

Federal Law No. (14) of 2020
on the Protection of Witnesses and the Like

We, Khalifa Bin Zayed Al Nahyan,

President of the UAE,

- Upon reviewed the Constitution,
- Federal Law No. [1] of 1972 concerning the Competences of Ministries and Powers of Ministers, as amended,
- Federal Law No. [12] of 1976 on the Police and Security Force, as amended,
- Federal Law No. [3] of 1983 regarding the Federal Judicial Authority, as amended,
- Federal Law No. [3] of 1987 Promulgating the Penal Code, as amended,
- Federal Law No. [10] of 1992 Promulgating the Law of Evidence in Civil and Commercial Transactions, as amended,
- Federal Law No. [35] of 1992 Promulgating the Criminal Procedure Law, as amended,
- Federal Law No. [14] of 1995 on Combating Narcotic Drugs and Psychotropic Substances, as amended,
- Federal Law No. [39] of 2006 on International Judicial Cooperation on Criminal Matters,
- Federal Law No. [51] of 2006 on Combating Human Trafficking Crimes, as amended,
- Federal Decree Law No. [10] of 2009 on Military Punishments, as amended,
- Federal Decree Law No. [11] of 2009 on the Formation of Military Courts [Courts-Martial], as amended,
- Federal Decree Law No. [12] of 2009 on the Military Code of Criminal Procedure, as amended,
- Federal Law No. [8] of 2011 on the Reorganization of State Audit Institution,
- Federal Law No. [5] of 2012 on Combating Cybercrimes, as amended,
- Federal Law No. [7] of 2012 on the Regulation of Experts Profession before Judicial Authorities,
- Federal Law No. [7] of 2014 on Combating Terrorist Crimes,
- Federal Law No. [5] of 2017 on the Use of Remote Communication Technology in

Criminal Proceedings,

- Federal Decree Law No. [20] of 2018 on Anti-Money Laundering and Combating the Financing of Terrorism and Illegal Organizations,
- Federal Decree Law No. [17] of 2019 on Weapons, Ammunition, Explosives, Military Equipment and Hazardous Substances,
- Federal Decree Law No. [26] of 2019 on the Public Finance,
- Based on the Minister of Interior's proposal, which was approved by the Cabinet and Federal National Council and ratified by the Federal Supreme Council,

Hereby promulgate the following Law:

Article (1)

Definitions

For applying the provisions of this law, the following words and phrases shall denote the meanings assigned thereto respectively, unless the context indicates otherwise:

The State : The United Arab Emirates.

The Competent Authority : The Ministry of Interior or federal or local authority in charge of security affairs, as the case may be.

The Judicial Authority : Federal, local or military courts or public prosecutions.

The Competent Court : The criminal chamber designated under a resolution of the Minister of Justice or the head of the judicial authority, as the case may be.

Witness and the Like : Any person, who has knowledge of, and reveals information about a particular crime before the competent authority or the judicial authority, where such information is of a material influence in respect of such crime.

Whistleblower	: Any person, who reports to the competent authority or investigation bodies a criminal incident, before, during or after its occurrence.
Expert	: A person appointed by the Judicial Authority to submit a report on any technical matter involved in the case, pursuant to the provisions of the above-referenced Federal Law No. [7] of 2012.
Anonymous Source	: A person who cooperates with the competent authority through collecting or providing the information or data relating to a criminal incident, whether sua sponte or at the request of the competent authority, with or without compensation.
Protection Program	: A set of measures and actions established by the competent authority, according to the provisions of this Law and its Executive Regulations, in order to ensure the safety of the protected person.
Protected Person	: An individual belonging to the categories described in Article [3] of this law and in respect of them a decision is issued approving their admission to the protection program.
Protection Instrument	: An Agreement to be co-signed by the competent authority and the protected person, and which sets out the rights and obligations of both parties.
Protection Unit	: An organizational unit to be established at the competent authority for implementing the protection program.

Article (2)

Objectives of the Law

This law aim at:

1. Protecting the society and minimizing the crime rate as much as possible.

2. Activating the community engagement role for detecting crimes.
3. Protecting the witnesses, victims, whistleblowers, experts and anonymous sources and their respective family members and closest persons as well as any other persons decided by the judicial authority to be protected from any threat, assault, revenge or intimidation surrounding them.

Article (3)

Applicability to Protected Persons

The provisions of this Law shall apply to the following categories:

1. Witness.
2. Victim.
3. Whistleblower.
4. Expert.
5. Anonymous source.

The provisions of this Law shall also apply to the family members of the categories mentioned in this Article, any person whose life or safety may be at risk due to his close connection to the protected person and any person[s] decided by the judicial authority to be covered with the protection.

Article (4)

Applicable to Crimes Committed

The provisions of this Law shall apply to the protected person in any of the following cases:

1. Terrorist crimes.
2. Crimes involving narcotic drugs and psychotropic substances.
3. Crimes involving weapons, ammunition, explosives and military equipment.
4. Crimes involving money laundering and combating the financing of terrorism and illegal organizations.
5. Human trafficking crimes.
6. Cybercrimes.

7. Crimes against the State security and interests.
8. Crimes involving the public office.
9. Crimes penalized with a felony punishment.
10. Any other crime for which the judicial authority decides to afford protection to the person involved.
11. Any other crimes determined under a cabinet resolution based on the Minister of Interior's proposal after coordination with the Minister of Justice.

Article (5)

Establishment of Protection Unit and Program

1. The protection unit shall be established under a resolution of the competent authority's head, to undertake all duties and actions relating to affording the protection, according to the obligations and terms of reference determined by the executive regulations.
2. The protection program's proposal shall be created by the protection unit and approved by the competent authority, and the executive regulations of this Law shall determine its procedures, implementation and development mechanism.

Article (6)

Powers of the Competent Authority

The competent authority shall have the following powers:

1. Receive the applications for admission to the protection program.
2. Determine the witness, victim, whistleblower, expert and anonymous source and their respective family members and closest persons, required to be covered by the protection program.
3. Draw up a report that outlines the security circumstances surrounding the protected person and the extent of threat to his life or the lives of his family members and closest persons.
4. Draw up a report that outlines the ability of the person required to be protected to adapt to the protection program.

5. Create the protection program for the protected person and recommend its application, while indicating the underlying reasons.
6. Prepare the protection program finance budget.
7. Draw up an annual report on the protection program and its performance and effectiveness.
8. Any other powers vested in it under a cabinet resolution.

Article (7)

Obligations of the Competent Authority

The competent authority shall have the following obligations vis-à-vis the protected person:

1. Maintain the confidentiality of their personal information and data and only disclose the same to third parties after the competent court's approval is obtained.
2. Determine the extent of risk for the circumstances and events that may be experienced by them, during the ordinary course of their lives or upon giving testimony.
3. Determine the level and type of protection required for them.
4. Afford security protection to them if they are summoned for testimony or if their position is revealed in such a manner that could jeopardize their lives or safety or the safety of their family members.
5. Not to employ the admission to the protection program as a reward for their cooperation with the competent authority.

Article (8)

Protection Program Admission Criteria

Admission to the protection program shall be subject to the following criteria:

1. The serious nature of the threat experienced by the person required to be protected.
2. The serious or important nature of the crime that involves cooperation by the person required to be protected.
3. The importance of testimony of the person required to be protected.
4. Lack of any evidence other than the testimony of the person required to be protected.

5. Any other criteria established by the competent authority.

Article (9)

Protection Program Admission Procedures

1. The application for admission to the protection program shall be submitted by the competent authority or judicial authority to the competent court, and the executive regulations of this Law shall determine the documents required to be enclosed with the application.
2. The competent court shall scrutinize the application in light of the criteria described in Article [8] of this Law.
3. The competent court shall decide on the application not later than fifteen [15] days from the submission date of the application, and its decision in this regard shall be final and non-appealable by any means whatsoever.

Article (10)

Interim Measures Pending Issuance of Protection Program Admission Decision

The competent authority may adopt any of the protection measures described in Article [14] of this Law with immediate effect, if there is any existing threat or imminent risk to the person required to be covered by the protection program, until a decision is issued by the competent court on the application for admission to the protection program.

Article (11)

Competent Court

A resolution shall be issued by the Minister of Justice or the head of the judicial authority, as the case may be, determining the court having the jurisdiction to consider the application for admission to the protection program.

Article (12)

Signing the Protection Instrument

The protected person shall sign the Protection Instrument as soon as the decision admitting them to the program is issued. Such signature shall be construed as acceptance of the terms and conditions of the protections program, which shall only be implemented after such acceptance and in such a manner determined by the executive regulations of this Law.

Article (13)

Content of Protection Instrument

The Protection Instrument shall include the terms and conditions of the protection program, particularly the following details:

1. Terms and conditions for admission to the program.
2. Protection measures applicable to the protected person.
3. The financial and moral support provided to the protected person.
4. A proof of the protected person's acceptance of the following matters:
 - A. To comply with all instructions of the protection program.
 - B. To undergo physical and psychological tests.
 - C. Not to make the protection program's integrity or security vulnerable to risk.
 - D. To disclose all legal responsibilities and financial obligations and the methods of their satisfaction.
 - E. To disclose any criminal, civil or commercial lawsuits or proceedings involving bankruptcy or insolvency that have existence prior to signing the Protection Instrument or are expected to occur subsequently.
 - F. Any other terms and conditions prescribed by the Executive Regulations of this Law.

Article (14)

Protection Measures to be taken by Competent Authority

1. The protection measures shall be proportional to the level of risk which may be experienced by the protected person, including the following:

- A. Physical protection.
 - B. Change of place of residence.
 - C. Change of workplace.
 - D. Change of personal identity.
 - E. Use of remote communication technology.
 - F. Any other measures approved by the Competent Court and are deemed necessary to ensure the safety of the protected person.
2. The executive regulations of this Law shall set out the protection measures implementation procedures and means.

Article (15)

Obligations of the Judicial Authority

When the protected person appears before the judicial authority, the latter may not take any action that may adversely affect the protection measures or render the witness or the like vulnerable to risk, including:

1. Reject the questions posed by the Defendant or their lawyers, which may ultimately cause their identity to be revealed; and
2. Not to make the protected person stand in confrontation with any witness or defendant in any other lawsuit.

Article (16)

Service of Judicial Instruments upon Protected Person

Subject to the provisions of service of summons set out in the Federal Law No. [35] of 1992 referred to hereinabove, the service of summons upon the protected person to appear before the judicial authority shall be made through the protection unit.

Article (17)

Protection Measures before the Judicial Authority

When protected persons appear before the judicial authority, the latter may choose any of

the following measures:

1. Not to make the protected person appear to the public.
2. Hear the protected person's testimony behind a screen.
3. Replace the protected person's voice.
4. Submit the questions, required to be posed by the parties to the lawsuit, to the protected person in writing whenever possible.
5. Hear the testimony through appropriate electronic means.
6. Employ the remote communication technology.
7. Hold the hearing behind closed doors.
8. Take any other measures determined by the judicial authority or set out in the executive regulations of this law.

Article (18)

Termination of Protection Program

The competent authority may request the competent court to remove the protected person from the protection program in any of the following cases:

1. If the protected person furnishes a written rejection to continue to undergo the protection program.
2. If there is no longer need to afford protection to the protected person.
3. If the protected person fails to abide by the terms and conditions of the protection program.
4. If the protected person violates the conditions of the Protection Instrument.
5. If the protected person deliberately furnishes untrue or misleading information to the judicial authority or competent authority.
6. If the protected person makes any conduct that jeopardizes the protection program.
7. If the protected person fails to abide by the demands or instructions of the protection unit.
8. If the protected person commits a criminal offense, as determined by the executive regulations of this Law.

9. If the protected person fails to abide by the judicial authority's decisions.

The competent court shall issue a decision admitting or rejecting the application submitted thereto, and such decision shall be final and non-appealable.

Article (19)

No disclosure of Protection Program's Information

1. Each person involved in the creation or implementation of, or who gets access to the protection program, shall be prohibited from disclosing any information or data relating to the identity of the protected person or of the protection program.
2. The competent authority may establish the measures to help keep any information or data relating to the protection program.

Article (20)

Cooperation with Relevant Entities

1. For the sake of applying the provisions of this Law, the competent authority may:
 - A. Enter into agreements with any natural or legal person for taking advantage of their services in implementing the protections program, according to the controls established by the executive regulations of this Law.
 - B. Enter into agreements with relevant foreign authorities, international organizations or governmental or nongovernmental regional organizations on the implementation of any protection measures.
2. Relevant governmental entities shall cooperate and coordinate with the competent authority on any matter relating to the implementation and management of the protections program.

Article (21)

The Register

1. The protection unit shall keep a register for protected persons and the executive regulations of this Law shall determine the information and data required to be recorded

therein, as well as the controls and procedures of recording in the same.

2. The competent authority shall keep a register for anonymous sources and a resolution of the head of the competent authority shall determine the information and data to be recorded therein, the controls and procedures of recording in the same as well as the rewards to be granted to the anonymous sources.

Article (22)

Confidentiality of Information

The information and data recorded in the registers referred to in Article [21] of this law shall be deemed of a confidential nature and may neither be disclosed nor circulated except under the legally permitted circumstances.

Penalties

Article (23)

Imposing the penalties described in this Law shall not prejudice to any more severe penalty described in any other law.

Article (24)

Whoever discloses information or data that are committed to their trust under the provisions of this Law shall be penalized with prison sentence for a term of not less than six months and / or a fine of not less than fifty thousand dirhams [AED 50,000] and not exceeding one hundred thousand dirhams [AED 100,000]. The prison sentence shall be imposed if the protected person or any of their family members sustains physical harm as a result of the disclosure of any such information or data. The death penalty shall be ordered by the Court if it is proven that the disclosure of information or data has ultimately led to the death of the protected person or any of their family members.

Article (25)

Each protected person, who deliberately reveals his protection status, whether during or

after his involvement in the protection program, shall be penalized with prison sentence for a term of not less than six months and / or a fine of not less than [AED 30,000] thirty thousand dirhams and not exceeding [AED 100,000] one hundred thousand dirhams.

Article (26)

Whoever, acting dishonestly and in bad faith, reports any incident, gives any testimony or submits an expert report, with intent to take advantage of the protection program, shall be penalized with prison sentence and a fine of not less than [AED 100,000] one hundred thousand dirhams and not exceeding [AED 300,000] three hundred thousand dirhams.

Article (27)

Executive Regulations

The Cabinet shall issue the Executive Regulations of this Law based on the Minister of Interior's proposal, within six months from the publication date of this Law.

Article (28)

Repeal of Contrary Provisions

Each provision that is contrary to or conflicts with the provisions of this Law shall be repealed.

Article (29)

Publication and Entry into Force

This Law shall be published in the Official Gazette and shall enter into force ninety days following the date of its publication.

Khalifa Bin Zayed Al Nahyan

UAE President

Issued by us at the Presidential Palace in Abu Dhabi

On: 24 Rabi' I, 1442 AH

Corresponding to: 10 November, 2020