

Federal Law No. (39) of 2006
Concerning International Judicial Cooperation in Criminal Matters

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates

- Taking cognisance of the Constitution;
- Federal Law No. (1) of 1972 concerning the functions of the ministries and the powers of the ministers, as amended;
- Federal Law No. (10) of 1973 concerning the Federal Supreme Court, as amended;
- Federal Law No. (11) of 1973 regulating judicial relations between member Emirates of the Federation;
- Federal Law No. (6) of 1978 regarding the establishment of the federal courts and the transfer of responsibilities of local judicial authorities in certain Emirates thereto, as amended;
- Federal Law No. (3) of 1983 apropos the Federal Judicial Authority, as amended;
- Penal Code promulgated by Federal Law No. (3) of 1987, as amended;
- Criminal Procedures Code promulgated by Federal Law No. 35 of 1992, as amended;
- Federal Law No. (43) of 1992 regulating penitentiaries;
- Federal Law No. (4) of 2000 on criminalising money laundering; and
- Federal Law No. (1) of 2004 on combating terrorism
- Based on the proposal of the Minister of Justice, approved by the Cabinet and ratified by the Supreme Council of the Federation

Issue the following Law:

Part One
Definitions and General Provisions

Article (1)

Definitions

Unless the context otherwise requires, the following words and expressions, when used in this Law, shall have the meanings set out opposite them:

UAE	: United Arab Emirates
Ministry	: Ministry of Justice
Minister	: Minister of Justice
Competent Court	: Competent Appeals Court
Competent Department	: Competent department at the Ministry
Competent Judicial Authority	: The court having jurisdiction to hear proceedings of judicial cooperation or the Public Prosecution
Foreign Judicial Authority	: The Competent Judicial Authority of a foreign State or international judicial authority established under a current agreement to which the UAE is party or pursuant to a binding international decision
Requesting State	: The foreign State requesting judicial cooperation from the authorities of the UAE
Requested State	: The State requested to provide judicial cooperation
Person to be Surrendered	: A person to be surrendered or temporarily arrested for a criminal charge or sentence issued against him by a Foreign Judicial Authority
Person to be Returned	: A person who is to be returned from abroad to face a criminal charge or sentence issued against him by the courts of the UAE
Convicted Person Sought to be Transferred	: A person against whom a final and enforceable court sentence entailing deprivation of liberty has been rendered by the courts of the UAE or the courts of a Foreign Judicial Authority

Sentencing State : The State where a sentence was issued from which the convicted person is to be transferred

Executing State : The State to which a convicted person is transferred to serve a sentence or the balance of a sentence imposed on him

Article (2)

International Judicial Cooperation General Provisions

Subject to the provisions of international agreements to which the UAE has acceded and on the basis of reciprocal treatment, the judicial authorities in the UAE shall extend judicial cooperation in criminal matters to Foreign Judicial Authorities in accordance with this Law

Article (3)

No Rights to Other States

Nothing in this Law shall give any State the right to compel any form of international judicial cooperation in criminal matters

Article (4)

Application of Other Criminal Laws

Matters for which no provision appears in this Law shall be subject to the Criminal Procedures Code and any other relevant laws

Article (5)

Proceedings to be Carried Out Under National Laws

Subject to Article 2 of this Law, the laws in force in the UAE shall apply upon commencement of international judicial cooperation in criminal matters

Part Two
Surrender of Persons and Property
Chapter One
Surrender of Persons to Foreign States
Article (6)
Cases of Extradition

Suspects and convicted persons shall be handed over to Foreign Judicial Authorities in order to be interrogated, stand trial or serve sentences in accordance with the provisions of this Chapter

Article (7)
Conditions for Extradition

The extradition of wanted persons shall be subject to the following requirements:

1. The crime for which extradition is sought must be punishable under the laws of the Requesting State by deprivation of liberty for at least a period of 1 year or by a more severe penalty
2. The act for which extradition is sought, if committed within the territory of the UAE, must constitute a crime that is punishable by deprivation of liberty for a period of at least 1 year or by a more severe penalty
3. Where the request for extradition relates to a person wanted for the execution of a sentence entailing deprivation of liberty awarded in connection with an offence for which extradition is sought, extradition shall be granted only if a period of at least 6 months remains to be served on the sentence
4. In determining whether or not the act for which extradition is sought is punishable under the laws of both States, it shall not matter whether the act is placed within the same category, is denominated by the same terminology or has different constituent elements

Article (8)

Multiple Crimes for which Extradition is Sought

If the request for extradition includes several separate crimes each of which is punishable under the laws of both States, but some of which do not fulfill the conditions set out in Sub-Articles 7-1 and 7-3, then extradition may be granted for all the crimes provided the conditions are met by at least one extraditable crime

Article (9)

Bases for the Denial of Extradition

Extradition shall not be granted in any of the following circumstances:

1. If the person to be extradited is a citizen of the UAE
2. If the law of the UAE provides jurisdiction to the Competent Judicial Authorities over the offense for which extradition is sought
3. If the offense concerning the request is a political offence or an offence connected with a political offence. Political offences, however, do not include acts of terrorism, war crimes, genocide, crimes against the person of the Head of State or a member of his family, the Deputy Head of State, a member of the Supreme Council or a member of his family, Prime Minister, or any person enjoying State protection as well as crimes against State utilities and essential interests
4. If the offense for which extradition is sought is an offense of a military character
5. If there are substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing a person on the grounds of race, religion, nationality, or political opinion or that the person's position would be prejudiced for any of those reasons
6. If the Person to be Surrendered is under investigation or prosecution in the UAE for the same offence for which extradition is requested
7. If the Person to be Surrendered has been tried and acquitted or convicted for the offense for which extradition is requested and has completed his sentence
8. If final judgment has been passed by the courts of the UAE in respect of the offense for

which the person's extradition is requested

9. If the prosecution or the execution of the sentence for the offense identified in the request for extradition would be time-barred
10. If the person whose extradition is requested has been, or would be subjected in the Requesting State to torture or inhumane or degrading treatment or a harsh penalty incompatible with the offense or if that person has not received the minimum guarantees in criminal proceedings

Article (10)

Extradition of Persons Who are Under Investigation or Prosecution

If the person sought is being investigated or prosecuted in the UAE for another offence, his extradition shall be stayed until the investigation or prosecution has been concluded by the issue of a final decision. If convicted, the person shall be extradited after serving his sentence. The UAE may surrender him on a temporary basis on the condition that the Requesting State would return him as soon as practicable after the rendering of a decision in respect of him or within such time limit as the UAE shall specify, not exceeding 6 months after surrender

Article (11)

Procedure for Submission of Request for Extradition and Supporting Documents

The request for extradition shall be submitted in writing through diplomatic channels and forwarded to the relevant department. The request shall be accompanied by the following information and documents, translated into Arabic and duly attested by the relevant authorities:

1. Name and description of the person sought and photographs of him if available together with any other information that could help determine his identity, nationality and place of residence
2. The text of the legal provisions that define and penalise the offense and describe the punishment for the offense in the Requesting State

3. When the request relates to a person who is under investigation, it shall be accompanied by an official copy of the transcript of questioning and the warrant of arrest issued by the competent Foreign Judicial Authority showing the crime and the offense imputed to the person sought and the time and place of commission
4. When the request relates to a convicted person, it shall be accompanied by a certified copy of the judgment of conviction showing the crime, the offense imputed to the person whose extradition is requested and the sentence imposed and a statement indicating that the judgment is enforceable

Article (12)

Review of Requests for Extradition

The Competent Department shall refer the request to the Attorney General after verifying that it meets all the formal requirements. If the Competent Department finds the supporting information and documents insufficient to decide the request, it shall request the necessary supplementary clarifications or further information or documents from the Requesting Party and may fix a time-limit for the receipt thereof

Article (13)

Summary Extradition

Extradition shall not be granted unless a decision authorising extradition has been issued by the Competent Court. However, when extradition is to a single State, it can be carried out by means of a decision issued by the Minister pursuant to the recommendation of the Attorney General subject to the written consent of the Person to be Surrendered

Article (14)

Consent of the Person to be Surrendered

The written consent of Person to be Surrendered shall include all the details relating to him and the case in respect of which he is being extradited and a statement to the effect that consent to the extradition is being given voluntarily with full knowledge of the legal

consequences thereof

Article (15)

Detention of Person to be Surrendered in an Urgent Situation

In case of urgency, the Attorney General or person delegated by him may, on the basis of a warrant of arrest issued by a Foreign Judicial Authority, order that the Person to be Surrendered be taken into custody for up to 15 days pending presentation of a formal request for extradition

The custody period may be extended beyond 15 days if the Requesting State is able to provide good reason for delaying the request for extradition. In all cases, the custody period shall not exceed 40 days

The Attorney General may, of his own accord or at the request of the Person to be Surrendered, order him discharged from custody against a personal guarantee or bail in such sum as he shall determine

Such a discharge from custody shall not prejudice the subsequent re-arrest or further detention of that person if the request for extradition is delivered at a later date

Article (16)

Arrest of Person to be Surrendered

The Attorney General or person delegated by him may, promptly after receiving a request for extradition, order the arrest of the Person to be Surrendered when there are indications that he might flee unless he has already been detained under the procedures set forth in Article 15 of this Law

The Attorney General or person delegated by him may, of his own accord or at the request of the Person to be Surrendered, order him released from custody against a personal guarantee or bail in such sum as he shall determine

Article (17)

Proceedings before the Public Prosecution

The Person to be Surrendered shall be brought before the competent Public Prosecution within 48 hours after arrest. The Public Prosecution shall explain to him the reason for arrest, the content of the request for extradition, the evidence and the documents related to the request and shall record his statements in a report. The Person to be Surrendered has the right to have a lawyer present during questioning

Article (18)

Referral to Competent Court

Within 15 days after reviewing the request for extradition, the Attorney General shall send it, together with a written memorandum, to the Competent Court for the request and its supporting documents to be filed with the clerk's office. The Public Prosecution shall summon the Person to be Surrendered to attend the hearing set for consideration of the request

Article (19)

Procedure for Deciding Requests for Extradition

The Competent Court shall hear the request for extradition in closed session in the presence of the Public Prosecution and the Person to be Surrendered and his lawyer, if applicable, and shall then decide the request after hearing the Public Prosecution and the defence

Where, at his appearance before the Court, the Person to be Surrendered declares his consent to be extradited and the legal conditions for extradition are fulfilled, the Court shall, after informing the person of the legal consequences of his consent, formally acknowledge his consent in writing and return the documents to the Attorney General for application of Article 13 of this Law

Article (20)

Court Decision

The Competent Court shall issue a reasoned decision on eligibility for extradition in accordance with the Law

Article (21)

Release of Person to be Surrendered

If extradition has been refused, the Person to be Surrendered shall be released immediately even if the decision does not provide for his release

Article (22)

Appeal of Extradition Decision

The Attorney General and the Person to be Surrendered may appeal the decision of the Competent Court to the competent appeals court

The time limit for appeal is 30 days either from the date of the Court's decision if issued in the presence of the parties or from the date of notification of the Person to be Surrendered if the decision was issued in absentia

Article (23)

Procedure for Appealing Extradition Decision

The decision mentioned in the preceding article shall be appealed by filing a notice with the clerk's office of the competent court of appeal. A hearing is then fixed for the appeal no later than 10 days after the filing of the notice. Notice of proceedings shall be deemed to have been served in this manner even if the notice was filed by the lawyer of the Person to be Surrendered

Article (24)

Enforcement of Extradition Decision

A decision granting extradition shall be enforced only after it has become final

Article (25)

New Grounds for Extradition

When new grounds are asserted before the Competent Court, a decision refusing to grant extradition shall not preclude the issue of a further decision of eligibility for extradition pursuant to a subsequent request from the same State concerning the same offenses

Article (26)

Approval of Extradition Decision

A decision granting extradition shall be enforced only after the Minister's approval. If approval for extradition is declined, the Attorney General shall order the release of the Person to be Surrendered if he is under arrest

Article (27)

Competing Requests for Extradition

When there are competing requests for the extradition of the same person, the Minister shall determine to which State the person will be extradited initially, taking into account the obligations arising from bilateral and multilateral agreements in force and the circumstances of each case, specifically:

1. The gravity of the offence and the degree of incompatibility with the interests or security of a particular State
2. Place and time of commission of the offence
3. Nationality of the Person to be Surrendered

Where all or some of those circumstances exist, extradition will be given to the State whose request for extradition has priority having regard to the assistance afforded by the

Requesting State in corresponding circumstances

Article (28)

Non-Receipt of the Person Sought

If the Requesting State does not receive the person in respect of whom extradition has been ordered within 30 days of being notified of the decision, the person will be released and may only be subsequently surrendered to it under a fresh decision

Where exceptional circumstances prevent the surrender or take over of the person sought within the above time limit, the Requesting State shall be notified in order to fix a final deadline for surrender approved by the Competent Judicial Authority. The person shall be released after that deadline and no request for his extradition may be subsequently made in respect of the same offense or offenses for which the extradition was sought

In all cases, a person who is to be extradited may not be kept in custody for more than 60 days

Article (29)

Rule of Specialty

For the purpose of carrying out extradition, the Requesting State shall not surrender the person sought to a third State or charge, prosecute, sentence or detain him for an offense committed prior to extradition other than the one for which his extradition is granted and related offenses, except:-

1. Where the person extradited, having had the opportunity to leave the territory of the State to which he has been surrendered, has not done so within 30 days of being notified of the conclusion of the proceedings requiring his presence in that State, or has voluntarily returned to that State after having left it
2. Where the Minister consents. The Requesting State will be required to present a new request in the manner specified in Article 11 of this Law, accompanied by a judicial record of the statement and defence of the person sought

Article (30)

Re-Extradition to a Third State

The Competent Court shall consider the request of a State to which a person has been extradited to extradite that person to another State. The court shall issue its decision in accordance with the provisions of this Law and the bilateral and multilateral agreements in force to the extent that does not conflict with the constitutional principles of the UAE

Article (31)

Facilitation of Transit of Extradited Persons

Where a person subject to regulations governing the extradition of criminals is to be extradited to a State from a third State through the territory of the UAE, the Attorney General may, at the request of the State to which the person is to be extradited, authorise the transit of that person through the territory of the UAE provided such transit does not prejudice the sovereignty, security or essential interests of the UAE

Article (32)

Costs of Extradition

The UAE shall meet the cost of any proceedings in its jurisdiction arising out of a request for extradition. The Requesting State shall bear the costs incurred in transporting the Person to be Surrendered and any extraordinary costs arising out of the request for extradition

Chapter Two

Return of Persons

Article (33)

Procedure for Requesting Return and Supporting Documents

The Attorney General or person delegated by him may request the Competent Department to request, in writing, the authorities in a foreign State to return persons sentenced to a penalty depriving them of their liberty for a term of not less than 6 months or any severer

penalty or persons accused of committing crimes which are punishable by deprivation of liberty for a term of not less than 1 year or by a more severe penalty

The Public Prosecution shall issue a written request for return of the accused or convicted person. The request and supporting documents shall include a date, signature and seal as well as a full description and details of the person to be returned, the facts underlying the request, the legal classification of the offence for which the person is being extradited, the relevant texts of law and the legal basis for extradition

The request, together with its supporting documents, shall be sent by the Competent Department through diplomatic channels to the Requested State. The documents shall be translated into the language of the Foreign Judicial Authority or any other language acceptable thereto unless otherwise dictated by agreements

Article (34)

Arrest of Person Sought to be Returned in an Urgent Situation

In case of urgency, the Attorney General or person delegated by him shall request the competent authorities in the Requested State, pursuant to a duly issued judicial warrant of arrest, to arrest the person sought and retain him in temporary custody. The warrant of arrest shall be notified through the communications section at the Ministry of the Interior

After preparing a complete submission, the Public Prosecution shall promptly send the request for return to the Requested State by way of the Competent Department through diplomatic channels

Article (35)

Deduction of the Period of Temporary Custody

In applying the rules for carrying out the sentence, the period for which the accused was retained in custody abroad shall be regarded as a period of remand in custody

Article (36)

Change of Legal Classification of the Offence

If the legal classification of the offence changes during the course of proceedings against a person who has been returned, he may not be charged, prosecuted or otherwise proceeded against in any manner that would deprive him of his liberty unless the new elements of the crime are based upon the same facts for which he was extradited and constitute an offence punishable by the same penalty prescribed for the offence for which he was extradited or by a more severe penalty

Article (37)

Undertaking to Waive the Death Penalty

Except for crimes for which there is doctrinal punishment (Hudood), assurance may be given to the Requested State pursuant to an agreement with the UAE, that the death penalty will not be carried out on the Person who is to be Returned. When giving such assurance in crimes for which (Qasas) may be sought, the heirs must waive their legal right to Qasas. The undertaking shall be presented by the Minister and steps shall be taken to commute the sentence

Chapter Three

Surrender and Return of Property

Article (38)

Surrender of Property

When a request for extradition is granted, the Attorney General or person delegated by him shall surrender, to the Requesting State, all property which has been acquired by the person sought as a result of the offense or used by him in the commission of the offence, or which may be required as evidence, and was in the possession of the Person to be Surrendered at the time of his arrest or was subsequently discovered, unless its possession would constitute a crime in the UAE. This obligation is subject to the rights of bona fide third parties

The Attorney General or person delegated by him may defer surrender of such property if required in connection with ongoing judicial or administrative proceedings in the UAE

Article (39)

Grievance Against Decision Directing the Surrender of Property

An interested party has 15 days to file a grievance against the decision mentioned in Article 38 before the Competent Court

The Court shall issue its decision on the grievance after hearing the Public Prosecution and the grievant

Article (40)

Return of Property

When a request for extradition is granted, the Attorney General or person delegated by him shall ask the Competent Department to request, in writing, the authorities in the foreign State to furnish property which has been acquired by the person sought as a result of the offense or used by him in the commission of the offence, or which may be required as evidence

Article (41)

Supervised Surrender

Subject to the rules of jurisdiction under law, the Attorney General shall legally permit property whose possession is an offence or which has been acquired as a result of an offence or has been used in the commission of an offence to enter or exit the UAE without being seized or to be replaced in whole or in part under the supervision of the competent authorities at the request of a Foreign Judicial Authority and in accordance with such conditions as may be agreed whenever this would enable the identification of its source or lead to the arrest of the perpetrator

The permission mentioned in the preceding paragraph shall not be granted if its execution would violate the sovereignty, security, public policy, public morals or harm the

environment of the UAE

Article (42)

Procedure for Supervised Surrender

The competent authorities in the UAE shall execute the permission referred to in the preceding article within their respective jurisdictions and prepare a report on the action taken

The Attorney General shall determine the procedure for supervised surrender of property to the Requesting Party and the return and replacement thereof

Part Three

Judicial Assistance in Criminal Matters

Chapter One

Request for Judicial Assistance from a Foreign Judicial Authority to UAE

Authorities

Article (43)

Forms of Judicial Assistance

Where a request is received from a Foreign Judicial Authority for assistance in taking judicial action in the UAE in relation to an offence that is punishable in the Requesting State and within the jurisdiction of its judicial authorities, the Competent Judicial Authority shall provide the required assistance when necessary to pursue judicial action in criminal proceedings pending before the Foreign Judicial Authority. Judicial assistance shall include:

1. Information on the identity and whereabouts of persons
2. Taking statements of persons
3. Transferring persons in custody to give evidence before foreign judicial authorities
4. Serving judicial documents
5. Seizing property and searching persons and premises
6. Obtaining information and evidence

7. Obtaining documents and original records or certified copies thereof

Article (44)

Procedure for Submission of Requests for Assistance

Requests for judicial assistance shall be sent by the competent authority within the Foreign Judicial Authority to the Competent Department at the Ministry through diplomatic channels

After verifying that the request for judicial assistance is complete and meets the necessary formal requirements, the Competent Department shall refer the request to the Competent Judicial Authority for appropriate action

Article (45)

Provisional Measures in an Urgent Situation

In case of urgency, the Competent Judicial Authority shall, upon written request from a Foreign Judicial Authority and prior to satisfying the requirements for the request for judicial assistance, direct that provisional measures be taken to protect threatened legal interests or to secure prosecution evidence or documents which are likely to be lost or tampered with

Those measures will be suspended if the Foreign Judicial Authority fails to fulfill the requirements for execution of the request within the time period specified by the Competent Judicial Authority unless the Foreign Judicial Authority requesting the assistance provides good cause

Article (46)

Request for Assistance

Information and Supporting Documents

The request for judicial assistance shall be made in writing by the Foreign Judicial Authority and, together with the supporting documents, shall bear the date, signature and seal of the Requesting Party

The request shall include a case description, the Requesting Party and the Requested Party,

all details pertaining to the facts of the case, relevant texts of law and the measures to be taken, specifically:

1. Name and place of residence of witnesses and the questions to be posed to them
2. List of questions for the persons who are to be questioned
3. Description of property or documents to be inspected

The request shall be accompanied by all the required documents, translated into Arabic and attested by the Foreign Judicial Authority, unless otherwise dictated by agreements to which the UAE is party

Article (47)

Additional Information

The Competent Department shall request the Foreign Judicial Authority for any further information deemed necessary in order to execute the request

Article (48)

Confidentiality of Requests

The request &/or its particulars will be kept confidential if so requested by the Foreign Judicial Authority

Article (49)

Hearing of Witnesses

The statements and testimony of witnesses shall be taken by the Competent Judicial Authority in the UAE and then sent to the Foreign Judicial Authority

Article (50)

Cases in which the Giving of Testimony can be Refused

A person requested to give testimony or specific evidence in the territory of the UAE may refuse to give testimony or evidence so far as he has that privilege under the law of the

Foreign Judicial Authority in corresponding circumstances

Article (51)

Immunity of Witnesses and Experts Appearing before Foreign Judicial Authorities

If the purpose of judicial assistance is to have a witness, expert or accused attend before a Foreign Judicial Authority, the Authority shall undertake not to prosecute, detain or restrain him of his liberty on account of criminal offenses or convictions preceding his departure from the territory of the UAE and not to prosecute, detain or punish him on account of his testimony, expert report, or failure to appear before the Authority

Article (52)

Transfer of Detained Witnesses

Subject to Article 63 of this Law, when a request is made by a Foreign Judicial Authority for a person in custody in the UAE to appear as a witness or expert in order to give testimony or statements before its judicial authorities with his prior consent, the Foreign Judicial Authority shall be obliged to keep him in custody and return him as soon as practicable or within such time period as specified by the UAE

The UAE may refuse to transfer a person in custody in any of the following cases:

1. When compliance with the request would be incompatible with the sovereignty, security or public policy of the UAE
2. When his presence is required for criminal proceedings in progress in the UAE
3. When his transfer to the Foreign Judicial Authority would prolong his term of custody
4. When his transfer would place his life or the life of his family members at risk

Article (53)

Cases in which Assistance can be Refused

A request for judicial assistance may be refused:

1. If the act underlying the request would not be an offence if committed in the territory of

the UAE

2. If compliance with the request would be incompatible with the sovereignty, security, public policy or essential interests of the UAE
3. If the request concerns a political offence or an offence connected with a political offence
4. If the request concerns an offence of a purely pecuniary nature such as tax and customs offences
5. If there are substantial grounds for believing that the request for assistance had been made for the purpose of prosecuting a person on account of race, sex, religion, nationality, ethnic origin or political opinion or that his position would be prejudiced for any of those reasons
6. If the request relates to an offence that is subject to judicial investigation or prosecution in the UAE or the prosecution of which before the Foreign Judicial Authority would be incompatible with the law on double jeopardy (neb is in idem)
7. If the criminal proceedings arising out of the offence have lapsed for any of the reasons stated in the law of the UAE or the law of the Requesting State
8. If the judicial assistance requested requires the UAE to carry out compulsory measures that would be inconsistent with its law had the offence been the subject of investigation or prosecution under its own jurisdiction
9. If the act underlying the request is an offense under military law, which is not also an offence under ordinary criminal law

Article (54)

Execution of Request in a Specific Manner

The request for assistance shall be executed in accordance with the procedures required by UAE law

Upon the express request of the Foreign Judicial Authority, the request for judicial assistance shall be executed in a specific manner provided there is no conflict with the laws in force

Article (55)

Expenses, Fees and Costs

Where a deposit for the fees of experts and documents necessary for the execution of a request for judicial assistance is payable in advance, the Requesting State shall be notified in order to lodge the deposit with the Competent Judicial Authority

Article (56)

Witness & Expert Reimbursement

By law, witnesses and experts are entitled to appropriate reimbursement of expenses for travel and subsistence as well as appropriate compensation by the Requesting State for loss of earnings or profits. The expert may request that the Requesting State pay a fee for his expert opinion

The documents pertaining to the request or notice shall state the amounts payable to the witness or the expert. The Requesting State may, upon the request of the witness or expert, pay the amount in advance

Article (57)

Return of Property, Documents and Records

The authorities of the UAE may request the return of any property, documents or records that have been delivered to the Foreign Judicial Authority for the execution of a request for judicial assistance

Article (58)

Sharing of Proceeds from Crimes

The proceeds from crimes in respect of which judicial assistance has been provided may be shared with the Foreign Judicial Authority. The Minister, in coordination with the concerned authorities, shall determine the relevant requirements and procedures

Chapter Two
Requests for Judicial Assistance from UAE Authorities to a Foreign Judicial Authority
Article (59)

Procedure for Requesting Foreign Assistance

The Competent Judicial Authority may request judicial assistance from a Foreign Judicial Authority under Article 43-2 of this Law

Requests for judicial assistance shall be sent to the Competent Department for transmission to the Foreign Judicial Authority through diplomatic channels

After verifying that the request for judicial assistance is complete and meets the necessary formal requirements, the Competent Department shall refer the request to the Competent Judicial Authority for appropriate action

Article (60)

Request for Assistance Information and Supporting Documents

Requests for judicial assistance shall be made in writing by the Competent Judicial Authority and, together with the supporting documents, shall bear the date, signature and seal of the Requesting Party. The documents shall be translated into the language of the Foreign Judicial Authority or any other language acceptable thereto

The request shall include a case description, the Requesting Party and the Requested Party, all details pertaining to the facts of the case, relevant texts of law and the measures to be taken, specifically:

1. Name and place of residence of witnesses and the questions to be posed to them
2. List of questions for the persons who are to be questioned
3. Description of property or documents to be inspected or reviewed
4. Any further information required to obtain evidence on the basis of oath, proof or any mode required to be used or necessary in order to execute the request

The request shall specify any time limit within which compliance with the request is desired

Article (61)

Criteria for Validity of Measures Taken Abroad

Measures taken under a request for judicial assistance shall be valid if carried out in accordance with the law of the Foreign Judicial Authority which exercised its jurisdiction unless the Competent Judicial Authority in the State had requested that they be carried out in a particular manner

Article (62)

Legal Effect of Measures Taken Abroad

Measures taken through judicial assistance in accordance with the Law shall have the same legal effect as if carried out before the Competent Judicial Authority

Article (63)

Immunity of Witnesses and Experts before the Judicial Authorities

Where the purpose of judicial assistance is to have a witness, expert or accused appear before a judicial authority, he may not be prosecuted, detained or subjected to any restrictions on his personal liberty on account of criminal offenses or convictions preceding his departure from the territory of the Requested State. Nor may he be prosecuted, detained or punished on account of his testimony or expert report

A witness or expert who fails to answer a summons to appear, service of which has been requested, shall not by reason thereof, be liable to any penalties or be subjected to any coercive measures notwithstanding any contrary statement contained in the summons

The immunity provided for in the preceding two paragraphs shall cease when the witness or expert, having had for a period of 30 consecutive days from the date of being notified in writing by the party who summoned him that his presence was no longer required, an opportunity of leaving, has nevertheless remained in the territory of the State, or having left it, has voluntarily returned

The period does not include any time during which the witness or expert was unable to leave the territory of the UAE for reasons beyond his control

Part Four
Transfer of Convicted Persons
Chapter One
Transfer of a Convicted Person to a Foreign State
Article (64)

Conditions for the Transfer of a Convicted Person to a Foreign State

The Attorney General shall, in compliance with an agreement to which the UAE is party, approve a request by a Foreign Judicial Authority to transfer a convicted person detained at a penal institution in the UAE by virtue of a criminal sentence issued by the courts of the UAE, subject to the following conditions:

1. The offence for which the sentence was given being punishable by a penalty entailing deprivation of liberty under the laws of the Executing State
2. The sentence being final and enforceable
3. The convicted person being a citizen of the Executing State
4. The convicted person agreeing to his transfer. If the convicted person is unable to express himself in writing, approval shall be given by his lawyer, spouse or relative up to four times removed.
5. The remaining time to serve before the expiration of a sentence entailing deprivation of liberty being not less than 6 months at the time of communication of the transfer request. Nevertheless, the Minister may, in coordination with the Minister of the Interior, decide at his own discretion and under exceptional circumstances, to approve the transfer if there are less than 6 months remaining to serve on the sentence
6. The Executing State bearing the expenses related to the transfer of the convicted person

Article (65)

Cases in which a Transfer Request will be Denied

A request for the transfer of a convicted person shall be denied in the following circumstances:

1. If the granting of the request would prejudice the sovereignty, security or public policy of the UAE
2. If the offence in respect of which the person has been sentenced is a military offence
3. If the procedure for executing the sentence in the Requesting State is different from the execution procedure of the UAE
4. If the Requesting State has not undertaken to waive its amnesty rules with respect to the convicted person

Article (66)

Cases in which a Transfer Request can be Denied

A request for the transfer of a convicted person may also be denied in the following circumstances:

1. If amounts, fines, costs, compensation or other monies judicially awarded against the convicted person remain unpaid
2. If proceedings involving monetary claims are pending against the convicted person in the courts of the UAE
3. If the maximum term of the penalty of deprivation of liberty established by the law of the Requesting State is considerably less than the awarded penalty of deprivation of liberty

Article (67)

Procedure for Submission of Transfer Request

A request for the transfer of a convicted person shall be made in writing by the Executing State in Arabic or on the basis of an Arabic translation. The request shall include details of the convicted person, documents proving his nationality, his place of residence and detention in the Requesting State in addition to an undertaking to waive special amnesty rules with respect to him

The authorities of the UAE may submit a request for a convicted person detained in the UAE to be transferred to the State of his nationality

A convicted person may personally or through his lawyer request that he be transferred to serve a sentence imposed on him by a UAE court in the State of his nationality

Article (68)

Transfer Request Information and Supporting Documents

The transfer request shall be accompanied by the following information and documents, translated into the language of the Executing State and duly attested by the relevant authorities:

1. Copy of the judgment of conviction, attested by the competent authority
2. Statement containing essential information regarding the remaining time to be served on the sentence including the period of remand in custody ordered in the case and any information on the identity of the convicted person and his conduct before and after pronouncement of the judgment of conviction
3. Convicted person's written consent to the transfer request in the manner required by Article 64 of this Law

Article (69)

Ensuring the Consent of the Person to be Transferred

The convicted person shall be referred to the Public Prosecution in order to ensure that his consent to the transfer is being given voluntarily with full knowledge of the legal consequences thereof

Article (70)

Transfer Expenses

The authorities of the UAE shall bear the expenses related to the transfer and provision of escort for the convicted person within the UAE

Article (71)

Notification of Decisions and Proceedings to the Executing State

The Public Prosecution shall notify the Executing State through the Competent Department of any general or special amnesty rules which apply to the convicted person as well as any decisions or proceedings in the territory of the UAE that would terminate the execution of the sentence in whole or in part

Chapter Two

Transfer of Convicted Person from a Foreign State

Article (72)

Request for Transfer of a Convicted Person from Abroad

Subject to Article 2 of this Law, the authorities of the UAE may request the competent authorities in a foreign State to transfer a person holding UAE nationality serving a sentence at a penal institution in the foreign State by virtue of a criminal sentence issued by the courts of that State

Article (73)

Request for Transfer Information and Supporting Documents

The request for transfer shall be made in writing and shall include details of the convicted person and documents proving his nationality and place of his detention. The request shall be translated into the language of the Sentencing State or any other language acceptable thereto, duly attested by the relevant authorities

Article (74)

Admission of Convicted Person to a Penal Institution

By law, the Convicted Person Sought to be Transferred to the territory of the UAE shall be admitted to the penal institution pursuant to a written order issued by the Attorney General or person delegated by him

Article (75)

Execution of Sentence

The sentence shall be carried out in accordance with the execution procedures followed by the UAE after deducting the period of remand in custody and the time served by the convicted party. The UAE shall have sole jurisdiction to issue decisions in relation to execution and shall, at the request of the Sentencing State, provide information regarding compliance with the sentence

Article (76)

Medical Release

The Public Prosecution shall notify the Sentencing State through the Competent Department of all procedures taken and documents submitted in the event of a medical release of the convicted person

Article (77)

No Re-Prosecution

All criminal proceedings which the judicial authorities of the UAE have instituted in respect of the same offence against the Convicted Person Sought to be Transferred shall cease upon the approval of the transfer request. Criminal proceedings may not be reactivated for the same offence nor may the convicted person be re-prosecuted for the same facts concerning the judgment of conviction

Article (78)

Rules of General and Special Amnesty

A convicted person shall be subject to general amnesty rules but would not be eligible for special amnesty, conditional release or any other pardon unless approved by the Sentencing State subject to the general and special amnesty rules of the Sentencing State applying to him

Part Five
Final Provisions

Article (79)

Subject to Article 2 of this Law, any provision contradicting or conflicting with this Law shall be repealed

Article (80)

This Law shall be published in the Official Gazette and shall come into force on the date of publication

KHALIFA BIN ZAYED AL NAHYAN
PRESIDENT OF THE UNITED ARAB EMIRATES

Issued by us at the Presidential Palace in Abu Dhabi

On 8 Shawal 1427 AH

Corresponding to 31 October 2006