

Status: Law in force

FED DECREE BY LAW No. 32 of 2022

**Gazette No. 737**

## **UAE Official Gazette**

### **Federal Decree-Law No. 32 of 2022 Concerning the Federal Judicial Authority**

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

**After perusal of the UAE's Constitution;**

**Federal Law No. (1) of 1972 regarding the competencies of ministries and the powers of ministers as amended;**

**Federal Law No. (10) of 1973 regarding the Federal Supreme Court as amended;**

**Federal Law No. (6) of 1978 regarding the establishment of Federal Courts and the transfer of the powers of the local Judicial Bodies in some emirates thereto;**

**Federal Law No. (3) of 1983 regarding Judicial Authority as amended;**

**Federal Law No. (11) of 1992 promulgating the Civil Procedures Code as amended;**

**Federal Law No. (35) of 1992 promulgating the Criminal Procedure Code as amended;**

**Federal Law No. (7) of 1999 promulgating the Pensions and Social Security Law as amended;**

**And Acting upon the proposal of the Minister of Justice and the approval of the Council of Ministers;**

**We issued the following Decree-law:**

## **Part (1): Independence of Judiciary and the Federal Judicial Council**

### **Chapter ONE Independence of Judiciary**

#### **Article 1**

Judges are independent, and, in performing their duties, they shall be subject to no authority other than the provisions of the Constitution, the applicable laws and their consciences. They may be dismissed only in accordance with the provisions hereof. The independence of Judiciary may not be prejudiced. There may be no interference in the affairs of justice.

#### **Article 2**

The Federal Judicial Authority shall have an independent budget to be attached to the general budget of the State.

#### **Article 3**

The Federal Judicial Authority shall consist of the Federal Courts and the Federal Public Prosecution and shall exercise its powers in accordance with provisions of law.

#### **Article 4**

1. Courts may not hold their hearings outside their main headquarters except by virtue of a decision of the Federal Judicial Council.
2. Federal Courts may hold their hearings remotely through the use of modern technical means of communication.

### **Chapter TWO Federal Judicial Council**

#### **Article 5**

The Federal Judicial Council shall be chaired by the Minister of Justice and the membership of each of the following:

1. The President of the Federal Supreme Court (As a Deputy-Chairman);
2. The Attorney General of the Federation;
3. Head of the Judicial Inspection Circuit;
4. The most senior Federal Courts of Appeal President; and
5. The most senior Federal Courts of First Instance President.

In the case of the Chairman's absence they shall be replaced with the Deputy-Chairman. The Federal Judicial Council shall be hereinafter referred to as the 'Council'.

## **Article 6**

The Council shall exercise the following functions:

It shall:

1. Supervise the independence of Judiciary.
2. Set the general policy for the development of the affairs of Judiciary and supervise the implementation thereof.
3. Decide on issues related to the Federal Judiciary and the Federal Public Prosecution in accordance with the legislation in force.
4. Propose legislation for the development of the Federal Judiciary and the Federal Public Prosecution.
5. Consider appointing Judges and Members of the Public Prosecution and referring them to retirement in accordance with the provisions hereof.
6. Decide on promotions, transfers, assignments and secondments of Judges and Members of the Public Prosecution in accordance with the provisions hereof.
7. Decide on requests and grievances related to the affairs of Members of Judiciary. The Council's decision regarding such grievances shall be final.
8. Issue a code of judicial conduct and the principles, obligations and directives that govern the work of Members of Judiciary.
9. Study the reports submitted to the Council on the progress of work in Courts and Public Prosecution Offices and take the necessary decisions in this regard.
10. Consider the necessary requirements for Members of Judiciary and take the necessary measures in this regard.
11. Approve the draft budget of Judiciary, supervise the implementation thereof; And approve the final account and submit it to the competent authorities for approval in accordance with the legal and regulatory procedures and controls approved by the Federal Government.
12. Other competencies stipulated herein or in any other federal law.

## **Article 7**

1. The Council shall have a General Secretariat headed by a Secretary-General who is delegated by a decision of the Council, provided that they are a Member of Judiciary. This position shall be held for a period of (4) four years, subject to renewal. The Secretary-General shall be the Rapporteur of the Council and shall attend its sessions without having a counted vote in its deliberations.
2. In the performance of their duties, the Secretary-General shall be assisted by a sufficient number of administrators and Members of Judiciary. By virtue of a decision of the Minister Justice, a number of employees in the Ministry of Justice may be assigned to work in the Secretariat of the Council.

3. The regulation of the General Secretariat and its functions shall be issued by a decision of the Council.

## **Article 8**

1. The Council shall hold its meetings in the capital of the Federation at the place specified by the Chairman of the Council. The Council's meetings may be held remotely through the use of modern means of communication.

2. The Council shall convene once a month or whenever the need arises. The Council's meeting is valid only if it is attended by its Chairman or Deputy-Chairman alongside four of its members. Its decisions are issued by a majority vote of those present. If the votes are equal, the Chairman shall cast the deciding vote. The deliberations of the Council shall be in camera.

3. The members of the Council shall receive a remuneration to be determined in the Schedules of Grades and Salaries of Members of Judiciary.

## **Article 9**

The Council shall issue its own by-law.

## **Article 10**

The Council may invite whomever it deems necessary to clarify a specific issue in the topics presented to it, and request from any party any data and information it deems necessary.

## **Article 11**

From among its members, the Council may form one or more Committees to which it delegates some of its powers, except for those related to appointment, promotions, transfers, assignment, secondment and referral to retirement.

## **Part (2): Federal Courts**

## **Article 12**

The Federal Courts shall consist of the following:

1. Federal Supreme Court;
2. Federal Courts of Appeal; and
3. Federal Courts of First Instance

The hierarchy of such Federal Courts shall be as listed above.

### **Article 13**

The Federal Courts are competent to adjudicate all disputes and crimes that fall within their jurisdiction in accordance with the provisions of the Constitution and Federal Laws. They shall also have the competences of the local Judicial Bodies transferred to it at the request of the concerned emirate. The law sets out the rules for the jurisdiction of the Courts and the levels of litigation.

### **Article 14**

The Federal Supreme Court shall be regulated by a law specifying the number of its Circuits, system, work procedures, terms of service and retirement of its members and the conditions and qualifications that they must meet.

## **Chapter ONE Federal Courts of First Instance & Federal Courts of Appeal**

### **Article 15**

1. The Federal Court of First Instance shall consist of a President and a sufficient number of Judges. It shall have one or more Circuits to consider criminal matters; one or more Circuits to consider civil and commercial matters; one or more Circuits to consider administrative matters; one or more Circuits to consider disputes related to personal status; and one or more Circuits to consider disputes related to other specialized matters. The Court shall be administratively supervised by the President of the Court who shall choose their Deputy from among its Judges.

2. The formation of Circuits and the distribution of Judges among them shall be by a decision of the General Assembly based on the proposal of the President of the Court and the approval of the Head of the Judicial Inspection Circuit.

3. Each Circuit of the Court is headed by the President of the Court or one of its Judges. Judgments are handed down by one Judge unless the law provides otherwise.

### **Article 16**

1. The headquarters of the Federal Courts of Appeal shall be in the capitals of the emirates or the dependent regions. By virtue of a decision of the Council, such Courts may have Circuits in other regions.

2. The Federal Court of Appeal shall be composed of a President and a sufficient number of Judges. It shall have one or more Circuits to consider criminal matters; one or more Circuits to consider civil and commercial matters; one or more Circuits to consider administrative matters; one or more Circuits to consider disputes related to personal status; and one or more Circuits to consider disputes related to other specialized matters. The Circuit shall be headed by the President of the Court or one of its Judges. The Court

shall be administratively supervised by the President of the Court who shall choose their Deputy from among its Judges.

3. The formation of Circuits and the distribution of Judges among them shall be by a decision of the General Assembly based on the proposal of the President of the Court and the approval of the Head of the Judicial Inspection Circuit.

4. The Federal Courts of Appeal are competent to consider appeals against judgments handed down by the Federal Courts of First Instance. They also consider the disputes falling within their jurisdiction in accordance with the provisions of the law.

5. Judgments shall be rendered by three Judges. Judgments shall be final.

6. The Criminal Circuit of the Abu Dhabi Federal Court of Appeal is exclusively competent to decide on cases related to crimes that directly affect the interests of the Federation, such as crimes related to the UAE's security at home or abroad and forgery crimes related to official documents or seals of one of the federal authorities, and currency counterfeiting crimes.

## **Article 17**

The litigants may challenge the judgments rendered by the Federal Courts of Appeal before the Federal Supreme Court in the cases and in accordance with the procedures provided for by law.

## **Chapter TWO General Assemblies of Courts and Interim Committees**

### **Article 18**

Each Federal Court of First Instance or Federal Court of Appeal shall have a General Assembly. It shall convene at the invitation of the President of the Court or their Deputy, or at the request of at least one-third of its members to consider the following matters:

1. Formation of Circles.
2. Distribution of cases among Circles.
3. Determining the number and dates of hearings.
4. Organizing the Judges' leaves and work during the judicial leave and determining the cases to be considered.
5. Any other issues stipulated herein or assigned to it by a decision of the Council.

The General Assembly may delegate some of its powers to the President of the Court.

### **Article 19**

The General Assembly of the Court shall be composed of all its members. The General Assembly shall be chaired by the President of the Court, or, in the case of their absence, by

their Deputy. If both of them are absent, the most senior of the members of the General Assembly shall chair the meeting. The meeting is valid only if it is attended by more than half of the General Assembly members. In the event that this quorum is not available, the General Assembly shall convene an hour later than the original time, and such meeting shall be valid only if it is attended by at least one-third of the General Assembly members. In the event that this quorum is not available either, the General Assembly shall be re-called to meet within a week, and such convening shall be valid regardless of the number of attendees.

## **Article 20**

1. Resolutions of the General Assembly are issued by a majority vote of the members present. In the case of a tie, the Chairperson of the session shall have the casting vote.
2. The minutes of the General Assembly shall be recorded in a register prepared for this purpose, and it shall be signed by the President of the Court.

## **Article 21**

The General Assembly in each Court shall form a Committee called the "Interim Affairs Committee" headed by the President of the Court or their representative and the membership of the two most senior of its members. Such Committee shall have the powers of the General Assembly in terms of summary matters if the General Assembly cannot convene to consider such matters by itself.

## **Article 22**

The resolutions of both the General Assemblies and the Interim Affairs Committee shall be notified to the Council within (5) five working days from the date of their issuance. The Council has the right to object to such resolutions and return them to the General Assemblies and the Interim Affairs Committee for reconsideration. The Council may then take what it deems appropriate regarding such resolutions. The Council's decision in this regard shall be final.

## **Chapter THREE Rules of Hearings and Judgments in Courts**

## **Article 23**

Litigation is a protected right guaranteed to everyone. Everyone has the right to be treated fairly in judicial proceedings. Before Judiciary, litigants, without discrimination, are equal.

#### **Article 24**

The right to defence is guaranteed to litigants at all stages of investigation and trial.

#### **Article 25**

The language of the Courts is Arabic. The Court shall hear the statements of the litigants or witnesses who do not speak Arabic through an interpreter after such interpreter takes the oath in accordance with the law.

#### **Article 26**

1. Court hearings are public unless the law stipulates, or the Court decides, on its own initiative or upon the request of the Public Prosecution, or one of the litigants, that they should be in camera in order to preserve public order or public morals or to observe the sanctity of private life. In all cases, the judgment shall be pronounced in a public hearing.
2. The order and control of the hearing are entrusted to its Chairperson.

#### **Article 27**

Judgments must include the reasons on which they are based.

#### **Article 28**

Judgments are passed by majority unless the law provides for unanimity of opinions.

#### **Article 29**

Judgments are issued by the Federal Courts in the name of the President of the United Arab Emirates and are executed in their name.

### **Part (3): Federal Public Prosecution**

#### **Article 30**

1. The Federal Public Prosecution is indivisible as an investigative or indictment authority. Any of its members shall replace the other, and the procedures initiated by them shall be completed, subject to the rules of jurisdiction.
2. The Federal Public Prosecution shall exercise the powers vested in it by law, and it shall have the exclusive right to file and pursue criminal cases, unless the law stipulates otherwise.



### **Article 31**

1. The Federal Public Prosecution is headed by an Attorney General to be appointed by a Federal Decree. It is not required to take the opinion of the Council with regard to the Attorney General's appointment.

2. Before assuming their position, the Federal Attorney General, before the Head of State and in the presence of the Chairman of the Council, shall take the following oath:

**"I swear by Almighty God to perform my work observing integrity and honesty, and observe justice without fear or favoritism, and to be faithful to the Constitution and the laws of the Federation.**

### **Article 32**

1. The Attorney General shall be assisted by one Assistant Attorney General and a sufficient number of Senior Advocates General, Advocates General and Chief Prosecutor, Assistant Chief Prosecutors, Senior Prosecutors, Prosecutors, and Assistant Prosecutors.

2. The Assistant Prosecutors shall have the authority to investigate and indict in crimes under the supervision of the Chief Prosecutor. The Chief Prosecutor shall approve their decisions.

### **Article 33**

The Circle of each Federal Court of First Instance and Federal Court of Appeal shall have an Advocate General or a Chief Prosecutor under the supervision of the Attorney General, who shall have all the Attorney General's competencies stipulated in the laws.

### **Article 34**

1. Members of the Public Prosecution shall report to their superiors in the order of their ranks and then to the Attorney General, and shall act as substitute to the Attorney General in the discharge of their duties.

2. The Attorney General has the right to control and supervise all Members of the Public Prosecution.

### **Article 35**

1. The Federal Attorney General shall have competence to deal with the crimes that affect the interests of the Federation. In terms of other crimes, the territorial jurisdiction of the Federal Attorney General is determined by the territorial scope of the Federal Judiciary.

2. Federal Prosecution Offices shall be established by a decision of the Attorney General based on the approval of the Council.

3. The workplaces and jurisdiction of Members of the Public Prosecution shall be determined by a decision of the Council based on the proposal of the Attorney General.

### **Article 36**

By a decision of the Council, based on the proposal of the Federal Attorney General and the approval of the authorities concerned with investigation and indictment in the emirates of the State, the Federal Public Prosecution may exercise its powers in such emirates.

### **Article 37**

The intervention of the Public Prosecution is obligatory in cases, requests and appeals filed before the Federal Supreme Court, except for cassation appeals in civil and commercial matters, in which its intervention is permissible. The Public Prosecution shall be represented before the Federal Supreme Court by a Member whose rank is not lower than a Chief Prosecutor.

## **Part (4): Members of Judiciary**

### **Chapter ONE Appointment, Promotion and Seniority of Members of Judiciary**

### **Article 38**

Whoever assumes Judiciary in the Federal Courts, or is appointed in the Public Prosecution, shall meet the following conditions:

They shall:

1. Have full legal capacity;
2. Be a national of the United Arab Emirates State;
3. Be at least (28) twenty-eight years old (for the Judges of the Courts of First Instance); at least (30) thirty years old (for the Presidents of the Federal Courts of First Instance and their Deputies); at least (35) thirty-five years old (for the Judges of the Courts of Appeal); at least (40) forty years old (for the Presidents of the Federal Courts of Appeal and their Deputies, the Federal Attorney General, the Assistant Attorney General and the Senior Advocates General and Advocates General); and at least (21) twenty-one years old (for the rest of the Members of the Public Prosecution);
4. Hold a degree in Islamic law, law, or Sharia and law from one of the universities or higher institutes recognized in the State, or an equivalent thereto;
5. Be of good conduct and reputation, and have not been previously sentenced by a Court or Disciplinary Board for a matter that violates honour or trust, even if they have been rehabilitated or the disciplinary penalty imposed on them has been removed; and
6. Pass the prescribed exams and training courses.

### **Article 39**

Subject to the provision of Article (38) of this Decree-Law, Judiciary jobs in the Federal Courts and jobs in the Public Prosecution may be assumed by anyone who has spent periods not less than the ones mentioned below in judicial or legal work in one of the Courts or their equivalent jobs in the Public Prosecution, Fatwa and Legislation Departments, or in teaching Sharia Islamic law or law in one of the recognized universities or higher institutes or in the legal profession or other legal work that is equivalent to working in Judiciary and the Public Prosecution as determined by the Council:

1. (20) twenty years with regards to assuming the positions of Presidents in the Courts of Appeal and their Deputies, the Attorney General, Assistant Attorneys General and Senior Advocates General.
2. (14) fourteen years with regards to assuming the positions of Judges of the Courts of Appeal, Presidents of Courts of First Instance and Advocates General.
3. (10) ten years with regards to the positions of Vice-Presidents of the Courts of First Instance and Chief Prosecutors.
4. (9) nine years with regards to the positions of Judges of the Courts of First Instance and Assistant Chief Prosecutors.
5. (6) six years with regards to the positions of Senior Prosecutors and Prosecutors.
6. (3) three years with regards to the positions of Assistant Prosecutors.

### **Article 40**

1. As an exception to the provisions of Clause (2) of Article (38) of this Decree-Law, among the nationals of other countries, those who have fulfilled the remaining conditions stipulated in that Article may be appointed by secondment from their respective governments or by virtue of personal employment agreements for a renewable period of time in accordance with the criteria set by the Council.

2. The provisions contained herein shall apply to them in matters not provided for in a special provision in their employment agreements.

### **Article 41**

With regards to the citizens of the State, the Council is not required to adhere to the age requirement stipulated in Clause (3) of Article (38) and the periods set forth in Article (39) of this Decree-Law, in accordance with the controls set by the Council in this regard.

### **Article 42**

The Members of Judiciary (Judges and Members of the Public Prosecution) shall be appointed by a Federal Decree subject to the approval of the Council. The Assistant Prosecutors shall be appointed by a decision of the Council provided that they pass the training courses prescribed by the Council.

### **Article 43**

Members of Judiciary who have left work in Judiciary or the Public Prosecution may be re-appointed in the same position they occupied before they left work, provided that the appointed person fulfills the conditions set forth in Article (38). Their seniority is determined in accordance with Article (48) of this Decree-Law.

### **Article 44**

1. Promotion to higher positions in Judiciary and Public Prosecution shall be from the immediate lower positions and by a decision of the Council after spending the terms and fulfilling the conditions determined by the Council.
2. Promotion shall be based on competence. In the case of a tie, the more senior candidate shall prevail. The competence of the Member of Judiciary is determined based on their actual work and inspection reports on them and the passing of training courses in accordance with the controls and conditions set by the Council in this regard.
3. The Presidents of Courts, the Chief Prosecutors and their superiors are appointed by a decision of the Council.
4. The Assistant Attorney General shall be appointed by a Federal Decree. The Council's approval is not required for such appointment.

### **Article 45**

The promoted Member of Judiciary shall be granted the least salary of the position to which they were promoted, and they shall be entitled to a promotion bonus from the date of promotion.

### **Article 46**

Subject to Article (44) of this Decree-Law, a Member of Judiciary who has completed the prescribed term to remain in the job rank and has obtained at least two consecutive grades of "Very Good" is entitled to a financial promotion.

### **Article 47**

The promotion of a Member of Judiciary may be passed over in any of the following cases:

1. If any of the disciplinary penalties referred to in Article (83) of this Decree-Law has been imposed on them; or
2. If they fail to pass the prescribed training courses, the terms and conditions of which are set by the Council.

## **Article 48**

1. The seniority of Members of Judiciary shall count from the date of the Decree issued for their appointment or the decision issued for their promotion, unless otherwise specified by the Decree or decision subject to the approval of the Council.
2. If more than one Member of Judiciary is appointed or promoted in one single Decree or decision, the seniority among them shall be determined according to their order in the said Decree or decision.
3. The seniority of Judges transferred to positions in the Public Prosecution that are similar to their grades shall count from the date they occupied the grade they were in prior to the transfer. The same provision applies to cases of transfer of Members of the Public Prosecution to Judiciary.

## **Article 49**

The Council shall issue a resolution that includes determination of the types of leaves the Members of Judiciary are entitled to, their duration, and the provisions relating to each type, provided that the annual leave period does not exceed (30) thirty working days.

## **Chapter TWO Transfer, Assignment and Secondment of Members of Judiciary**

### **Article 50**

1. Members of Judiciary may not be transferred so as assume a job other than practising justice in Federal Courts or working in the Federal Public Prosecution except with their approval and by a decision issued by the Council.
2. The Members of the Public Prosecution may be transferred to Judiciary by a decision of the Council based on a proposal by the Attorney General in coordination with the Head of the Judicial Inspection Circuit. In all cases, a Member of the Public Prosecution may be transferred to Judiciary when they have worked in the Public Prosecution for (6) six years.
3. The transfer of Members of the Public Prosecution from one Public Prosecution Office to another shall be by a decision of the Attorney General.

### **Article 51**

A Judge may not remain in a single Court Circle, and a Member of the Public Prosecution may not remain in a single Prosecution Circle without transfer for a period exceeding (4) four years from the date of their occupancy or transfer to the said rank, unless there are reasons approved by the Council. The Council shall determine the controls and rules for the application of this Article.

## **Article 52**

1. The transfer of the Presidents of the Federal Courts of Appeal, their Deputies, the Presidents of the Courts of First Instance, their Deputies and Judges from one Court to another or to the Public Prosecution shall be by a decision of the Council based on the proposal of the Head of the Judicial Inspection Circuit.

2. The transfer of Members of the Public Prosecution to work in the Federal Courts shall be by a decision of the Council based on the proposal of the Attorney General.

## **Article 53**

Unless necessary, promotions shall take place once a year, before the start of the financial year, that begins on the first of January. Transfers shall take place once a year, before the start of the judicial year, which begins on the first of October of each year and ends at the end of June.

## **Article 54**

Members of Judiciary may not be delegated outside Courts and Public Prosecution Offices except to carry out judicial or similar legal work. However, Members of Judiciary may be delegated to supervise elections at the request of the concerned authority in the State.

## **Article 55**

1. In case of necessity, the President of the Court of Appeal or President of the Court of First Instance may delegate one of their respective Courts' Judges to work in another Circle therein for a period of one month. Such period may be renewed for a maximum period of (6) six months subject to the approval of the Judicial Inspection Circuit.

2. The delegation from one Court to another or from the Court of First Instance to the Court of Appeal shall be by a decision of the Council for a maximum period of (6) six months. Such period may be extended for another period.

3. The Attorney General may delegate Members of the Public Prosecution to a place other than their workplace and jurisdiction for a period not exceeding (3) three months. Such period may be extended for periods not exceeding (6) six months.

## **Article 56**

1. In the absence of the President of the Court or if their position becomes vacant, their duties shall be assumed by their Deputy, then by its Judges one after another based on their seniority.

2. In the event of the Attorney General's absence, vacancy of their position, or an impediment, their duties shall be assumed by the Assistant Attorney General, then by

Members of the Public Prosecution one after the other based on their seniority, and they shall have all the powers of the Attorney General.

#### **Article 57**

1. Members of Judiciary may be seconded and delegated, in part or in whole, to carry out legal work in government agencies, public bodies, public institutions, companies in which the government contributes a percentage in their capital, or with foreign governments or international bodies, by a decision of the Council subject to the approval of the concerned Member of Judiciary.

2. The secondment period must not exceed (4) four consecutive years.

3. The Council may extend the secondment period for a similar period if the national interest so requires.

### **Chapter THREE Salaries and Pensions of Members of Judiciary**

#### **Article 58**

The grades and salaries of Members of Judiciary, their bonuses and allowances, and the remuneration for members of the Council are determined by a Federal Decree.

#### **Article 59**

No Member of Judiciary may receive a salary in a personal capacity or be treated in any favourable way.

#### **Article 60**

In the event that a Member of Judiciary submits a request for retirement, the Council may decide to extend their service period for one year if it deems that the interest of Judiciary requires them to remain in service, and such decision is not subject to appeal.

#### **Article 61**

The pensions of Members of Judiciary shall be in accordance with the Federal Laws and regulations relating to pension and retirement affairs. A Member of Judiciary is entitled to a full retirement pension if they suffer from a total disability that prevents them from performing their job duties for health reasons, regardless of the length of their service, in accordance with the provisions of the Pensions and Social Security Law.

## **Chapter FOUR Immunity of Members of Judiciary and Reasons for the Termination of their Tenure**

### **Article 62**

The tenure of the Members of Judiciary shall terminate only for one of the following reasons:

1. Their death;
2. Their resignation;
3. The expiry of the term of: (i) contracts made with contracting Members of Judiciary; or secondment of seconded Members of Judiciary. The termination of the contract or the secondment before the end of the period shall be in accordance with the legislation in force by a decision of the Council;
4. Referral to retirement by a Federal Decree before reaching the legal age in accordance with the provisions hereof;
5. Reaching the retirement age;
6. The Member of Judiciary is proven to be unable to carry out their duties for health reasons. The disability is established by a decision of the competent medical authority;
7. Disciplinary dismissal based on the reasons and in accordance with the procedures stipulated herein; or
8. Assigning them other non-judicial positions with their consent, or transferring them to a non-judicial position based on a ruling issued by the Disciplinary Board.

### **Article 63**

1. The legal age of retirement for the Members of Judiciary is when they reach the age of (65) sixty-five years. However, if they reach such age during the judicial year, they shall remain in service until the end of such judicial year.
2. It is permissible, when necessary, to extend the service of Members of Judiciary until after they reach the age of retirement for a period or periods, the total of which does not exceed (10) ten years, provided that each period is not less than one judicial year. Extension of service shall be by a Federal Decree issued by the President of the State upon the recommendation of the Council.
3. Members of Judiciary may be retired if they have served a period of (30) years. Such retirement shall be by a Decree based on the recommendation of the Council.

### **Article 64**

In the event of the termination of the tenure of a Member of Judiciary due to death, the Council may submit a recommendation to the Council of Ministers to increase the actual period of service calculated for the purpose of the retirement or the end of service gratuity for an additional period on an exceptional basis, provided that this additional period does



not exceed the term of service or the remaining period to reach the age prescribed for retirement or the expiry of the term of employment agreement or secondment or the termination thereof, as the case may be, whichever period is longer.

## **Article 65**

The resignation of a Member of Judiciary is considered acceptable after the lapse of one month from the date of its submission to the Council if it is not made subject to a limitation or condition. The Council may accept the resignation before the expiry of such period.

## **Chapter FIVE Duties of Members of Judiciary**

### **Article 66**

1. Before assuming their duties, Judges shall take the following oath:

**"I swear by Almighty God to rule justly, to perform the duties of my office honestly and without fear or favouritism, and to be faithful to the Constitution and laws of the United Arab Emirates."**

2. Before assuming their duties, Members of the Public Prosecution shall take the following oath:

**"I swear by Almighty God to stick to integrity and honesty in performing my work, to observe justice without fear or favoritism, and to be faithful to the Constitution and laws of the United Arab Emirates."**

3. The oath shall be taken before the Chairman of the Council in the presence of the President of the Federal Supreme Court or the Attorney General, as the case may be.

4. The oath shall not be repeated upon promotion or upon transfer from Judiciary and Public Prosecution.

### **Article 67**

1. Members of Judiciary, inside and outside their workplaces, shall maintain honour and dignity, and safeguard their reputation and conduct, and guard against anything that affects their honesty or calls their integrity into question.

2. Members of Judiciary may not do any work that is inconsistent with the independence and dignity of Judiciary, or that degrades the honour and prestige of Judiciary, or act in a way that casts doubt on their integrity.

### **Article 68**

A Member of Judiciary may not conduct business either in person or through an

intermediary, at the discretion of the Council. They may not do another job along with their judicial position except for the profession of teaching in Sharia and law colleges, institutes and judicial institutes, provided they obtain the approval of the Council of the same.

#### **Article 69**

Members of Judiciary may not engage in political or sports work or express their opinion on political matters. They may not run for legislative, municipal or sports councils elections.

#### **Article 70**

1. A Member of Judiciary may not disclose deliberations.
2. A Member of Judiciary may not express their opinion or direction in any pending case. If they violate such prohibition, the offending Member of Judiciary becomes ineligible to hear the case, in addition to being subject to disciplinary action.

#### **Article 71**

1. Judges who are related to each other by blood or marriage to the fourth degree may not sit within the same Circuit.
2. The representative of the Public Prosecution or the representative of one of the litigants or their attorney-at-law may not have the aforementioned relationship with any of the Judges examining the case.

#### **Article 72**

A Member of Judiciary may not, without the approval of the Council, be an arbitrator on behalf of private legal persons or natural persons, even if the dispute is not brought before the Court. If the State or a public authority or public institution is a party to the dispute to be settled by arbitration, a Judge may be delegated to be an arbitrator on behalf of the government, authority, or institution, and the Council shall select them and determine or approve the remuneration they are entitled to, according to the circumstances, taking into account the statutes regulating arbitration in the State.

#### **Article 73**

1. A Member of Judiciary may not consider any case in which they have a direct or indirect personal interest, or a relationship with any of its parties, that is incompatible with their duties, or that they and one of the litigants have a relationship by blood or marriage up to the fourth degree.
2. They may not accept gifts from the litigants, their agents, or their relatives, or authorize any of the Member of Judiciary's family members to accept such gifts.

## **Article 74**

Members of Judiciary shall abide by the Code of Judicial Conduct and the principles, obligations, and directives that govern the work of Judges issued by the Council. Violation of the same entails disciplinary accountability.

## **Chapter SIX Accountability of Members of Judiciary**

### **Article 75**

1. The Council, on its own initiative or upon a request from the Head of the Judicial Inspection Circuit, has the right to warn the Judge of what they have done in contravention of their duties or the requirements of their job, after hearing their statements. The warning notice shall be in writing.

2. The concerned Judge may file a grievance against the warning notice before the Council within (15) fifteen days from the date of their notification. The decision of the Council in the grievance shall be final. If the violation is repeated or continues after the warning notice becomes final, a disciplinary action shall be filed against the offending Judge.

3. The Attorney General may send a written warning to a Member of the Public Prosecution who breaches the duties of their position, after hearing their statements. The concerned Member of Public Prosecution may file a grievance against the warning notice before the Council within (15) fifteen days from the date of their notification. The decision of the Council in this regard shall be final.

4. If the violation is repeated or continues after the warning notice has become final, the procedures stipulated in Article (77) or Clause (3) of Article (93) of this Decree-Law shall be taken against the offending Member of Public Prosecution as the Council determines.

### **Article 76**

1. Disciplining Members of Judiciary is the responsibility of the Disciplinary Board.

2. The formation of the Disciplinary Board and its by-law shall be issued by a decision of the Council. The Disciplinary Board shall be chaired by the most senior President of the Federal Courts of Appeal who is not a member of the Council plus two of the most senior Judges of the Federal Court of First Instance as members.

3. The decisions of the Disciplinary Board may be appealed before the Council within ten working days from the date of their issuance or the notification of the person concerned with them. Such grievance does not stop the implementation of the appealed decision. The Council may amend the penalty by a reasoned decision. The Council shall issue a decision setting the grievance procedures and rulings for consideration of and deciding upon grievances. The decision of the Council regarding such grievances is not subject to appeal by any method of appeal.

## **Article 77**

1. The disciplinary action shall be filed before the Disciplinary Board by the Head of the Judicial Inspection Circuit or the Federal Attorney General, as the case may be, subject to the Council's approval, with a statement containing the violations and the evidence supporting them.
2. The request to institute a disciplinary case must be preceded by an investigation conducted by a Judge delegated by the Council for such purpose. The person who conducts such investigation may not sit to decide on the disciplinary case.

## **Article 78**

The Disciplinary Board may conduct whatever investigations it deems necessary, and may delegate one of its members to do so. The Disciplinary Board and such delegated member shall have the powers granted to Courts in this regard.

## **Article 79**

1. If the Disciplinary Board finds a reason to proceed with the trial procedures for all or some of the violations, it shall instruct the accused Member of Judiciary to appear before it within at least one week, based on a decision from the Chairman of the Disciplinary Board.
2. The summons must include a sufficient statement of the subject matter of the case and the evidence of the indictment. Upon deciding to proceed with the trial procedures, the Disciplinary Board may order to suspend the accused Member of Judiciary from carrying out their duties.
3. Such suspension shall not result in depriving the accused Member of Judiciary of their salary unless the Disciplinary Board decides to totally or partially deprive them of it.
4. The Disciplinary Board may reconsider the decision of suspension or deprivation of salary at any time, whether on its own initiative or at the request of a Member of Judiciary.

## **Article 80**

The disciplinary action lapses with the resignation of the accused Member of Judiciary. Nonetheless, the disciplinary action shall have no effect on the criminal or civil action arising from the same incident subject of the disciplinary action.

## **Article 81**

1. The hearings of the disciplinary trials shall be in camera, and the Public Prosecution shall be represented there by someone whose rank is not less than an Advocate General. The accused Member of Judiciary shall appear in person before the Disciplinary Board. They may present their defence in writing and may seek the assistance of a lawyer from among

Members of Judiciary. If the accused Member of Judiciary fails to attend by themselves or send a representative of themselves, then the ruling may be passed in their absence after verifying that they were duly notified.

2. The Disciplinary Board shall rule after hearing the requests of the Public Prosecution and the defence of the accused Member of Judiciary, and the accused Member of Judiciary shall be the last to speak. The accused Member of Judiciary may object to the in absentia judgment within (10) ten days following their notification in person of the in absentia judgment.

3. The objection shall be in the form of a report submitted to the Council's Secretariat. The accused Member of Judiciary shall attend the session specified by the Chairman of the Disciplinary Board in the objection report.

4. The objection entails re-examining the disciplinary action filed against the objecting Member of Judiciary, and they may not be harmed in any way based on filing their objection.

5. If the objecting Member of Judiciary fails to attend the session set for hearing their objection, then the objection shall be considered as if it did not exist and the judgment shall not be subject to appeal.

## **Article 82**

The judgment delivered in the disciplinary case shall include the reasons on which it is based, and the reasons therefor shall be read when pronounced in a closed session.

## **Article 83**

The disciplinary penalties that may be imposed on offending Members of Judiciary are as follows:

1. Reprimand
2. Deprivation of the periodic increment
3. One-time promotion pass-over
4. Transfer to another non-judicial position with a lower degree and a lower salary.
5. Dismissal

## **Article 84**

1. The Disciplinary Board shall notify the Council and the offending Member of Judiciary of the content of the disciplinary judgment issued against them within (3) three working days from the date of its issuance. Such notice shall be in writing.

2. The tenure of the offending Member of Judiciary shall cease from the date of issuance of such judgment.

## Article 85

1. A Federal Decree shall be issued to implement the dismissal judgment. Such dismissal judgment shall not affect the rights of the offending Member of Judiciary to pension or gratuity.
2. If a decision to transfer the offending Member of Judiciary to another non-judicial position is issued, such transfer shall be made by a decision of the Council of Ministers.
3. The Minister of Justice shall implement the Disciplinary Board's judgments issued for dismissal or transfer to another non-judicial position.
4. All penalties imposed on the offending Member of Judiciary shall be deposited in their job file.

## Article 86

1. In cases other than **flagrante delicto**, a Member of Judiciary may not be arrested, remanded in custody, and their home or vehicle searched, except after obtaining permission to do so from the Council.
2. In cases of **flagrante delicto**, the Attorney General, upon arresting the offending Member of Judiciary and holding them in pretrial detention, shall refer the matter to the Council within the following (24) twenty-four hours. The Council shall convene as soon as the matter is presented to it, and the Council shall decide, after hearing the statements of the offending Member of Judiciary, whether to continue their detention or release them with or without bail. In that case statements may be heard through the use of modern technology means.
3. In the decision issued for detention or continuation of detention, the Council shall determine the period of such detention. The said procedures shall be taken into account whenever the continuation of pretrial detention is taken into account after the expiry of the period decided by the Council.
4. It is not permissible to take any investigation measure against the offending Member of Judiciary or file a criminal case against them except with the permission of the Council and at the request of the Attorney General.
5. Imprisonment of Members of Judiciary and the execution of freedom-restricting penalties against them shall be carried out in places separate from the places designated for other prisoners.

## Article 87

1. Imprisonment of a Member of Judiciary based on an order or judgment entails suspending them from performing their duties for the period of their imprisonment.
2. The Council, on its own initiative or at the request of the Attorney General or the Head

of the Judicial Inspection Circuit, as the case may be, may order the suspension of the offending Member of Judiciary from their work during the investigation or trial procedures for a crime committed by them.

3. Suspending a Member of Judiciary shall not deprive them of their salary during the period of suspension unless the Council decides to totally or partially deprive them of it. The Council, on its own initiative or at the request of a Member of Judiciary, may reconsider the order of suspension and deprivation of salary.

## **Part (5): Judicial Inspection**

### **Article 88**

1. The Judicial Inspection Circuit reports to the Council. It shall be composed of a President, directors, and a sufficient number of senior judicial inspectors and judicial inspectors by way of appointment or delegation from among the Members of Judiciary.

2. A department shall be established at the Public Prosecution for the Judicial Inspection of Prosecution Offices and Public Prosecution members. Such department shall report to the Council. This department shall be supervised by a Member of the Public Prosecution with a rank of no less than an Advocate General who shall be assisted by a sufficient number of Members of Public Prosecution, each with a rank of no less than a Chief Prosecutor.

3. The Judicial Inspection by-law shall be issued by a decision by the Council based on the proposal of the Head of the Judicial Inspection Circuit and the Attorney General, each within their jurisdiction.

### **Article 89**

1. The Judicial Inspection Circuit is responsible for inspecting the work of the Presidents of the Federal Courts of First Instance and Federal Courts of Appeal, their Deputies and Judges, in accordance with the controls that ensure that the independence of Judiciary is not compromised.

2. The Judicial Inspection Circuit may conduct a general inspection of the Federal Courts of First Instance and Federal Courts of Appeal to determine the progress of work in them and the extent of the regularity of administrative and clerical work in them.

3. The Judicial Inspection Circuit is responsible for examining and investigating complaints lodged against Judges and Presidents of the Federal Courts of First Instance and Federal Courts of Appeal, and their Deputies, related to their jobs and duties or their behaviour-related matters.

4. The Judicial Inspection Circuit may refer to the Council what it deems relevant to inspecting the work of Members of Judiciary in accordance with the inspection system issued by the Council.

5. The Public Prosecution Offices Judicial Inspection Department shall have the same competencies established for the Judicial Inspection Circuit in terms of the Members of Public Prosecution.

## **Article 90**

The work of Members of Judiciary stipulated in Article (90) of this Decree-Law shall be inspected periodically, and the inspection may be sudden. The assessment of competence shall be in accordance with the criteria and percentages set by the Council for the following grades:

Excellent

Very Good

Pass

The competence report shall be deposited in a special file for the Member of Judiciary, and they shall be notified of it and of all notes or other papers that are deposited in their file. They may view that file whenever they so request.

## **Article 91**

1. The concerned Member of Judiciary may file a grievance against the inspection report within (15) fifteen days from the date of their notification thereof. The grievance is submitted to the Council which shall decide upon it within a maximum period of one month, either by accepting the grievance or by rejecting it. The decision issued in the grievance may be appealed before the Federal Supreme Court within one month from the date on which the concerned Member of Judiciary becomes aware of it.

2. The Federal Supreme Court shall decide on the appeal after reviewing the papers and hearing the statements of the complainant when necessary. Its decision in this regard shall be final.

## **Article 92**

1. To be promoted, a Member of Judiciary is required to have a grade of at least "Very Good".

2. In the event that a Member of Judiciary obtains three successive reports with a grade of "Good" or two successive reports with a grade of "Pass" the Attorney General or the Head of the Judicial Inspection Circuit, as the case may be, shall refer the matter to the Council. The Council may decide either to refer the concerned Member of Judiciary to retirement, or transfer them to a non-judicial position, or terminate their secondment contract or employment agreement, as the case may be. The decision of the Council in this regard shall be final.



3. If a reason arises for a Member of Judiciary to be unfit for assuming justice jobs, the Attorney General or the Head of the Judicial Inspection Circuit, as the case may be, may request the Council to refer such Member of Judiciary to retirement, transfer them to a non-judicial position, or terminate their secondment or employment agreement. The Council may take what it deems appropriate towards examining such request, conducting any investigation that may be necessary in its regard, and issuing its decision either to reject the request or to approve it. In the case of approval, a Federal Decree shall be issued for transferring the concerned Member of Judiciary to a non-judicial position or referring them to retirement.

4. In the event that a Member of Judiciary is transferred to a non-judicial position, they shall keep receiving the salary they received prior to the transfer in their personal capacity, even if it exceeds the maximum limit of the salary of the position they are transferred to. The Secretary-General of the Council shall notify the concerned Member of Judiciary of the content of the Council's decision within (3) three working days from the date of its issuance. The tenure of the concerned Member of Judiciary shall cease from the date on which the Council's decision is taken.

### **Article 93**

1. The Judicial Inspection Circuit shall prepare a draft of the judicial movement (i.e. rotation of Judges) and present the draft promotions to the Council, provided that coordination with the Federal Attorney General is taken into account with regard to the Federal Public Prosecution.

2. At least (30) thirty days prior to conducting the judicial promotions, the Council shall notify the Members of Judiciary who were supposed to be promoted but were not covered by the aforementioned draft for a reason not related to the competence report, and the reasons for the pass-over shall be indicated in the notice.

3. A Member of Judiciary, who has been notified that they have been passed over in promotion, has the right to file a grievance within (15) fifteen days from the date of their notification. The grievance shall be submitted to the Judicial Inspection Circuit or Department, as the case may be.

4. The Judicial Inspection Circuit or Department shall present the grievances to the Council for decision before conducting the judicial promotions. The Council issues its decisions regarding the approval of passing over or promotion after reviewing the papers and hearing the statements of those it deems necessary to hear. The decisions of the Council in this regard shall be final.

### **Article 94**

1. The Federal Supreme Court shall have the exclusive jurisdiction to adjudicate requests submitted by Members of Judiciary to cancel final administrative decisions related to any of their job affairs if the request is defective in formality, or if it is based on a violation of laws or regulations, mis-application or mis-interpretation thereof, or power abuse.

2. The Federal Supreme Court shall have exclusive jurisdiction to settle requests for compensation for those decisions and disputes related to salaries, pensions and gratuities due to the Members of Judiciary concerned or their heirs.
3. The request shall be submitted within (60) sixty days from the date of the concerned person's notification of the decision issued against them, in a statement filed with the Case Management Office of the Federal Supreme Court containing the subject matter of the request and the supporting documents.
4. The President of the Court appoints one of its Judges to prepare the case and make arrangements for pleading. The President of the Court may issue the decisions necessary for the same. The case shall be prepared expeditiously.
5. The President of the Court shall determine the Circuit competent to consider the request. The Case Management Office at the Court shall notify the litigants with a copy of the statement and instruct them to attend the specified session. No fees are due for this request. The litigants may delegate the Secretary-General of the Council to appear before the Court.
6. The applicant shall undertake all procedures in front of the Circuit by themselves. They may present their defence in writing or delegate a Member of Judiciary other than the Judges of the Federal Supreme Court to do so.
7. The Circle shall decide on the request after reading the preparation report and hearing the defence of the applicant and the Public Prosecution representative, and the applicant shall be the last to speak. The judgment issued in the request is not subject to appeal by any method of appeal.

## **Part (6): Judicial Assistants**

### **Article 95**

1. Every Court and Public Prosecution Office shall have a sufficient number of process servers, secretaries, translators and interpreters, clerks and administrative staff to carry out the necessary clerical and administrative work.
2. Work shall be distributed among them by a decision issued by the President of the Court or the Chief Prosecutor, as the case may be.

### **Article 96**

The Ministry of Justice shall assume all matters related to the appointment, promotion, and allowances of Judges' assistants and the employees and personnel of Courts and Public Prosecutions Offices. They shall be subject to the provisions of the federal legislation governing government human resources.

## **Article 97**

Administrative assistants and employees shall take an oath before one of the Court Circuits in which they work, or before the Advocate General within their jurisdiction falls the workplace of such administrative assistants and employees, to perform their duties honestly and truthfully, and not to disclose the deliberations and documents presented to them.

## **Article 98**

1. Disciplining Judges' assistants and Court and Public Prosecution Offices officials shall be before a Disciplinary Committee formed under the Chairmanship of a Judge and with the membership of a Prosecutor and one of the employees of the Ministry of Justice whose rank is not lower than the ranks of the person referred to the Disciplinary Committee.
2. The Council shall issue a decision to form one or more Disciplinary Committees. The decisions of such Disciplinary Committees shall be final.
3. The Disciplinary Committee may impose the disciplinary penalties stipulated in the legislation related to human resources in the Federal Government.
4. Court Presidents and Members of the Public Prosecution with a rank of no less than a Chief Prosecutor, within the limits of their jurisdiction, shall have the power to issue warning notices against Courts and Public Prosecution Offices assistants and employees.
5. The warning notice decision may be appealed before the Minister of Justice. The decision of the Minister of Justice on the grievance shall be final.

## **Article 99**

The Judges' assistants, Courts and Public Prosecution Offices employees may not engage in work that falls within the limits of their functions in cases related to themselves or to their spouses, relatives or in-laws up to the fourth degree.

## **Article 100**

The Council shall issue the organizational structures of the Federal Courts and the Public Prosecution.

## **Part (7): Final Provisions**

## **Article 101**

The Minister of Justice shall have general supervision over the services related to the management of the work of the Federal Courts in a manner that ensures the performance

of their mission in a manner that serves justice, without prejudice to the independence of Judiciary.

#### **Article 102**

The application of grade and salary scales for Members of Judiciary in force at the time of the issuance of this Decree-Law shall continue pending the issuance of the Decree referred to in Article (58) of this Decree-Law.

#### **Article 103**

Except as provided for herein, Members of Judiciary shall be subject to the provisions of legislation relating to human resources in the Federal Government.

#### **Article 104**

Counselors and members of the Department of Legislation and State Issues at the Ministry of Justice shall have the guarantees, benefits, salaries, allowances, duties and rights established for their peer Members of Judiciary. Moreover, they shall be subject to disciplinary accountability in accordance with the provisions contained herein.

#### **Article 105**

1. The Council shall issue the decisions necessary to implement the provisions hereof.
2. The decisions and regulations in force prior to the entry into force of the provisions hereof shall continue to be enforced in a manner that does not conflict with the provisions hereof pending the issuance of their replacement in accordance with the provisions hereof.

#### **Article 106**

The following laws are hereby repealed:

1. [Federal Law No. \(3\) of 1983](#) regarding Judicial Authority.
2. [Federal Law No. \(3\) of 1996](#) regarding the jurisdiction of Sharia Courts to consider some crimes.

Any provision that contradicts or contravenes with the provisions hereof shall also be repealed.

#### **Article 107**

This Decree-Law shall be published in the Official Gazette and it shall be effective as of January 2, 2023.

**Signed**

**Mohammed bin Zayed Al Nahyan**

**President of the United Arab Emirates**

**Issued by us at the Presidential Palace - Abu Dhabi:**

**On : 7 th of Rabi' al-Awwal, 1444 AH**

**Corresponding to : 3 rd of October 2022 AD**