**The formation of the public prosecution**

**The attorney general**

On top of the prosecution structure, the sole community representative for lodging and following penal cases. His general powers include investigation and indictment, which covers the seven Emirates of the Union, for crimes affecting the interests of the union.

The attorney general supervises the public prosecution affairs, has judicial and administrative authority over all its members, the right to make decisions, give instructions and issue necessary circulars to organize the work. The attorney general has exclusive powers regarding penal cases, unless he delegates such powers to any of the public prosecution members. These powers are:

1. Lodging of penal cases in crimes stated in article 179 of the federal penal code and in other crimes, which the law expresses clearly to be solely filed by him.

2. Lodging of a penal case before a court situated in the capital for abroad crimes.

3. Approve the order in the absence of reason for filing penal cases in crimes.

4. Cancel the order in the absence of reason for filing penal cases in demeanors within three months of its issuance, unless the claimant for civil rights challenged it before the court of appeal and the court rejected the challenge.

5. Appeal verdicts within thirty days from their coming forth.

6. Objection for cassation in favor of the law, in the final penal verdicts, regardless of any specified date.

The attorney general may decide the rejection by himself or following a demand from the minister of justice, according to article 256 of the penal procedure code.

7. Request for review of final verdicts as specified in article 257 of the penal procedure code and thereafter. Request for the permission of the disciplinary board as stated in the jurisdiction law to arrest any of the jurisdiction members, or to keep him in protective custody in case of not being caught while committing the offence. In addition, to get the permission of the said board to carry out any other investigation or file a penal case against him.

8. To ask the disciplinary board to appoint the court for determining in offences committed by the judiciary member out of his office.

9. Request for lifting immunity from national council members or the Emirate’s consultative councils members in crimes committed during their session.

10. Issue order to study or obtain the data and information related to accounts or deposits or trusts or safes or money transfers and transactions, when the prosecution has sufficient evidence that the previously mentioned are connected with terrorism financing or a terrorist or terrorist crime. Therefore, to disclose the

facts, it was necessary to study and obtain the said data and information from the central bank or from any financial, commercial, or economic institution, as provided in article 1/54 of federal law No. 7 for 2014 regarding counter terrorism action. The attorney general may appoint an advocate general for this purpose.

11. Issue order to prevent the terrorist from travelling, as provided in article 2/54 of federal law No. 7 for 2014 regarding counter terrorism action. The attorney general may appoint an advocate general for this purpose.

12. Issue order to freeze the money suspected for being utilized to finance a terrorist organization or a person or a crime, or obtained or used or might be used in a terrorist crime, until the end of investigations thereof.

13. To consider the order from the central bank’s governor or his proxy to freeze or attach the said moneys within seven days from the date of its issuance, to decide whether to cancel the order or continue its execution.

14. Issue order to enter an imprisoned person for a terrorist crime into an orientation program under the supervision of an orientation center as provided in article 48 of the federal law No. 7 for 2014 regarding counter terrorist crimes.

15. To file a penal case in the crimes mentioned in federal law No. 4 of 2002 regarding incrimination of money laundry.

16. To consider release of attached funds according to the provisions of federal law No. 4 for 2002 regarding money laundry crimes and counter terrorism finance.

17. To approve control of correspondence, letters, newspapers, prints, all telegrams and packages in post offices. Permission to observe and record line and wireless communications and photography whenever needed for investigations as shown in article 75 of the penal procedure code.

18. Issue order to arrest doctors or keep them in protective custody during investigation in the event of medical error, if required for the sake of investigations as per article 24 of federal law No. ten for 2008 regarding medical accountability.

19. Issue orders to refer applications of handing over of personnel to the competent authority according to article 18 of the federal law no. 39 for 2006 regarding international judicial co-operation in criminal matters.

20. Objection to the decisions of handing over persons within thirty days from the date on which the verdict issued or announced whatever the case may be, according to article 22 of federal law no. 39 for 2006 regarding international judicial co-operation in criminal matters.

21. To release the person wanted to be handed over, if arrested in case of disagreement to hand him over.

22. To approve the passage of a person under the treaty of criminals handing over, across the country.

23. To permit the passage of objects of which possession is considered a crime according to article 41 of federal law no. 39 for 2006 regarding international judicial co-operation in criminal matters or the international agreements in which the country is a party.

24. To accept the request for the transfer of a convict to a foreign country according to the provisions of the agreement in which the country is party of it. The convict is imprisoned in one of the country’s correctional and punitive institutions, in execution of a penal judgment from court in the country, as per the terms shown in article 64 of federal law no.39 for 2006regarding international judicial co-operation in criminal matters.

25. Issue orders to imprison the convict who is transferred to the country in the punitive institution specified by him.

26. Issue orders to arrest the person required to be handed over and keep him in temporary custody or release him according to articles 15, 16 of federal law no. 39 for 2006 regarding international judicial co-operation in criminal matters.

27.Requisition for the reception of persons convicted or perpetrator of offences require detective penalty by law and issue of arrest warrant, as shown in articles 33, 34, 35 of federal law no.39 for 2006 regarding international judicial co-operation in criminal matters.

28. Submitting and retrieval of objects obtained from or used in committing a crime, which represent evidence.

29. Decide the procedure followed by the controller to deliver, retrieve and compensate for objects or delay their delivery according to articles 38, 42 of federal law no.39 for 2006 regarding international judicial co-operation in criminal matters.

**Powers of the attorney general other than those of penal cases:**

1. To file disciplinary cases against judges and prosecution staff, as demanded by the minister of justice and follow the procedures before the disciplinary council.

2. Demand suspension of a judge or a prosecution member from work during investigation or trial for his crime.

3. Objection for cassation in favor of the law with regard to final judgments from the federal courts, in civil cases, either by himself or according to a written demand from the minister of justice, within one year of the judgment, as per article 174 of the civil procedure code.

**Other powers of the attorney general**

Judicial, administrative and financial supervision over the public prosecution and its members:

1. Give his proposal regarding the appointment of prosecution staff, their places of work, authorities and transfer. He may also suggest seconding them to the judicial inspection in the ministry of justice.

2. Verbal and written warning to the general prosecution staff upon failure in their job performance, after listening to them.

3. Decide on the complaints of the prosecution staff about judicial remarks addressed to them.

4. Appoint clerks, administrators, translators and other employees. He shall have the powers of the undersecretary over them.

**Jurisdictions of attorney general’s office**

According to the organizational structure, the departments of the office study, present and act on the following:

1. Complaints and grievances incoming to the office.

2. Complaints related to one of the jurisdiction members.

3. Complaints related to one of the diplomatic and consulate staff.

4. Complaints and causes related to lawyers, translators and experts according to the laws regulating these professions, following investigations and opinion from the prosecutions of appeal.

5. Crimes where issued orders mention no reason to file a penal case, and returned for approval by the attorney general.

6. Well-kept monthly and annual lists, minutes and cases as well as felonies in which issued orders state that no case should be filed, to be studied with their registration and description amended or to cancel the order of keeping them by the member of the attorney general’ office. Otherwise, to present the order before the attorney general for cancellation within the lawful date.

7. Request reviewing the penal cases with final judgment.

8. Special requests to the international judicial co-operation in criminal matters.

9. Cases related to crimes mentioned in items 1, 2 of article 10 whenever filing of a penal case deemed right.

10. Cases with innocence decision or lack of jurisdiction from courts of first instance or appeal, because of irrelevant national law, unless challenged by appeal or cassation.

11. Cases require appealing on the exceptional date mentioned in the last paragraph of article 234 of penal procedure code.

12. Motions and notes of objection for cassation in favor of law regarding final penal and civil verdicts according to articles 256 of penal procedure code and 174 of civil procedure code.

13. Consultation on motions for stay of execution in retentive penalties before the decision issue by prosecution head.

14. Cases in which consideration is given to put off execution of detective penalties received from total prosecutions.

15. Petitions for the release of convicts on medical ground, according to articles 31, 32 of the corrective and punitive law.

16. Cases related to journalists’ violations of the press and publication law.

17. Accusations to police officers, doctors and engineers because of their performance at work.

18. Cases in which one of the judges or a member of the public prosecution, investigation boards is accused in the GCC countries.

19. Conflict of jurisdiction between appeal and total prosecutions.

20. Crimes committed by one of the staff of the correctional and punitive institutions against any of the prisoners.

21. Inspection reports on correctional and punitive institutions, precautionary detention quarters and juvenile units.

22. Lifting immunity motions in crimes committed by the national council members during its session, in cases other than being caught in the very act.

23. Lifting immunity motions in crimes committed by the Emirates advisory councils duringtheir session, in cases other than being caught in the very act.

24. Lawsuit petitions or warnings addressed or raised against the prosecution general or to one of its members or officials.

25. Notices of major incidents arriving from different prosecutions.

26. Judgments of capital punishment following high federal court approval, for confirmation thereof.

27. Requests to appoint the competent court as per article 153 and thereon, of the penal procedure code.

28. Consultation on cases when the prosecution thinks to plea to constitution.

29. Cases of murder before referral and after verdict, for consultation.

30. Cases of crimes judged by doctrinal punishment and cases in which the legislator decides death penalty by chastisement while unanimity falls behind. In addition to parity cases judged with chastisement punishment, in the absence of objection from competent prosecutions.

31. Requests from foreign jurisdiction bodies incoming through competent prosecutions for judicial assistance.

32. Cases in violation of the provisions of federal law No. 24 for 1999, amended by federal law No. 1 for 2006 regarding protection of environment, as soon as it happens.

33. Cases of monies under custody and administration

34. Any other cases the heads of prosecution and the public advocates deem consultation therein.

**Chief public advocate, public advocates and heads of prosecution**

In addition to his legally prescribed powers, the chief public advocate may act as empowered by the attorney general. He, the public advocates and the heads of prosecution, each within the area of his jurisdiction, may perform all the normal duties of the attorney general, i.e. lodging and follow-up of penal cases, investigations, acting on penal cases, representing prosecution in courts, pleadings and objection to verdicts etc. by virtue of an assumed power of attorney.

The public advocates and the heads of prosecution may take any action, which is within the presumed jurisdiction of the attorney general, following his authorization.

The public advocates and the heads of prosecution may practice the right of control and supervision over the prosecution members under their regional jurisdiction. One of the major characteristics of the public prosecution is that it is based on graduated subordination.

The public advocates are authorized to:

1. Represent the public prosecution before the higher federal court and sign the report of objection for cassation.

2. Bring penal action in criminal cases by referring them to the competent criminal court, or issue order in the absence of reason to file a penal case.

3. Represent the public prosecution in disciplinary sessions for judges and prosecution members.

4. The heads of prosecution enjoy the aforementioned powers except for the last item.

**Public prosecution attorneys**

The prosecution attorneys have all the ordinary powers to bring and follow-up penal action, same as public advocates and heads of prosecution as mentioned in article 13, and under their supervision according to article 15, unless such powers are beyond their jurisdiction according to article 16.