing even if the report was submitted from counsel.

ARTICLE (24)
ENFORCEMENT OF THE DECISION FOR EXTRADITION

A decision issued with the possibility of extradition may not be enforced except after it becomes final.

ARTICLE (25)
NEW REASONS FOR EXTRADITION

A decision issued with the non-possibility to extradite will not preclude issuing another decision with the possibility to extradite as per a subsequent request from the same state and for the same crimes, this is in case of new reasons which may arise and which were not previously presented before the competent court.

ARTICLE (26)
SANCTIONING DECISIONS TO EXTRADITE

A decision issued with the possibility to extradite may not be enforced unless after obtaining the Minister's approval.

In case of non-approval to extradite, the Attorney General would issue an order to release the person sought for extradition if under arrest.

ARTICLE (27)
MULTIPLE REQUESTS FOR EXTRADITION

In case of multiple requests for extraditing the same person, the Minister may specify the state to which the first extradition is made, taking into account the obligations arising from valid bilateral or multiple party agreements, and considerations made to the circumstances related and associated with each case separately, and in particular:

1-The gravity of the crime and the extent of its effect to the

security of a certain state.
ce and time of the committing the crime.
nationality of the person sought for extradition.
r each of the above circumstances were unified in more state, the priority will be accorded to the sate requesting first ition, putting into consideration the extent of cooperation by the state seeking extradition in similar cases.

ARTICLE (28)
NON-RECEIPT OF THE REQUESTED PERSON

state seeking extradition does not receive the person who decided for extradition within thirty days from the date of n, the person in question would be released, after which n would then require a new decision.
e of exceptional circumstances, preventing the extradition g-over of the sought person within the previous duration, state seeking extradition would be notified to determine ify a final deadline for extradition, to be approved by the d judicial authority, after which the sought person would be and his extradition may not be requested thereafter for the (s) for which he was extradited.
all circumstances the period of time in which the sought detained shall not exceed sixty days.

ARTICLE (29)
THE PRINCIPLE OF PRIVACY

onditional for the enforcement of extradition, that the seeking ertakes not to extradite the sought person to a third state, and ntly not to charge him with any accusations, prosecute him, ny punishment against him or detain him for a crime committed e date of extradition request, other than the crime for which the request was made, along with associated crimes, except in the circumstances:
person did not leave the state territory to which he was extradited

within thirty days from the date of being notified with finalization of procedures requiring his presence in the state with his ability accordingly, or if he had departed during that period and voluntarily returned to it.

If the Minister agreed accordingly, on the condition that the state seeking extradition submits a new request as stipulated in Article (11) of this Law, to be attached to the judicial records including the statement and defence of the sought person.

ARTICLE (30)
EXTRADITION OF THE SOUGHT PERSON TO A THIRD STATE

The competent court would consider the request submitted by the state seeking extradition to handover the extradited person to a third state, the court would issue its decision as per the provisions stated in this Law and the valid bilateral and various agreements, which would not conflict with the constitutional principles of the state.

ARTICLE (31)
FACILITATION OF PASSAGE OF PERSONS STIPULATED FOR EXTRADITION

The Attorney General may approve passage of persons subjected to the system of extraditing criminals by way of the state land from a state which permits extradition to another state as per the request of the latter state, if this passage does not harm the sovereignty of the state, its security or basic interests.

ARTICLE (32)
EXTRADITION COSTS

The state shall bear costs of all procedures arising from the request for extradition within the scope of its jurisdiction.
The state seeking extradition shall bear costs of transferring the sought person and any other unconventional costs which may arise from the extradition request.

CHAPTER TWO
EXTRADITING PERSONS

ARTICLE (33)
PROCEDURES FOR REQUESTING EXTRADITION AND ITS ENCLOSURES

:torney General or his delegate may request the competent nt to address the authorities in the foreign state in order to convicted persons sentenced with punishments restricting dom for a minimum of six months or any punishment ere, or those accused with crimes punishable by Law with nent restricting freedom for not less than one year or a nt more severe.

est for extraditing an accused or convicted person shall be in writing from the Public Prosecution dated, signed and the same applies to the remaining enclosed documents.

equest must clearly indicate details and descriptions of the erson in full, the facts for which extradition is requested, acterization of the crime -subject matter of the extradition- e legal provisions and the legal basis for the request for n.

equest enclosed with supporting documents and papers submitted by means of the competent department to the king extradition through diplomatic channels, translated in age of the foreign judicial authority or any other language le to it, unless otherwise stipulated by provisions of nts.

ARTICLE (34)
ARREST OF THE PERSON SOUGHT FOR EXTRADITION IN CASE OF URGENCY

Attorney General or his delegate in cases of urgency may competent authorities in the state in which an arrest warrant ı issued as per the stipulated legal status, for the arrest of

the person sought for extradition, and to be temporarily detained. The arrest warrant shall be notified by the liasioning department in the Ministry of Interior.

The Public Prosecution must complete the documents and papers supporting the request for extradition, and send them to the seeking state at the earliest possible time, by way of the concerned department using diplomatic channels.

ARTICLE (35)
DEDUCTION OF THE TEMPORARY DETAINMENT PERIOD

The detainment period served by the accused abroad is considered as temporary detainment with regards to applying principles of executing punishment.

ARTICLE (36)
AMENDMENT OF THE LEGAL CHARACTERIZATION FOR THE ACT SUBJECT OF THE CRIME

If amendment of the legal characterization of the act subject of the crime was made during progress of the case procedures against the extradited person, then this person may not be accused or prosecuted or any procedure taken restricting his freedom, unless aspects of the crime with its new characterization were based on the same facts on which the person was extradited for, forming a crime punishable by the same punishment stipulated for the crime for which he was extradited or a more severe punishment.

ARTICLE (37)
UNDERTAKING OF NON-EXECUTION OF THE DEATH PENALTY

In crimes other than Hudood (Islamic Punishment), an Undertaking may be submitted to the state seeking extradition, in accordance with provisions of an enforceable agreement associating it with the State for the non-execution of the death penalty on the person sought for extradition.

conditional upon submitting the Undertaking in crimes ie that blood relatives relinquish their legal rights in that

Jndertaking is submitted to the Minister, in which case es for commutation are made.

CHAPTER THREE
NDING-OVER AND RECOVERING ITEMS

ARTICLE (38)
HANDING OVER ITEMS

ut prejudice to the rights of others having good intentions, the General or his delegate may hand over to the state seeking n all items found in possession of the person against whom ion to extradite has been issued for the items collected in of which he was accused, or has used in committing the which may be taken as evidence against him, which was possession of the person sought for extradition at the time or which may be discovered thereafter unless possession es a crime in the State.
Attorney General or his delegate may delay hand over of ns when requested on the basis of judicial or administrative es adopted in the State.

ARTICLE (39)
L AGAINST THE DECISION FOR HANDING OVER OF ITEMS

related person has the right appeal against the decision d in Article (38) before the competent court within fifteen n the date of its issuance.
ourt will give its decision regarding the appeal after hearing c Prosecution and statement of the Appellant.

ARTICLE (40)
RECOVERING ITEMS

The Attorney General or his delegate may request from the competent department to address authorities of the foreign state to hand over whatever found in the possessions of the person sought for extradition for the items gathered from the crime with which he was charged with or was used in committing the crime or its revenues or which may be taken as evidence.

ARTICLE (41)
CONTROLLED EXTRADITION

Without prejudice to the rules of jurisdiction stipulated in the Law, the Attorney General may permit transportation of items possession of which is regarded as a crime or gathered in a crime or was a tool in committing the crime as per provisions of the Law inside the state or abroad without being confiscated or replaced either partially or completely, under the control of the competent authorities, upon the request the foreign judicial authority as per the terms and conditions agreed upon as previously stated to identify its destination or to arrest its perpetrator.

The mentioned permit stated in the previous paragraph may not be issued if by its execution, harm would be inflicted onto the sovereignty of the State, its security, public order, morals or environment.

ARTICLE (42)
PROCEDURES FOR EXECUTING CONTROLLED EXTRADITION

The competent authorities in the State will undertake enforcement of the permit referred to in the previous Article, within the scope of its jurisdiction. A report shall be issued accordingly with the executed procedures.

The Attorney General defines the method of controlled extradition for items to the authority seeking extradition and the means of recovery or compensation.

PART THREE

MUTUAL JUDICIAL ASSISTANCE IN CRIMINAL MATTERS

PUBLIC PROSECUTION - DUBAI النيابة العامة - دبي

CHAPTER ONE

REQUESTS FOR JUDICIAL ASSISTANCE DIRECTED FROM A FOREIGN JUDICIAL AUTHORITY TO THE STATE AUTHORITIES

ARTICLE (43)
FORMS OF JUDICIAL ASSISTANCE

In case of an incoming request for assistance from a foreign judicial authority in determining a judicial procedure in the State regarding a crime punishable in the state seeking extradition within its jurisdiction, then the concerned judicial authority may offer the requested assistance as needed to proceed with the judicial procedures in the criminal case trialled before the foreign judicial authority.

1- The judicial assistance in particular, includes the following:
2- Determining the identity and location of the persons
3- Hearing the persons statements
4- Presenting the detained persons to provide their testimony before the foreign judicial authorities
5- Notifying about judicial documents
6- Confiscating items and searching persons and places
7- Providing information and evidence
8- Providing original documents and records or certified copies

ARTICLE (44)
METHOD OF SUBMITTING ASSISTANCE APPLICATIONS

The application for judicial assistance is submitted by the competent authorities in the foreign judicial authority to the competent department in the Ministry through diplomatic channels.

The competent department after studying the judicial application and confirming its fulfilment to the formal terms and conditions,

en refer it to the competent judicial authority for necessary
s to be taken.

ARTICLE (45)
PRECAUTIONARY MEASURES IN URGENT CASES

competent judicial authority in urgent cases and upon a
equest from a foreign judicial authority, and prior to fulfilment
rms and conditions required in the application for judicial
ce, may order precautionary measures required to protect
ed legal interests, or safeguard evidence or documents for
ss or tampering.
measures would cease, if the foreign judicial authority
d in fulfilling the terms and conditions stipulated in the
nent of the application, within the time frame specified by the
nt judicial authority, unless the requesting foreign judicial
presented an acceptable reason.

ARTICLE (46)
DETAILS OF APPLYING FOR ASSISTANCE

application for judicial assistance is issued in writing from
ign judicial authority, dated, signed and stamped by the
ng authority attached with complete documents.
type of case and location issuing the application and the
required to enforce the application, in addition to all detailed
ion related to facts of the case and the applicable legal
ns with the procedures required to be taken, shall include,
rly:

ames of witnesses, residences and questions required to be
.

uestions required to be directed to persons required for
ation.
statement with the possessions, documents or papers
for inspection.

The application must be enclosed with all required papers and documents, translated to the Arabic language and certified by the foreign judicial authority, unless otherwise stipulated in the Agreements in which the State is a member.

ARTICLE (47)
ADDITIONAL INFORMATION

The competent department may request any additional information it deems necessary from the foreign judicial authority in order to enforce the request.

ARTICLE (48)
CONFIDENTIALITY OF APPLICATIONS

Upon the request of the foreign judicial authority, confidentiality of the application or its contents shall be maintained.

ARTICLE (49)
LISTENING TO WITNESSES

The hearing of witnesses testimony or obtainment of evidences from them, shall be conducted with the knowledge of the competent jurisdiction in the State, as a prelude to sending it to the foreign judicial authority.

ARTICLE (50)
CASES OF REFRAINING FROM TESTIFYING

The persons called for testifying or submitting specific evidence in the state territory may refrain from doing so whenever permissible in similar cases as per the Law of the foreign judicial authority.

ARTICLE (51)
IMMUNITY OF WITNESSES AND EXPERTS BEFORE FOREIGN JUDICIAL AUTHORITIES

subject of the judicial assistance was the summoning of s, expert or accused to appear before a foreign judicial , these authorities shall then undertake non prosecution, ent or restriction of personal freedom regarding prior criminal onvictions, preventing them from leaving the state territory, on to non prosecution, detainment or punishment due to a y or expert report submitted by them, or failure to appear ie concerned authorities.

ARTICLE (52)
TRANSFERRING DETAINED WITNESSES

se of receiving applications from a foreign judicial authority ppearance of a person detained by the State to testify or his statement before its judicial authority in his capacity as a or expert, on the condition of obtaining his prior approval, the udicial authority shall undertake to keep him detained and m at the earliest time or at the time determined by the State, dance with provisions of Article (63) of this Law.

State may refuse transferring of a detained person in any of wing cases:

the response to the application results in the violation of the vereignty, security or public order.

his presence was necessary in the State due to criminal res being taken.

transferring to the foreign judicial authority would result in ongation of his detainment period.

the transfer would expose his life or the life of his family rs to danger.

ARTICLE (53)
CASES OF REFUSING ASSISTANCE

An application for judicial assistance may be refused in the following cases:

1- If the act for which the application was submitted does not constitute a crime if committed in the State territory.

2- If enforcement of the application resulted in the violation of the State sovereignty, security or public order or any other basic interests.

3- If the application was related or associated with a political crime.

4- If the application was related to a purely financial crime (tax or customs)

5- If there were significant reasons leading to the belief that the application for assistance was submitted for the purpose of prosecuting a person for his race, sex, nationality, religion, ethnic background or political views, or if that persons status was exposed to harm for any of these reasons.

6- If the application was related to a crime under investigation or prosecution in the State, or if the prosecution in the foreign jurisdiction was incompatible with the principal of the non permissibility of prosecuting a person for the same crime twice.

7- If the criminal case arising from the act had elapsed due to any of the reasons stipulated in the State Law or in the Law of the requesting state.

8- If the judicial assistance requested stipulates enforcement of mandatory and coercive measures, which may not be consistent with the Laws enforced in the State related to the crime for which assistance is required.

9- If the act attributed to the applicant is considered to be a crime as per the Military Law only, and not as per the other punitive Laws.

ARTICLE (54)
EXECUTION OF REQUEST AS PER A SPECIAL FORM

request for judicial assistance is executed as per the
ures enforced in the State Laws.
per a direct request from the foreign judicial authority, the
for judicial assistance is made as per a special form unless
se conflicting with the valid and enforceable Laws.

ARTICLE (55)
COSTS, FEES AND EXPENSES

ie enforcement of a request for judicial assistance requires
ng security on account of experts stipulated costs and fees
documents submitted for execution, then the requesting
hall be informed to deposit a security with the competent
tion.

ARTICLE (56)
EXPENSES DUE FOR WITNESSES AND EXPERTS

witness or expert shall have the right to refund the costs for travel
dence and reasonable lost wages or earnings from the requesting
e expert may also request fees in exchange of opinion.

sum of money due for the witness or expert will be stated
pplication document or summons, based on his request the
ting state may pay this amount in advance.

ARTICLE (57)
RECOVERY OF POSSESSION,
DOCUMENTS, RECORDS AND PAPERS

state authorities may request recovery of any possessions,
ents, records or papers handed over to the foreign judicial
ty, in execution of a request for judicial assistance.

ARTICLE (58)
DIVISION OF CRIME PROCEEDS

Crime proceeds may be divided with the foreign judicial authority for which judicial assistance was provided.

The Minister, in cooperation with the concerned authority, shall specify the terms, conditions and procedures for which this may be enforced.

CHAPTER TWO
REQUESTS FOR JUDICIAL ASSISTANCE DIRECTED FROM THE STATE AUTHORITIES TO FOREIGN JUDICIAL AUTHORITIES

ARTICLE (59)
PROCEDURES FOR REQUESTING ASSISTANCE FROM FOREIGN AUTHORITIES

The concerned judicial authority may request judicial assistance provided in paragraph two of Article (43) of this Law from foreign judicial authorities.

Requests for judicial assistance are sent from the competent department, directed to the foreign judicial authority through diplomatic channels.

The competent department after studying the request for judicial assistance and confirming its fulfilment to the formal terms and conditions shall refer it to the competent judicial authority for the proper procedures to be taken.

ARTICLE (60)
DETAILS OF ASSISTANCE REQUEST AND ITS ATTACHMENTS

The request for judicial assistance is prepared in writing by the concerned judicial authority, dated, signed and stamped by esting authority along with the remaining documents and ıttached, all of which shall be translated to the language of gn judicial authority or any other acceptable language.

request shall indicate the type of case, issuing authority and ority required to execute, in addition to all detailed information o facts of the cases and legal provisions applied to it with the res required to be taken, and in particular:

ames of witnesses, domiciles and questions requested.

uestions requested to be directed to the persons called for ation.

tatement of the possessions, documents or papers required ection or review.

ny other information required in order to obtain the evidence ıpon a swearing of oath, evidence or sample to be used or ıay be essential for execution of request.

he request must specify whether or not a certain deadline n defined for execution.

ARTICLE (61)
TERMS AND CONDITIONS OF VALIDITY OF PROCEDURES ENFORCED ABROAD

procedures executed as per the request for judicial nce are valid if enforceable as per the Law of the foreign authority whose authorities have undertaken the procedures, the concerned judicial authority in the state has otherwise ted procedures to be made in a certain manner.

ARTICLE (62)
.EGAL EFFECT OF PROCEDURES EXECUTED ABROAD

procedures conducted through judicial assistance as per ons of this Law shall have the same legal effect as if conducted the concerned judicial authority.

ARTICLE (63)
IMMUNITY OF WITNESSES AND EXPERTS BEFORE THE JUDICIAL AUTHORITIES

If the subject matter of the judicial assistance was to request a witness, expert or accused person to appear before a judicial authority, then this person may not be prosecuted, detained or his freedom restricted with regards to criminal acts or previous judgments from his departure from the state territory in which he is sought.

He shall also not be prosecuted, detained or penalized as a result of his testimony or experts report submitted by him.

The witness or expert failing to appear in spite of being summoned to appear, may not be subjected to any penalties or coercive procedures, even if this summons includes a punitive condition.

The immunity granted to the witness or expert as stipulated in the previous paragraphs expires with the lapse of a period of thirty days continuously, effective the date of a written notification by the authority summoning the appearance, stating that the appearance is not required, and in spite of which the witness or expert had the opportunity to leave the state territory, but remained, or departed then returned voluntarily. The above does not include the period in which the witness or expert were unable to leave the state territory for reasons beyond their control.

PART FOUR

...NSFERRING THE CONVICTED PERSONS

UBLIC PROSECUTION - DUBAI النيابة العامة - دبي

CHAPTER ONE
TRANSFERRING THE CONVICTED PERSONS TO A FOREIGN STATE

ARTICLE (64)
TERMS AND CONDITIONS OF TRANSFERRING THE CONVICTED PERSONS TO A FOREIGN STATE

The Attorney General, in compliance with provisions of a Treaty in which the State is a member, may approve the request submitted by a foreign judicial authority to transfer a convicted person held in one of the punitive institutions in the State serving a penal judgment passed by the State courts, if the following terms and conditions were provided:

1- That the crime for which the judgment was passed was punishable by the Law of the executing state with a punishment restricting freedom.

2- That the judgment passed in conviction is final, conclusive and enforceable.

3- That the convicted person is of the nationality of the executing state.

4- That the convicted person agrees to being transferred, and in case of his inability to express his desire in writing, then the approval shall be obtained from his legal counsel, spouse or one of his relatives up to the fourth degree.

5- That the remaining period of punishment restricting his freedom to be served, is not less than six months at the time of submitting the transfer request, and accordingly in exceptional cases estimated by the Minister in cooperation with the Minister of Interior an approval may be obtained for the transfer if the remaining period was less than six months.

6- The executing state shall bear costs and expenses of transferring the convicted person.

ARTICLE (65)
THE REQUISITE CIRCUMSTANCES FOR REJECTING A TRANSFER REQUEST

request for transfer is stipulated for rejection in any of the g circumstances:

the response to the request results in violating the sovereignty tate, its security or public order.
the crime prosecuted was a military crime.
f the method of executing a punishment at the requesting iffers from that in the State.
f the requesting state does not undertake non-compliance of provisions applied by it on the convicted person.

ARTICLE (66)
CONTINGENCY CIRCUMSTANCES FOR REJECTION A TRANSFER REQUEST

equest for the transfer of a convicted person may be rejected of the following circumstances:
If the convicted person did not pay the amounts, fines, judicial compensations or any other monetary judgments.
If the convicted person had a lawsuit filed against him before ate courts regarding financial claims.
If the maximum degree of punishment restricting freedom as ted in the Law of the requesting state is considerably less than ntenced punishment restricting freedom.

ARTICLE (67)
PROCEDURES FOR SUBMITTING A TRANSFER REQUEST

transfer request for a convicted person is submitted in writing, nslated to the Arabic language from the executing state, the st must contain clear personal information of the convicted n with the documents establishing his nationality and place

of residence in the requesting state, place of detainment, and an undertaking not to apply provisions of Pardon to him.

The request may be submitted from the state authorities to transfer a detained convicted person to the state of his nationality.

The convicted person or legal counsel may express a desire to transfer in order to execute the judgment passed against him from the state courts at the state of his nationality.

ARTICLE (68)
INFORMATION OF TRANSFER REQUEST AND ATTACHMENTS

The transfer request must be accompanied with the following information and documents translated to the language of the executing state, and officially certified by the competent authorities:

A copy of the judgment passed in conviction, certified by the competent authorities.

A statement of the essential information of the remaining period to be served in the punishment, including the period of provisional detainment served in the case, and any information on the identity of the convicted person, and conduct before and after judgment.

The convicted person's written approval on the transfer request as stipulated in Article (64) of this Law.

ARTICLE (69)
APPROVAL VERIFICATION OF PERSONS REQUESTED FOR TRANSFER

The convicted person is presented to the Public Prosecution to confirm his approval on the transfer issued by his free will, and knowledge of the outcome of accepting the transfer request.

ARTICLE (70)
TRANSFER COSTS

The state authorities shall bear transfer costs and provide security for the convicted person inside the state.

ARTICLE (71)
NOTIFYING THE EXECUTING STATE WITH ALL DECISIONS AND PROCEDURES

public prosecution of the executing state is notified through cerned department with provisions of amnesty or pardon egarding the convicted person, in addition to any decisions dures taken in the state territory resulting in the complete or nalization of enforcing the punishment.

CHAPTER TWO
TRANSFER OF THE CONVICTED PERSONS FROM A FOREIGN STATE

ARTICLE (72)
SFER REQUEST OF A CONVICTED PERSON FROM ABROAD

ompliance with provisions of Article (2) of this Law, the State ies may request from the concerned authorities in a foreign e transfer of a person having the nationality of the State, ited and detained in one of its punitive facilities in execution al judgment issued from the courts of that state.

ARTICLE (73)
RMATION OF TRANSFER REQUESTS AND ATTACHMENTS

isfer requests shall be in writing, stating the personal tion of the convicted person with documents proving his lity and place of detainment, translated to the language of the ng state or any other acceptable language, officially certified concerned authorities.

ARTICLE (74)
HANDING-OVER OF THE CONVICTED IN THE PUNITIVE FACILITY

The convicted transferred to the state territory is handed-over to the punitive facility upon a written order issued by the attorney general or his delegate.

ARTICLE (75)
MEANS OF EXECUTING A PUNISHMENT

Execution of a punishment is enforced as per the system of execution applied in this State, from which the period of provisional detention served and time served from the punishment is deducted. The State has exclusive jurisdiction to make all decisions related to the execution, and is required to notify the convicting state upon request with updates regarding execution of the guilty verdict.

ARTICLE (76)
HEALTH RELEASE

The public prosecution of the convicting state shall be notified through the competent authority with all procedures made and documents submitted in case of the health release of the convicted person.

ARTICLE (77)
THE INADMISSIBILITY OF A RE-TRIAL

Upon acceptance of the transfer request, all penal procedures initiated by the judicial authorities in the state for the crime against the convicted person requested for transfer shall cease, and the related criminal case may not be prosecuted or re-trialled for the facts upon which the guilty verdict was issued.

ARTICLE (78)
PROVISIONS OF AMNESTY AND PARDON

isions of amnesty and pardon apply to convicted persons, ; amnesty, pardon or release do not apply under any other ı or pardon except after obtaining approval of the convicting

esty and pardon issued by the convicting state are applied ›nvicted person.

PART FIVE

CONCLUDING PROVISIONS

ARTICLE (79)

compliance with the provisions of Article (2) of this Law any
›posing or conflicting with its provisions, will nullify.

ARTICLE (80)

is Law shall be published in the Official Gazette, and enforced
ıe date of publication.

IALIFA BIN ZAYED AL NAHYAN
ESIDENT OF THE UNITED ARAB EMIRATES

ued on our behalf in the Presidential Palace in Abu Dhabi
te: Shawal 8th 1427H.
rresponding to: October 31st 2006
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