Federal Decree by Law No. (38) of 2022, Promulgating the Criminal Procedures Law

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

- Having reviewed the Constitution;
- Federal Law No. [1] of 1972 on the Competencies of Ministries and the Power of Ministers, as amended;
- Federal Law No. [9] of 1976 Concerning Juvenile Delinquents and Vagrant;
- Federal Law No. [11] of 1992 Promulgating the Civil Procedure Law, as amended;
- Federal Law No. [35] of 1992 Promulgating the Criminal Procedure Law, as amended;
- Federal Law No. [43] of 1992 Regulating the Penal Institutions;
- Federal Law No. [5] of 2017 on the Use of Remote Communication Technology in Criminal Procedures;
- Federal Law No. [10] of 2019 on the Regulation of Judicial Relationships between Federal and Local Judicial Authorities;
- Federal Law No. [6] of 2021 on Mediation for the Settlement of Civil and Commercial Disputes;
- Federal Decree Law No. [31] of 2021 Promulgating the Crimes and Penalties Law [Penal Code];
- Federal Decree Law No. [46] of 2021 on Electronic Transactions and Trust Services;

- Federal Decree Law No. [34] of 2022 Regulating the Legal Profession and Legal Consultation Profession;
- Federal Decree Law No. [35] of 2022 Promulgating the Law of Evidence in Civil and Commercial Transactions; and
- Based on the proposal submitted by the Minister of Justice and approved by the Cabinet.

Hereby Enact the following Decree Law:

Article (1)

The law attached herewith shall apply to the criminal procedure.

Article (2)

1. Federal Law No. [35] of 1992 Promulgating the Criminal Procedure Law shall hereby be repealed.
2. Federal Law No. [5] of 2017 on the Use of Remote Communication Technology in Criminal Procedures shall hereby be repealed.
3. Any provision that goes against or conflicts with the provisions of the law attached herewith shall hereby be repealed.

Article (3)

The Heads of Federal and Local Judicial Authorities and the Federal Attorney General shall, in coordination with the Attorneys General of the Local Judicial Authorities within their respective areas of competence, issue the necessary resolutions for implementing the

provisions of the law attached herewith.

Article (4)

All the ministries and competent government entities shall, within their respective areas of competence, implement the provisions of the law attached herewith.

Article (5)

This Decree Law shall be published in the Official Gazette and shall enter into full force and effect as of March 1, 2023.

Mohamed Bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace in Abu Dhabi

On 7 Rabi' Al-Awwal, 1444 AH.

Corresponding to: October 3, 2022 AD.

Article (1) Scope of Application

1. The provisions of this Law shall apply to the procedures relating to the offenses punishable under the Law of Crimes and Penalties and other Penal Codes, as well as the procedures relating to the criminal offenses of Qisas [retaliation in kind] and Diyya [the financial compensation payable to the victim or heirs of a victim in the cases of murder, bodily harm or property damage], insofar as they do not conflict with the Rules of Islamic Sharia.
2. The provisions of this law shall apply to all proceedings that have yet to be adjudicated on, as well as all procedures that have yet to be implemented, prior to the date of entry into force of this Law, with the following exceptions:
    a. The jurisdiction-amending provisions where their date of entry into force falls beyond the close of pleadings into the pending proceedings;
    b. The time limit-amending provisions where the underlying time limit has already commenced prior to their entry into force; and
    c. The provisions regulating the methods of challenging the judgments with regard to the judgments rendered prior to their date of entry into force, where such laws are either repealed or creating any of such methods.
3. Every procedure validly conducted under an applicable law shall remain valid and effective unless otherwise stipulated.
4. The time limits regulating the termination of criminal actions on limitation grounds or other procedural time limits that are newly prescribed by any law shall only commence as of the date of entry into force of the law prescribing the same.
5. The provisions of the Civil Procedure Law shall apply to all matters not specifically

stipulated in this law.

Article (2) Preservation of Personal Freedom

1. Any criminal punishment shall only be imposed on any person after he / she is found guilty in accordance with the law.
2. Any person shall only be arrested, searched, remanded in custody, detained, prevented from travelling abroad or placed under electronic monitoring in the circumstances and based on the conditions set out in the law. Detention or imprisonment sentences shall only be enforced at their designated places and for the period specified in the order issued by the competent authority.
3. It shall be forbidden to inflict physical or moral harm upon the Accused and to make any person undergo torture or degrading treatment. Any evidence obtained by way of any of such methods shall be deemed null and void.

Article (3) Access to Homes

Members of the public authority may only get access to any inhabited place in the circumstances specified in the law, where the persons living inside the inhabited place seek help or relief, or where a serious danger to life or property is expected to occur.

Article (4) Appointment of Defense Attorneys

1. Each Accused charged with a felony punishable by the death penalty or life imprisonment sentence shall have an attorney to defend him / her during the trial stage. If the Accused fails to appoint an attorney to defend him / her, the court shall appoint an attorney to defend him / her, and the State shall bear the professional fees of the

attorney so appointed, as described in the law.

2. The Accused charged with a felony punishable by a determinate prison sentence may request that the court appoint an attorney to defend him / her if the Court is convinced that the same is financially unable to appoint an attorney.
3. If the attorney appointed by the court has and asserts any excuses or impediments that would prevent him from defending the accused, the attorney shall forthwith furnish the same to the Chief Justice of the Criminal Court. If the court accepts the excuses, another attorney shall be appointed.

Article (5) Public Prosecution

The Public Prosecution is part of the judicial authority, and shall conduct the investigation into, and prosecution of, criminal offenses in accordance with the provisions of this Law.

Article (6) Public Prosecution's Supervision of Penal Institutions

The Public Prosecution shall supervise penal institutions and places designated for pretrial detention, imprisonment and confinement of debtors.

Article (7) Disclosure of Victim's Data

1. Judicial Police Officers and investigation bodies may only disclose the victim's data to the parties concerned, with regard to the criminal offenses specified by a decision of the Attorney General.
2. Likewise, the data and information relating to criminal offenses may only be disclosed in accordance with the procedures and controls determined by the Attorney General.

Article (8) Engagement of Interpreters

1. All fact-finding, investigation and trial procedures shall be conducted in Arabic.
2. If the Accused, the witness, or other parties whose statements or testimonies are required to be recorded in the evidence-gathering reports, the investigation reports of the Public Prosecution or the transcripts of trial hearings, do not speak Arabic, the Judicial Police Officer, the prosecutor or the competent court's judge, as the case may be, may either engage an interpreter from among the approved or licensed interpreters or use any technical means approved by the Ministry of Justice or the by Local Judicial Authority.
3. If the Accused, the witness or other parties involved in the criminal action are mute, deaf or unable to speak, the questions shall be recorded in writing, and their answer to them shall be recorded in a document to be attached with the case file. If the same cannot be recorded in writing, a sign language interpreter shall be engaged.
4. Under any circumstances, the Judicial Police Officers, the Public Prosecution and the court may engage an interpreter belonging to any other entity after taking an oath to perform his / her mission with honesty and sincerity.

Book 1 Proceedings Before Criminal Courts

Part 1 Criminal Actions

Article (9) Institution of Criminal Actions

1. The Public Prosecution shall have the exclusive jurisdiction to institute and prosecute the criminal action, and the same may only be instituted by any other body in the instances described in the law.

2. The jurisdiction of Federal Public Prosecution shall include the territory of the State with regard to criminal offenses affecting the interests of the Federation.
3. The Attorney General shall – either by himself or through a Prosecutor - institute and prosecute the criminal action as described in the law.

Article (10) Discontinuance of Criminal Actions

The criminal action may only be discontinued or stayed in the circumstances described in the law.

Article (11) Cases of Instituting Complaint-Based Criminal Action

The criminal action may only be instituted in respect of the following criminal offenses based upon a complaint to be filed by the victim or his / her representative or attorney hired under a special power of attorney:

1. Theft, fraud, breach of trust and concealment of items obtained therefrom, in the event that the victim is the spouse, ascendant or descendant of the perpetrator, and where such items are not judicially or administratively attached or encumbered with a right of a third party;
2. Abstention from handing over the child to the person who has the right of custody over him / her, and taking the child away from the custodian or guardian;
3. Failure to pay the alimony, custodial or breastfeeding fees, or housing costs awarded by the Court;
4. Insult and slander of people; and
5. Other criminal offenses defined in the law.

The complaint shall not be admitted after [3] three months following the date on which the

victim becomes aware of the crime and its perpetrator, unless the law stipulates otherwise.

Article (12) The Filing of Complaints

The complaint shall be filed with the Public Prosecution or with a Judicial Police Officer. In the case of flagrante delicto, the complaint may be directly filed with the public authority's personnel who are present.

Article (13) Filing of Complaint by One of Several Victims

1. If there are several victims involved in the criminal offenses described in Article [11] of this Law, it shall be legally sufficient for the complaint to be filed by only one of them.
2. If there are several Accused Persons and the complaint is filed against one of them, the same shall be deemed to have been filed against all of them.

Article (14) Admission of Complaint Filed by Guardians or Trustees

1. If the victim of a crime described in Article [11] of this Law either has not completed [15] fifteen years of age or has a mental disability, the complaint shall be filed on his / her behalf by his / her legal guardian.
2. If the crime is committed in connection with property, the complaint may be filed by the trustee or curator.
3. In either of the aforementioned cases, all foregoing provisions relating to the complaint shall apply.

Article (15) Conflict of Interest between the Victim's and His Attorney

If the interest of the victim conflicts with the interest of his / her attorney, or if the victim has

no attorney, the Public Prosecution shall represent the victim.

Article (16) Effect of Victim's Death on the Complaint

1. The right to file the complaint in the cases set forth in Article [11] of this Law shall lapse upon the death of the victim.
2. If the death occurs after the complaint has been filed, the same shall not affect the course of the legal proceeding.

Article (17) Waiver of Complaints

1. The person filing a complaint with regard to the criminal offenses described in Article [11] of this Law may waive the complaint at any time before a final judgment is rendered thereon, and the criminal action shall be terminated by way of waiver.
2. In the event of several victims, the waiver shall only become legally effective if made by all victims filing the complaint.
3. In the event of several accused persons, the waiver of the complaint vis-à-vis any of them shall have its legal effect vis-à-vis the rest.
4. If the victim passes away after the complaint is filed, the right to waive the same shall pass to all of his / her heirs.
5. If the waiver is made after the judgment on the legal proceeding becomes final, the Public Prosecution shall order a stay of execution of the penalty and shall release the convict.

Article (18) Criminal Court's Authority to Dispose of the Proceeding

If the criminal court is convinced that there are other perpetrators against whom the

criminal action has not been instituted, that there are other charges not brought against the Accused Persons involved, or that a felony or misdemeanor has been committed in relation to the charge pending before the court, the latter may transfer the criminal action to the Public Prosecution for the latter to conduct an investigation and take the necessary course of action with regard thereto.

Article 19 Contempt of Criminal Court

If an offense of contempt is committed against the criminal court's bench or against any of its members or employees, or if such an offense involves a violation of the court's orders or the respect due for the Court, or affects any of its members or the witnesses involved in any pending legal proceeding, the criminal court shall record the same in the transcript of the hearing and shall order that the matter be transferred to the Public Prosecution for investigation.

Article (20) Occurrence of Crime During a Hearing

1. Subject to the provisions of the Legal Profession Act, if a crime is committed during a hearing, the court shall record the same in the transcript of the hearing and shall order that Accused be arrested, if necessary, and turned over to the Public Prosecution for investigation.
2. In such case, instituting the criminal action shall not depend on a complaint if the crime is among the criminal offenses for which the law requires a complaint to be filed.

Article (21) Cases of Termination of Criminal Action

1. The criminal action shall be terminated upon the death of the Accused, when a final judgment or conclusive criminal order is rendered thereon, due to conciliation or waiver of the same by the party legally entitled to makes such waiver, due to pardon, or as a result of repeal of the law under which the criminal act is punishable.
2. With the exception of criminal offenses of Qisas [retaliation in kind], Diyya [the financial compensation payable to the victim or heirs of a victim in the cases of murder, bodily harm or property damage], and felonies punishable by the death penalty or life imprisonment, the criminal action shall be time barred upon the lapse of [20] twenty years in respect of the cases of other felonies, and upon the lapse of [5] five years in the cases of misdemeanors and one year in the cases of infractions, from the occurrence day of the crime.
3. The running limitation period of criminal actions shall not be suspended for any reason whatsoever.

Article (22) Interruption of Criminal Action's Limitation Period

1. The limitation period of the criminal action shall be interrupted by investigation, accusation or trial procedures, criminal conciliation and plea bargaining procedures, or fact-finding procedures if they are performed against the Accused, or if an official notice of the same is served upon the Accused. If there are several procedures that interrupt the limitation period, the validity of such period shall commence on the date of the last procedure made in respect thereof.
2. If there are several Accused Persons, the interruption of the limitation period for any of them shall result in the interruption for the rest.

Part 2 The Civil Action Related to the Criminal Action

Article (23) Filing A Civil Action

1. A person, who sustains direct personal harm from a crime, may file a civil action against the Accused during the evidence gathering process or during the investigation or before the court that hears the criminal action, regardless of the status of the criminal actionup until the closing of the pleadings phase. However, he is not permitted to file his action before the Court of Appeal.
2. If the damage is inflicted upon a legal person, the court shall, sua sponte, award damages if the same is specified in a law or any regulations issued on the basis of a law.
3. Filing civil actions may only be admitted after the judicial fees are paid.

Article (24) Appointment of An Attorney for The Civil Action

1. If the person who sustains harm from a crime is legally ineligible to institute legal proceedings and has no attorney to represent him / her, the court hearing the criminal action may, at the request of the Public Prosecution, appoint an attorney to represent him / her in the civil action. In which case, such a person shall not be ordered to pay the legal costs.
2. If the Accused against whom the civil action is instituted is legally ineligible for litigation and has no attorney to represent him / her, the court may appoint an attorney for him / her the request of the Public Prosecution.

Article (25) Instituting Civil Actions Before Criminal Courts

1. Civil actions may be instituted before the criminal courts against the insurer for compensating the damage resulting from the crime.

2. The party liable for the civil damages and the insurer may intervene on their own initiative in the case during any stage thereof.

Article (26) Compensation for False Accusations

The Accused may file with the court a claim for compensation on the ground of the damage incurred by him / her as a result of a false accusation brought against him / her by the reporting person or the victim. In addition, the criminal court may award compensation in favor of the Accused against the person found guilty in respect of the crime of perjury and making a false report, based on the accused's request.

Article (27) Transferring the Civil Action to the Competent Civil Court

If the criminal court is convinced that determination of the compensation claimed by the Plaintiff or the Accused entails a special investigation that would postpone the adjudication on the criminal action, it shall transfer the civil action to the competent civil court.

Article (28) Discontinuance of Civil Action Instituted before The Criminal Court

The Plaintiff may discontinue his proceeding at any stage of litigation. If the Plaintiff discontinues his / her proceeding instituted before the criminal court, he / she may institute the same before the civil court.

Article (29) Grounds for Stay of Civil Action

1. If the civil action is initiated before the civil court, the decision thereon shall be postponed until a final judgment is rendered on the criminal action that is instituted before

the initiation, or during the progress, of the civil action. However, if the procedures of the criminal action are stayed due to insanity of the Defendant, the civil action shall be adjudicated vis-à-vis the curator of the Accused.

2. Stay of the civil action shall not preclude taking urgent precautionary measures, and the procedures prescribed in this Law shall apply upon adjudicating on the civil action instituted before the criminal court.

3. Stay of the civil action before the civil court shall be come to an end if the criminal court renders a judgment of conviction in absentia against the Accused, as of the date of expiration of the time limit for challenging it by the Public Prosecution or of the day of the decision on such challenge.

Article (30) Effect of Termination of Criminal Action on Civil Action

If, for any reason whatsoever, the criminal action is terminated after it has been instituted, the court shall transfer the civil action brought before it to the civil court, unless the civil action is set for adjudication on the merits.

Book 2 Crime Detection, Evidence Gathering and Verification

Part 1 Evidence Gathering by Judicial Police Officers

Chapter 1 Judicial Police Officers and their Duties

Article (31) Functions of Judicial Police Officers

Judicial Police Officers shall detect the criminal offenses and search for their perpetrators, and shall gather information and evidence necessary for investigation and indictment.

Article (32) Judicial Police Officers' Subordination to Attorney General

Judicial Police Officers shall be subordinated to and supervised by the Attorney General with regard to their job duties.

Article (33) Judicial Police Officer's Failure to Perform His Duties

The Attorney General may request that the competent authority supervising the Judicial Police Officer consider any violation of duties or defective performance of duties committed by the latter. The Attorney General may request that a disciplinary proceeding be instituted against the Judicial Police Officer, without prejudice to the right to institute a criminal action.

Article (34) The Capacity of a Judicial Police Officer

The Judicial Police Officers shall include the following persons within the areas of their competences:

1. Members of the Public Prosecution;
2. Officers, non-commissioned officers and personnel of the police force;
3. Officers, non-commissioned officers and members of border and coast guards;
4. Officers, non-commissioned officers and members functioning at the State's sea, air and land ports, including policemen or armed forces personnel;
5. Officers and non-commissioned officers of civil defense; and
6. The employees vested with the authority of Judicial Police Officers by virtue of the applicable laws, decrees and resolutions.

Article (35) Granting the Capacity of Judicial Police Officers

Based on a resolution of the Minister of Justice or the chairman of the competent local judicial body in coordination with the competent minister or the competent authority, any employee[s] may be vested with the capacity of Judicial Police Officers in relation to criminal offenses that occur within the areas of their competence and are relating to their job duties.

Article (36) Duties of Judicial Police Officers

Judicial Police Officers shall admit the reports and complaints submitted to them on the criminal offenses. They, as well as their subordinates, shall seek clarifications and conduct the necessary inspection to facilitate the examination of the incidents reported to them or of which they become aware, in any manner whatsoever. In addition, they shall take all precautionary measures necessary to preserve evidence of the crime.

Article (37) Reports

1. All actions carried out by the Judicial Police Officers shall be recorded in reports to be signed by them, indicating the time and place of taking the underlying actions. Such reports shall also contain the signatures of the Accused, the witnesses and the experts questioned.

2. The reports shall be submitted to the Public Prosecution along with the relevant documents and items seized.

Article (38) Reporting a Criminal Offense

Any person, who becomes aware of the occurrence of a crime in respect of which the Public Prosecution may institute a legal proceeding without a complaint or a request, shall report the same to the Public Prosecution or a Judicial Police Officer.

Article (39) Reporting a Crime Committed During Work

When a public employee or a person entrusted with a public service becomes aware, during or on account of performing his / her job duties, of the occurrence of a crime in respect of which the Public Prosecution may institute a legal proceeding without a complaint or a request, he / she shall immediately report the same to the Public Prosecution or the nearest Judicial Police Officer.

Article (40) The Complaint Must State The Claim for Civil Damages

The Complainant shall only be deemed claiming civil damages if he expresses the same in his / her complaint or in any paper submitted by him / her thereafter, or if he / she claims compensation in either of them.

Article (41) Powers of Judicial Police Officer During Evidence Gathering

Judicial Police Officers may, during the gathering of evidence, hear the statements of all persons who have information about the criminal offenses and their perpetrators, and may question the Accused about the same. They may also seek the assistance of doctors and other persons of expertise; however, they may only administer the oath to witnesses or experts if they have concerns that it would be impossible for their statements to be heard afterwards.

Article (42) Assistance by the Public Authority

Judicial Police Officers may, in the course of carrying out their duties, seek the direct assistance of the public authority.

Chapter 2 Flagrante Delicto

Article (43) Cases of Flagrante Delicto

1. The crime shall be considered to have been caught in Flagrante Delicto upon perpetration or a short while thereafter.

2. The crime shall also be considered to have been caught in Flagrante Delicto if the victim chases the perpetrator thereof, if the latter is chased by the public with shouts upon perpetration of the crime, if the perpetrator is found, after a short while of the perpetration of the crime, carrying tools, weapons, items or chattels indicating that he is the perpetrator or an accomplice of the crime, or if there exist at that time traces or signs so indicating.

Article (44) Powers of Judicial Police Officer on Flagrante Delicto Cases

1. In case of a crime caught in Flagrante Delicto, the Judicial Police Officer shall forthwith move to the crime scene, examine and retain the physical evidence of the crime, document the existing state of places and persons and anything else that may lead to revealing the truth, and take the statements of those present or those who might give some explanations as concerns the incident and the perpetrator thereof. He shall immediately inform the Public Prosecution of his move.

2. The Public Prosecution shall, once notified of a crime in Flagrante Delicto, move immediately to the crime scene.

Article (45) Order Preventing the Persons Present from Leaving the Crime Scene

1. For any crime caught in Flagrante Delicto, the Judicial Police Officer may, as soon he reaches the crime scene, prevent the persons present from leaving or moving away from the crime scene until a report is drawn up. Moreover, he may immediately summon anybody from whom clarification about the incident could be obtained.
2. In the event that any of the persons present violate the order issued by the Judicial Police Officer, or if any of the persons summoned refuses to appear before the Judicial Police Officer, the same shall be recorded in the report and communicated to the Public Prosecution for necessary action.
3. The competent court shall condemn the violator or the abstaining person, after hearing his defense, to a fine not exceeding [AED 5,000] five thousand dirhams.

Chapter 3 Arrest of the Accused

Article (46) Cases of Arrest of the Accused

The Judicial Police Officer may order that the Accused who is present at the crime scene be arrested, where there is cogent evidence that he / she has committed the crime in any of the following instances:

1. Felonies;
2. Misdemeanors caught in Flagrante Delicto where the penalty prescribed by law in respect thereof is not a fine;
3. Misdemeanors for which the penalty prescribed by law is not a fine and where the Accused is placed under any form of monitoring or where there are concerns that he

/ she might escape; and

4. Misdemeanors of theft, fraud, breach of trust, severe transgression, resistance by force to public authority officers and violation of public morals, as well as misdemeanors relating to weapons, ammunition, intoxicants, hazardous substances, narcotics, psychotropic substances and the like.

Article (47) Arrest Warrant

1. Where the Accused is not present at the crime scene, the Judicial Police Officer may issue an Arrest Warrant against him, and the same shall be recorded in the report.
2. The Arrest Warrant shall be enforced by a public authority officer.

Article (48) Rights of the Accused

1. Once the Accused is arrested or brought and before his / her statements are heard, the Judicial Police Officer shall inform the Accused of the criminal charge brought against him / her and of his / her right to remain silent. If the Accused fails to furnish evidence of his / her innocence, he shall be sent, within [48] forty-eight hours to the competent Public Prosecution.
2. The Public Prosecution shall question the Accused within [24] twenty-four hours, and shall then order that the same be either remanded in custody or released.

Article (49) Handover of Perpetrator to Public Authority Officers

Whoever watches the Perpetrator in Flagrante Delicto while perpetrating a felony or a misdemeanor he shall turn him / her over to the nearest public authority officer with no need for an Arrest Warrant.

Article (50) Handover of Perpetrator to Judicial Police Officers

In respect of felonies or misdemeanors caught in Flagrante Delicto and for which the penalty prescribed by law is not a fine, the public authority officers shall arrest and surrender the Accused to the nearest Judicial Police Officer.

Article (51) Admission of Complaint Filed by Public Authority Officers

If the crime caught in Flagrante Delicto is among the criminal offenses in respect of which the criminal action must only be instituted based on a complaint, the Accused may only be arrested if the complaint is authorized by the person having the right to file it. The complaint may, in which case, be filed by any of the members of the public authority being present at the crime scene.

Chapter 4 Search of Persons and Homes

Article (52) Searching the Accused

The Judicial Police Officer may search the Accused in the instances where the law allows his arrest. The Accused shall be searched through looking for any items or chattels relating to the crime and which are necessary for investing it in his body, clothes or luggage.

Article (53) Searching the Female Accused

In case the Accused is a female person, she shall be searched by a female Judicial Police Officer or a woman to be delegated for that purpose by the Judicial Police Officer after she

takes the oath that she shall perform her duties with loyalty and honesty.

Article (54) Searching the Home of the Accused

1. The Judicial Police Officer may only conduct a search on the home of the Accused based on a written search warrant issued by the Public Prosecution unless the crime is caught in Flagrante Delicto and where there is cogent evidence that the Accused is concealing in his / her home chattels or papers which may lead to revealing the truth. Search shall be conducted and the relevant chattels and papers shall be seized in the manner specified by law.
2. The chattels and papers required to be found shall be looked for across all parts of the home and its appurtenances and contents.

Article (55) Purpose of Searching the Accused's Home

The home of the Accused may only be searched for finding the chattels relating to the crime for which evidence is being collected and investigation is being conducted. Nevertheless, if during the search, any chattels - whose possession per se constitutes a criminal offense or which may lead to revealing the truth in any other crime - are incidentally discovered, the Judicial Police Officer shall seize the same.

Article (56) Presence of Women During the Search of Home

If any women are present at the house and the purpose of searching the same is not their arrest or search, the Judicial Police Officer shall deal with them in compliance with the applicable professional rules, shall allow them to cover up their body or leave the house, and shall grant them the necessary relevant facilities in such a manner that does not affect the

interest or result of the search.

Article (57) Searching the Accused while Searching His Home

If, during the conduct of search of the home of the Accused, there are strong presumptions against him or against any person present therein suggesting that they are concealing something which may help reveal the truth, the Judicial Police Officer may search either of them.

Article (58) Presence of Sealed or Closed Papers

When there are sealed papers or any documents closed by any other means at the home of the Accused, the Judicial Police Officer may not unseal or open them; however, he shall record the same in the search report and then submit the report to the Public Prosecution.

Article (59) Searching the Accused's Home in the Presence of Two Witnesses

The home of the Accused shall be searched, whenever possible, in the presence of the Accused or his / her attorney, or, otherwise, in the presence of two witnesses who, if possible, shall be adult relatives, cohabitants or neighbors of the Accused, and the same shall be recorded in the search report.

Article (60) Affixing the Seals

1. The Judicial Police Officers may affix the available precautionary means on, and appoint guards at, the places and chattels in which there are traces that would contribute to revealing the truth, and shall forthwith report the same to the Public Prosecution.

2. Any person concerned may file a grievance against this procedure with the Chief Justice of the first instance court or the judge, as the case may be, through a petition to be submitted to the Public Prosecution, which, in turn, shall immediately send the same, together with its opinion, to the Chief Justice of the court or the Judge.

Article (61) Seizure and Confiscation of Chattels

1. The Judicial Police Officers may seize the chattels which may have been involved in, or resulted from, the perpetration of the crime, or on which the crime may have been committed, in addition to anything whatsoever that may lead to revealing the truth.
2. Such chattels shall be described and submitted to the Accused in order to give his comments thereon, after which, a report shall be drawn up and signed by the Accused or shall contain a note that the Accused has refused to sign it.
3. The chattels and papers seized shall be placed in a package firmly closed in a manner that prevents third parties from manipulating its contents. In addition, the necessary details shall be written down on the package.

Article (62) Break of Seals

The break of seals affixed on the places and chattels shall be conducted in accordance with Articles [60] and [61] hereof in the presence of the Accused or his attorney and the person with whom these chattels are seized, or after summoning them to attend.

Article (63) Disclosure of Search Information

Whoever becomes aware of information in relation to the chattels searched as a result of the search process, and discloses such information to any third party lacking the capacity or uses

such information for his personal interests in any way whatsoever shall be punished by the penalties prescribed for the crime of information disclosure.

Article (64) Providing a Certified Copy of the Papers Seized

In case the person, with whom the papers are seized, has an urgent interest in relation thereto, he shall be given a certified copy thereof countersigned by the Public Prosecution, unless the same would be detrimental to the investigation interest.

Part 2 Investigation by Public Prosecution

Chapter 1 Conducting the Investigation

Section 1 General Provisions

Article (65) Conducting Investigation into Felonies and Misdemeanors

The Public Prosecution shall, by itself, conduct the investigation into felonies and misdemeanors, where deemed necessary.

Article (66) Investigation Procedures

1. The Prosecutor shall conduct the investigation procedures with the assistance of one of a Public Prosecution's clerk, or may assign this duty to any other person after the latter takes the oath.
2. The Prosecutor and the clerk, as the case may be, shall sign every page of the investigation reports, and such reports, together with the other relevant papers, shall be kept in the case file.

3. Notwithstanding Clause [1] of this Article, the Prosecutor shall record all investigation procedures performed.

Article (67) Confidentiality of Fact-Finding and Investigation Procedures

1. The investigation procedures per se and the ensuing results shall be deemed of a confidential nature. Consequently, members of the Public Prosecution and their assistants, clerks, experts and others who are involved in or attend the investigation ex officio shall not disclose the same. Whoever breaches this duty shall be punished by the same penalty prescribed for the crime of disclosure of confidential information.
2. The fact-finding reports shall be treated with the same confidentiality described in Clause [1] of this Article.

Article (68) Assigning a Judicial Police Officer to Conduct Investigation

1. The Prosecutor may assign a Judicial Police Officers to conduct any investigation procedure[s], except for questioning the Accused. He may also, if there is a necessity to take any action at any entity that falls beyond the territorial scope of his competence, delegate a Prosecutor or a Judicial Police Officer within such territorial area. In all cases, the person so delegated shall, within the scope of his delegation, be vested with all powers of the delegating person.
2. Notwithstanding Clause [1] of this Article, the judicial authorization issued by a Prosecutor in respect of any of the criminal offenses that falls within the exclusive jurisdiction of the federal courts shall be valid across all emirates of the State.

Article (69) Description of Issues to be Investigated

In all instances where the Prosecutor delegates another person to perform any investigations, the former shall specify the matters required to be investigated and the action required to be taken. In addition, the person delegated may carry out any other investigation procedure, including the questioning of the Accused, in the instances where it would be too late to take such action whenever it is necessary for revealing the truth.

Section 2 INSPECTION, SEARCH AND SEIZURE OF CRIME-RELATED CHATTELS

Article (70) Movement of Prosecutor to Inspect

1. The Prosecutor shall move towards any place in order to identify the status of persons, places and chattels relating to criminal offenses and all matters required to be inspected.
2. In the instances where it is necessary to take an action at an entity that falls beyond the territorial scope of his competences, he may delegate a member of the competent prosecution to perform such an action.

Article (71) Searching the Persons

1. The Prosecutor may search the Accused, and may only search any other person where there are strong indications that such a person is possessing crime-related items.
2. When searching a female person, the provisions of Article [53] of this Law shall be observed.

Article (72) Searching the Places and Seizure of Crime-Related Chattels

1. The Prosecutor shall search the home of the Accused on the ground of a charge imputed to him of having perpetrated, or involved in the perpetration of, a crime. He may, in this respect, search any place and seize any papers, arms and all chattels likely be have been involved in the perpetration of the crime or resulting therefrom, as well as anything that may help reveal the truth.
2. A Prosecutor may search any residential building other than the house of the Accused, if there are strong indications that he is possessing crime-related chattels.

Article (73) Searching the Communications and Technical Means and Recording of Conversations

1. The Prosecutor may seize, at the post offices, all correspondence, letters, papers, printed materials and parcels, and, at the telegram offices, all cables. Furthermore, he may search the devices, networks, equipment, media, electronic supports, information systems, computer programs, or any technical means whenever the investigation so requires, or he may assign experts or specialists he deems appropriate to perform the same.
2. Subject to prior approval of the Attorney General, the Prosecutor may monitor and record the conversations, including wired and wireless communications.

Article (74) Review of Letters and Papers Seized

Only the Prosecutor may review the correspondence, letters and other papers seized, and may, in light of such review, order that such papers be either kept in the case file or delivered back to the person possessing them or to whom they are addressed.

Article (75) Impermissibility to Seize Documents Delivered by the Accused

to his Attorney

The Prosecutor may neither seize the papers and documents that are delivered to an attorney by the Accused for the sake of performing the task assigned to him, nor review the correspondence exchanged between them in respect of the underlying case.

Article (76) Violation of Public Prosecution's Order to Hand over a Seizable Item

The Prosecutor may order that any person having possession of any item required to be seized or reviewed submit the same, and whoever violates such an order shall be punished by the penalties prescribed for the crime of refusing to testify.

Article (77) Communication or Delivery of a Copy of The Items Seized

1. Correspondence, letters, telegrams or similar papers seized or addressed to the Accused shall be communicated to him or he shall be given, as soon as practically possible, a copy thereof, unless the same is prejudicial to the progress of investigation.
2. Whoever claims a right over the chattels seized may request that the Prosecutor deliver the same to him.

Section 3 RETURN AND DISPOSAL OF CHATTELS SEIZED

Article (78) Return of Chattels seized

Chattels seized in the course of the investigation may be returned to their rightful owners, even before the judgment is rendered, unless they are necessary for proceeding with the case or are subject to confiscation.

Article (79) Return of Chattels Seized to their Possessor

The chattels seized shall be returned to the person in whose possession they exist at the time of their seizure. However, if the chattels seized are those on which the crime is perpetrated or those resulting therefrom, they shall be returned to the person who is denied their possession as a result of the crime, unless the person with whom they are seized has a right to retain them under the law.

Article (80) Writ of Replevin

The writ of replevin may be issued by the Public Prosecution, and the court may order Replevin in the course of hearing the criminal action.

Article (81) Effect of Writ of Replevin

The writ of replevin shall not prevent the parties concerned from claiming their rights before the civil court. However, the Accused or the Plaintiff in the criminal action may not claim such rights if the writ is issued by the criminal court upon motion of either of them against the other.

Article (82) Replevin of Chattel in Dispute

1. The writ of Replevin may be issued even without a motion.
2. The Public Prosecution shall not issue a writ of Replevin on a disputed chattel or on any other chattel where there is any doubt about the person having the right to gain its possession.

Article (83) Decision on the Chattels Seized

1. Where an order is issued to terminate the proceeding or that a case cannot proceed to criminal trial, the Prosecutor shall decide on the chattels seized.
2. Upon adjudicating on the criminal action, the criminal court shall decide on the chattels seized if they were reclaimed before such a court. In addition, it may, if deemed necessary, order that the matter be sent to the civil court. In the latter case, it may order that the chattels seized be kept in custody or that any other measures be taken to preserve them.

Article (84) Time Limit for Claiming the Chattels Seized

The chattels seized and not reclaimed by their rightful owners within [5] five years following the date of determination of the criminal action by virtue of a final judgment, or by the issue of an order that a case cannot proceed to criminal trial, or in any of the instances set forth in Article [21] of this Law, shall become the property of the public treasury with no need for a judgment to be rendered to that effect.

Article (85) Damage to Chattels Seized Over Time

If the chattel seized is exposed to damage or reduction in value with the passage of time, or where preserving such a chattel would entail costs that exceed its value, an order may be issued that the same be sold through an open auction, in case the investigation requirements so entail. In which case, the rightful owner of the chattel so sold may claim the sale proceeds within the time limit prescribed in Article [84] of this Law.

Section 4 INTERVIEWING WITNESSES

Article (86) Interviewing Witnesses

The Prosecutor shall interview the witnesses whose statements are requested to be taken by the parties, unless he decides that their statement is of no significance. He may also interview those witnesses whose statement is deemed significant on the facts that prove or lead to the substantiation of the crime and its circumstances and conviction or acquittal of the Accused.

Article (87) Ordering Witnesses to Appear for an Interview

The Prosecutor shall order the witnesses whom he decided to interview to appear, through the public authority personnel. He may also take the statement of any witness who attends on his own accord, and the same shall be recorded in the report.

Article (88) Confrontation of Witnesses

The Prosecutor shall hear each witness in private, and may make the witnesses confront each other.

Article (89) Details of Witness Identity and the Procedures for Hearing His Statement Before the Public Prosecution

1. The Prosecutor shall instruct each witness to mention his name, surname, age, profession, nationality, place of residence and his relation to the Accused, the victim and the Plaintiff, and shall verify his identity.
2. The witness, who has completed fifteen years of age, shall, before giving his statement, and shall take the oath that he will say the truth, the whole truth and nothing but the

truth. Witnesses under this age may also be heard on a precautionary basis without taking the oath.

Article (90) Signing the Witness Statement

The Prosecutor and the clerk shall each sign each page of the witness statement, as case may be. The witness shall also sign each page of such a statement after the same is read out in his presence. If the witness abstains from signing or affixing his thumbprint, or if he is unable to do so, the same shall be recorded in the report together with the reasons furnished by the witness.

Article (91) Failure to Appear to Give Statement

Whomever is ordered to appear before the Public Prosecution to give his statement shall appear based on the order served upon him. If he fails to appear without a lawful excuse, the Prosecutor may issue an arrest warrant against him.

Article (92) Excusable Failure of the Witness to Appear

In case the witness is sick or has a lawful excuse for not appearing, his testimony shall be heard at the place of his whereabouts.

Article (93) Witness Compensation

Subject to the Law of protecting the witnesses and the like, the Minister of Justice or the head of the local judicial body may lay down the rules governing the assessment of the amount of expenses and compensation claimed by the witnesses because of their

appearance to give testimony.

Section 5 ENGAGEMENT OF EXPERT WITNESSES

Article (94) Engagement of Expert Witnesses for Investigation Requirements

1. In the event that the investigation requires the assistance of a physician or any other expert witness to establish a particular fact, the Prosecutor shall issue an order for engaging them in order to submit a report on the mission assigned to them.
2. The Prosecutor shall be present when the expert witness is to performing his mission, and the latter may perform his duty without the presence of the litigants.

Article (95) Administration of Oath to Expert Witnesses

If the expert witness's name is not recorded in the Roll, he shall take the oath before the Prosecutor to perform the duties of his mission with trust and honesty.

Article (96) Expert Witness's Report

The expert witness shall submit his report in writing at the time scheduled by the Prosecutor. In case he fails to submit his report on time or if the investigation so requires, the Prosecutor may replace the expert witness with another one.

Section 6 QUESTIONING AND CONFRONTATION

Article (97) Questioning the Accused

The Prosecutor shall, when the Accused is present for investigation for the first time, write

down all the information relating to his personal identity, shall inform the Accused of the charge imputed to him and shall record in the investigation report all answers made by the accused to the questions posed to him.

Article (98) Presence of the Accused's Attorney During Investigation Procedures

The attorney of the Accused shall be permitted to both attend the investigation with the Accused and review the investigation papers, unless otherwise decided by the Prosecutor for the interest of the investigation.

Section 7 NOTICE TO APPEAR, ARREST WARRANT AND TRAVEL BAN

Article (99) Content of the Notice to Appear, Arrest Warrant and Travel Ban

1. The Prosecutor may, according to the circumstances, issue a notice to appear or an Arrest Warrant in respect of the Accused, or may order that the latter be banned from travel.
2. Each of these warrants shall contain the Accused's name, surname, profession, nationality, place of residence, the charge imputed to him, date of the writ, place and time of appearance, name of the Prosecutor and his signature and official seal. In addition, the Arrest Warrant shall include instructions to public authority officers to arrest the Accused and bring him before the Prosecutor in case the Accused refuses to willfully and instantly appear. The travel ban order shall be circulated to all ports of the State.
3. The said warrants shall be served upon the Accused by members of the public authority.

Article (100) Arrest Warrant

If the Accused fails to appear after being served a notice to appear without an acceptable excuse, is likely to escape, or has no known place of residence, or if he was caught in flagrante delicto, the Prosecutor may issue an Arrest Warrant against the Accused, even if the incident in question is an incident regarding which the accused may not be held in custody.

Article (101) Enforcement of Arrest Warrants

Warrants issued by the Prosecutor shall be enforceable across all parts of the State, and the Arrest Warrants shall not be enforced after the lapse of six months following the date of their issue unless extended by the Prosecutor for another period.

Article (102) Questioning the Person Arrested

The Prosecutor shall immediately question the arrested person; failing which, the arrested person shall be detained in one of the places designated for detention until he is questioned. The period of such custody shall not exceed [24] twenty-four hours after which the person in charge of the Detention Center shall send the detained person to the Public Prosecution, which, in turn, shall either immediately question him or order his release.

Section 8 ORDER TO HOLD IN CUSTODY

Article (103) Holding in Custody

Subject to the provisions of the Law concerning Juvenile Delinquents and Vagrants, the Prosecutor may, after questioning the Accused, order that the Accused be held in custody if there is sufficient evidence in respect of the underlying felony or misdemeanor and the same is punishable by other than a fine penalty.

Article (104) Data of the Order to Hold in Custody

In addition to the information stated in Article [99.2] of this law, the order to hold in custody shall contain instructions to the person in charge of the Detention Center to admit the accused and keep him in custody. The order shall further indicate the Article of law applicable to the incident.

Article (105) Controls for Keeping the Accused at Detention Centers

1. When the Accused is kept at the Detention Center, a copy of the detention order shall be handed over to the person in charge of such a place, and the latter shall send a notice of acknowledgement receipt of the accused to the Public Prosecution.
2. The person in charge of the Detention Center may only allow any member of the public authority to have any contact with the prisoner held in custody based on a written permission from the Public Prosecution. In which case, he shall write down, in the record designated for the purpose, the name of the person permitted to have contact with the prisoner held in custody, the time of the visit and the date and contents of the permission.

Article (106) Person's Held in Custody Contact with Third Parties

When the investigation procedures so require, the Prosecutor shall issue an Order Re No Communication, without prejudice to the right of the Accused to have contact with his attorney in private at all times.

Article (107) Extension of Detention Order

1. The detention order issued by the Public Prosecution shall be made after the Accused is questioned and shall be valid for a period of [7] seven days renewable for another period not exceeding [14] fourteen days.

2. Whenever the interest of investigation requires keeping the Accused in custody after the lapse of the periods described in Clause [1] of this Article, the Public Prosecution shall submit the case file to a judge of the competent criminal court who may, after reviewing the case papers and hearing the Accused's statements, order that the detention period be extended for another renewable period not exceeding [30] thirty days, or that the Accused be released with or without bail.

3. The Accused may submit a grievance to the chief justice of the court against the order issued in his absence extending the detention period, within [3] three days of the date of being notified, or becoming aware, of such order.

Article (107) Extension of Detention Order

1. The detention order issued by the Public Prosecution shall be made after the Accused is questioned and shall remain valid for a period of (7) seven days renewable for another period not exceeding (14) fourteen days.

2. Where the interest of investigation requires that the Accused be kept in pretrial detention after the lapse of the periods described in Clause (1) of this Article, the Public Prosecution shall submit the case file to a judge of the competent criminal court who shall, after reviewing the case file and hearing the Accused's statements, order that either the detention period be extended for another renewable period not exceeding (30) thirty days, or the Accused be released with or without bail.

3. The Accused may submit a grievance to the chief justice of the court against the order issued in their absence and whereby the detention period is extended, within (3) three days from the date of being notified or becoming aware of such an order.

Section 9 PROVISIONAL RELEASE

Article (108) Provisional Release of Persons Held in Custody

1. The person held in custody for a crime punishable by the death penalty or a life sentence may only be released based on the approval of the Attorney General or his deputy.

2. The Public Prosecution may order the provisional release of the person held in custody or revoke the order of placing the Accused under electronic monitoring, for a felony or a misdemeanor, at any time, whether sua sponte or upon motion of the Accused, unless the accused has been sent to the competent court for trial, as, in which case, his release shall fall within the jurisdiction of the said court.

Article (109) Release on Bail

1. In the instances other than those where the provisional release is mandatory, the Accused may be released on a personal guarantee or on a bail bond or with a travel ban, and the Public Prosecution or the judge, as the case may be, shall determine the amount of bail. Moreover, the amount of bail shall be allocated as an adequate penalty in case the Accused fails to appear in any of the procedures of investigation or trial, and to ensure that the Accused both does not evade the enforcement of the judgment and performs all the other duties prescribed by law.

2. If the Accused fails to provide a personal guarantee or a bail bond, the Prosecutor may change, replace or overturn the bail condition, order that the Accused be held in custody

or continues to be kept in custody if already in custody, as of the issuance date of the order of release on bail.

Article (110) Payment of Bail

The amount of bail shall be paid by the Accused or any third party, through depositing the specified amount with the court treasury. The bail may also take the form of an undertaking made by a solvent person to pay the amount of bail in case the Accused fails to fulfill the release conditions. Such an undertaking shall be recorded in the investigation report or in a report to be kept in the case file, and either of such reports shall have the force of a Writ of Execution.

Article (111) Disposition of the Bail

1. If the Accused fails, without an acceptable excuse, to fulfill any of the obligations imposed on him under Article [109] hereof, the bail bond shall become the property of the government with no need for a court judgment to that effect.
2. The amount of bail shall be refunded in full if either a non-suit order is issued on the criminal action or the Accused is found innocent.
3. The court may, in all instances, decide that the amount of bail or any portion thereof be refunded, or that the bail bondsman be relieved of his undertaking.

Article (112) Post-Release Arrest Warrant

1. The order of releasing the Accused shall not prevent the Prosecutor from issuing a new Arrest Warrant against the same Accused whenever the evidence against him become

stronger, if the Accused fails to fulfill the duties imposed on him, or if there are circumstances that require such a measure.

2. If the release is ordered by the court, the new arrest warrant against the Accused shall be issued by the same court upon motion of the Public Prosecution.

Article (113) Court Having Jurisdiction to Decide on Motions for Release, Detention or Provisional Electronic Monitoring

1. If the Accused is taken to court, the decision to release him, if he is detained, to detain him, if he is released, or placing him temporarily under electronic monitoring if he is detained or released, or overturning any such a decision, shall fall with the jurisdiction of the court to which he is taken.

2. In case of a judgment announcing lack of jurisdiction of the court, the court that renders such a judgment shall have jurisdiction to decide on the motion for release, detention or provisional electronic monitoring or the cancellation thereof, until the case is brought before the competent court.

Article (114) Inadmissibility of Motion for the Accused's Detention filed by the Victim or Plaintiff

The motion for detention of the Accused submitted by the victim or the Plaintiff shall not be admitted, and the statements of the same shall not be heard in respect of the discussions relating to the release of the Accused.

Chapter 10 Seizure of Property and Prevention of Disposition

Article (115) Precautionary Measures on Suspicious Property

1. The Public Prosecution and the competent court, as the case may be and whenever necessary, may order the assessment, tracking or valuation of suspicious property or the equivalent value thereof, and that any precautionary measures be taken in respect thereof, including managing or preventing disposition of the same, if such property has resulted from, or is associated with, a crime, or to prevent evasion of seizure or confiscation orders issued against the same, without prior notice to its owner or possessor, without prejudice to the rights of bona fide third parties.

2. The Public Prosecution and the competent court, as the case may be, entrust any person with managing the suspicious property or its equivalent value where any precautionary measure is taken with regard thereto, if necessary. The proceeds of selling the same shall be devolved to the government in the event that a final judgment of conviction is rendered. Such property shall remain subject, within their value, to any rights legally established in favor of any bona fide third party.

3. The Public Prosecution and the competent court, as the case may be and whenever necessary, may order that the Accused, the person owning, possessing or assuming management of the suspicious property, or any third party deemed appropriate, be entrusted with managing the suspicious property or its equivalent value where any precautionary measure is taken with regard thereto. In the instances where a third party is entrusted with the management of the same, a management fee shall be determined Public Prosecution or the competent court and shall be paid to such a third party by the public treasury.

4. The Minister of Justice or the head of the local judicial body may issue a decision regulating the management of property seized and relevant expenses.

Article (116) Grievance Against Precautionary Measures

1. Any interested party may file a grievance against the Public Prosecution's order referred to in Article [115.1] hereof with the competent court within the territorial jurisdiction of which the Public Prosecution issuing the order is located or the court having the jurisdiction to hear the criminal action.
2. The grievance shall be based on a petition to be submitted to the competent court, and the chief justice of the court shall schedule a hearing for such grievance and shall keep the grievant informed of the same. In addition, the Public Prosecution shall submit a memorandum of opinion on the grievance, and the court shall decide thereon not later than [14] fourteen business days following its filing date.
3. The decision on the grievance shall be unchallengeable. If the grievance is dismissed, a new grievance may only be filed after three [3] months following the date of dismissal of the previous grievance, unless a serious reason arises before the expiration of such a period.

Article 117 Termination of Precautionary Measures

In all instances, the precautionary measures referred to in Article [115.1] hereof shall be terminated where a non-suit judgment is rendered, if a final judgment of acquittal is rendered thereon, or when the amounts awarded by the court are settled.

Chapter 2 Disposal of the Charge and of the Case

Article (118) Dismissal of The Case With Prejudice

1. Following the investigation conducted by the Public Prosecution, the latter may dismiss the case with prejudice and order that the Accused be released, unless he is detained for any other reason.
2. The decision to dismiss the case with prejudice in felonies may only be issued by an Advocate General or his designee, and shall only become effective after being approved by the Attorney General or his deputy.
3. The decision to dismiss the case with prejudice shall include the name and surname, age, place of birth, place of residence, profession, nationality of the Accused, as well as details of the charge imputed to him and its legal characterization and the grounds upon which the decision is based.
4. The decision shall be served upon both the victim and the Plaintiff, and if either of them has passed away, the same shall be served upon his heirs as a group without mentioning their names, at the last domicile of the decedent.

Article (119) Dismissal of The Case Without Prejudice

Where the Public Prosecution is convinced, in respect of the misdemeanors and petty offences, in light of the evidence collected that the case is all set to be instituted, it shall summon the Accused to appear immediately before the competent criminal court. If, on the contrary, it is convinced that there is no legal ground to proceed with the case, it shall dismiss the case without prejudice.

Article (120) Revoking the Decision to Dismiss the Case with Prejudice

For misdemeanor cases, the Attorney General may revoke the decision referred to in Article [118] hereof within [3] three months following its issuance date, unless the same had been

appealed and the appeal was dismissed.

Article (121) Taking The Case to The Misdemeanor Court

Where the Public Prosecution is convinced that the wrongful act constitutes a misdemeanor or a petty offence and there is sufficient evidence against the Accused, it shall transfer the case to the competent misdemeanor court.

Article (122) Taking The Case to The Criminal Court

Where the Chief Prosecutor or his deputy is convinced that the wrongful act constitutes a felony and that the evidence against the Accused is sufficient, he shall take the case to the criminal court. If there is any doubt as to whether the wrongful act constitutes a felony or a misdemeanor, the Accused shall be transferred to the criminal court under the charge of a felony.

Article (123) Judgment of Lack of Jurisdiction

If a final judgment of no jurisdiction has already been rendered by the misdemeanor court on the grounds that the underlying act constitutes a felony, the Public Prosecution shall transfer the case to the criminal court.

Article (124) The Decision to Take The Case to Court

1. The decision of taking the case to the court shall include the name, surname, age, place of birth, place of residence and nationality of the Accused, in addition to details of the crime he is charged with along with all its elements, the extenuating or aggravating circumstances and the applicable articles of the law.

2. The Public Prosecution shall serve such decision upon the parties within [3] three days following its issuance, with the exception of the one-day crimes which are to be determined by a decision of the Attorney General.

Article (125) Transferring all the Crimes to Court by a Single Transfer Order

1. Where the investigation covers several interrelated crimes falling within the jurisdiction of courts of the same instance, all of which shall be transferred by a single order to the court having the territorial jurisdiction over any of such crimes.
2. In the event that the crimes fall within the jurisdiction of courts of different instances, they all shall be transferred to the court of the higher instance.

Article (126) Release of the Accused Held in Custody

The Accused held in custody shall be released if the order transferring him to the competent court does not include that he remains in custody.

Article (127) List of Witnesses

1. When the Public Prosecution transfers the case to the criminal court, it shall instruct the Accused, the Plaintiff and the party liable for the same to immediately submit a list of the witnesses required to give testimony before the court, containing their names and places of residence.
2. The Public Prosecution shall make a list of its own witnesses and of those mentioned in the Clause [1] of this Article.
3. Such a list shall be served upon both the Accused and the witnesses mentioned therein.

Article (128) Service of Witnesses not included in the List

Each litigant shall, through a process server at its own expense, summon his witnesses whose names are not included in the list prepared by the Public Prosecution.

Article (129) Taking the Case to the Competent Court

As soon as the investigation is completed, the Public Prosecution shall take the case to the competent court.

Article (130) The Decision to Take the Accused Who is Not Present to the Criminal Court

If an order is issued to transfer an absent person accused of a felony to the criminal court then he shows up or is arrested, the case shall be heard ab initio before the court, in his presence.

Article (131) Supplemental Investigation

If, after an order of transfer is issued, an incident occurs and necessitates a supplemental investigation, the Public Prosecution shall conduct the same and then submit the report to the court.

Article (132) Finding New Evidence

1. The non-suit order issued by the Public Prosecution shall prevent the re-initiation of investigation unless new evidence comes to light.
2. Witness statements, reports and other papers or electronic evidence that were not initially submitted to the Public Prosecution and which would reinforce the existing evi-

dence considered insufficient or add more clarification that may lead to revealing the truth, shall all be classified as new evidence.

Part 3 APPEALING THE ORDERS AND DECISIONS ISSUED DURING INVESTIGATION STAGE

Article (133) Appealing the Decision on Release or Custody Extension

1. The Public Prosecution may appeal the decision rendered by the judge on the provisional release of the Accused held in custody, and the release decision may only be executed after the expiration of the timeline of appeal.
2. The Accused may appeal the decision issued by the judge on extending his custody during the appeal time limit.

Article (134) Appealing the Dismissal with Prejudice Order

The victim and the Plaintiff may each appeal the dismissal with prejudice decision issued by the Public Prosecution on the grounds that the charge is not proven, that the act is not punishable by law or that the evidence against the Accused is not sufficient.

Article (135) Appeal Procedures

1. The appeal mentioned in Articles [133] and [134] hereof shall be filed under a statement to be deposited with the criminal court's clerk office, and the timeline of appeal shall be [24] twenty-four hours in the cases provided for in Article [133] and [10] ten days in the cases provided for in Article [134] hereof.

2. The timeline of appeal shall commence as of the date of issuance of the decision with regard to the Public Prosecution and as of the date of service of the order with regard to the other litigants.

Article (136) Appeal Hearing

The date of the hearings shall be fixed for the appellant in the statement of appeal, and such a date shall fall within [3] three days. The Public Prosecution shall summon the rest of the litigants to be present at the scheduled hearing.

Article (137) Powers of the Court of Appeal

The Court of Appeal shall examine the appeals against the orders and decisions referred to in this Part in chambers, and may also, whenever necessary, examine the same beyond the days scheduled for holding these hearings or outside the seat of the court.

Article (138) Decisions of Court of Appeal on The Dismissal with Prejudice Order

1. The Court of Appeal shall issue its decisions on the appeal against the dismissal with prejudice orders after perusing the papers and hearing the clarifications deemed necessary from the parties. It may also perform everything required for reaching a decision on the pending appeal, including complementary investigations or may, for this purpose, delegate one of its members or the Public Prosecution.
2. When deciding to overturn the dismissal with prejudice order, the Court of Appeal shall remand the case to the Public Prosecution under a reasoned decision indicating the offence and its elements and the provisions of the governing law, in order to transfer the same to the competent criminal court.

3. Under any circumstances, the decisions of the Court of Appeal shall be unchallengeable.

Article (139) Decisions of the Court of Appeal on Appeals against Release or Extending Custody Decision

1. The Court of Appeal may, upon hearing the appeal filed against the order issued for the release of the Accused held in custody, order an extension of his custody. If the appeal is not decided on within [3] three days following the date of its filing, the release order issued shall be executed immediately.
2. The Court of Appeal may, when hearing the appeal filed against the order issued to extend the custody period of the Accused, order the release of the Accused with or without bail.
3. Decisions issued by the Court of Appeal in this regard shall be unchallengeable.

Book 3 COURTS

Part 1 Jurisdiction

Chapter 1 Jurisdiction on Criminal Matters

Article (140) Court of First Instance

1. With the exception of offences falling within the jurisdiction of the Federal Supreme Court, the Court of First Instance composed of three judges shall have jurisdiction to hear and adjudicate on the felonies punishable by Qisas [retaliation in kind], death penalty or life imprisonment, transferred thereto by the Public Prosecution, and shall hereinafter be referred to as the Major Criminal Court. The court composed of one judge shall have ju-

risdiction to hear and adjudicate on other offences punishable by a determinate prison sentence, and shall hereinafter be referred to as the Minor Criminal Court.

2. The court composed of one judge shall have jurisdiction to hear and adjudicate all cases of misdemeanors and petty offences, and shall hereinafter be referred to as the Misdemeanor Court.

3. Notwithstanding the provisions of this Law, the chairman of the Federal Judicial Council and the heads of local judicial bodies, as the case may be and in accordance with the laws regulating their work, may set up the rules that regulate the work and determine the competences of the one-day court of the misdemeanor court, as well as the mechanism of serving the litigants, the order of the hearings thereof and other procedures of such a court.

Article (141) Misdemeanor Court Lacks Jurisdiction to Hear Felonies

Where the Misdemeanor Court is convinced that the underlying act constitutes a felony, it shall decide that it lacks the jurisdiction and shall send the papers back to the Public Prosecution to take the appropriate legal measures.

Article (142) Criminal Court Lacks Jurisdiction to Hear Misdemeanors

1. Where the Major Criminal Court is convinced that the underlying act, as described in the transfer decision and before being examined at a hearing, constitutes a misdemeanor or a felony punishable by a determinate prison sentence, it shall decide that its lacks the jurisdiction and shall transfer the case to the competent court.

2. If the Minor Criminal Court is convinced that the underlying act constitutes a felony punishable by the death penalty or life imprisonment, it shall decide that it lacks the jurisdiction and shall transfer the case to the Major Criminal Court.

3. If the Minor Criminal Court is convinced that the underlying act, as described in the decision of transfer to criminal trial and before being examined at a hearing, constitutes a misdemeanor, it shall decide that it lacks the jurisdiction and shall transfer the case to the misdemeanor court.

Article (143) Territorial Jurisdiction

Jurisdiction shall be determined based on the place wherein the crime is committed, unless otherwise provided for in the law.

Article (144) Determination of Crime Scene

In case of an attempted crime, the crime shall be deemed to have been perpetrated at each place wherein any of the acts of commencement of perpetration has occurred. For continuous criminal offenses, the place of the crime shall be deemed each place wherein a state of continuity occurs. In case of recidivism and successive criminal offenses, the place of the crime shall be each place wherein any of the acts involved in the crime is perpetrated.

Article (145) Overseas Perpetration of Crime Governed by the National Law

Where any crime is perpetrated abroad and is governed by the provisions of the national law, the perpetrator shall be prosecuted before the federal criminal courts in the capital city of the Federation.

Article (146) Jurisdiction on Interrelated Crimes

If one or more accused persons are brought before two courts in respect of a single crime or interrelated criminal offenses covered by a single investigation, where both courts have the

jurisdiction, the case shall be transferred to the court to which the same was first submitted.

Article (147) Lack of Jurisdiction Judgment

Where, at any stage of litigation, the court is convinced that it lacks jurisdiction to hear the case, it shall decide lack of jurisdiction, even without any motion by the parties involved.

Chapter 2 Criminal Courts' Jurisdiction over Civil Action and Suspension of Criminal Action

Article (148) Institution of Civil action Before Criminal Courts

The civil action, regardless of the value thereof, may be instituted for claiming compensation against damage resulting from the crime, before the criminal court in order to be heard in conjunction with the criminal action, subject to payment of the prescribed legal fees.

Article (149) Jurisdiction of Criminal Court

Unless otherwise provided for in law, the criminal court shall have the jurisdiction to adjudicate on all matter upon which the decision on the legal proceeding pending before it relies.

Article (150) Stay of Criminal action Pending Adjudication on Another Criminal action

In the event that adjudication on a criminal action depends on the result of another criminal action, the former shall be stayed until the latter is adjudicated on.

Article (151) Stay of Criminal action Pending Adjudication on Personal Status Matter

In the event that the adjudication of a criminal action depends on the decision on a personal status matter, the criminal court may order a stay of the criminal action and set a time limit for the Defendant, the Plaintiff, or the victim - as the case may be - to submit the mentioned matter to the competent authority; however, the stay of the proceeding shall not prevent the necessary or urgent measures or investigations.

Article (152) Resumption of the Criminal action

If the time limit prescribed under Article [151] of this Law expires and the legal proceeding has not been filed with the competent authority, the court may disregard the stay of the criminal action and adjudicate on the same. It may also set another time limit for the party concerned, if there are reasonable grounds.

Article (153) Evidence Procedures on Non-Criminal Matters

The criminal courts shall, in respect of the non-criminal matters to be decided thereon in conjunction with the criminal action, apply the means of evidence prescribed by the law governing such matters.

Chapter 3 Conflict of Jurisdiction

Article (154) Designation of the Competent Court by the Federal Supreme Court

Where two final judgments establishing or denying jurisdiction are rendered on the same

matter, the application to designate the competent court shall be submitted to the Federal Supreme Court according to the following two articles.

Article (155) Motion for Designating the Competent Court

1. The Public Prosecution and the parties to the case may each request that the competent court be designated, based on a motion accompanied by the supporting documents.
2. The court to which the motion is submitted shall, within [24] twenty-four hours following its submission, order that the papers be filed with the Case Management Office.
3. The Case Management Office shall notify the other parties of such filing within [3] three days following its occurrence, in order for each of them to review the papers filed and to submit a statement of defense thereon within [10] ten days following their the date of being notified of such filing.
4. The filing order shall give rise to a stay of the case for which the application is submitted, unless otherwise decided by the court.

Article (156) Jurisdiction of the Court to Which the Motion for Designation is Submitted

After review of the papers, the court, to which the motion is submitted, shall designate the competent court, and shall decide on the measures and judgments that may have been rendered by the other court whose jurisdiction has been denied.

Part 2 TRIAL PROCEDURES

Chapter 1 General Provisions

Section 1 Service of Process upon Litigants

Article (157) Appearance of the Accused Before the Court

When the case is transferred to a criminal court, the Public Prosecution shall order the Accused to appear before the competent court named in the transfer decision.

Article (158) Serving a Notice to Appear upon the Accused is Unnecessary

There shall be no need to serve upon the Accused a notice to appear before the court, if the latter has already attended the hearing and the charge has been brought against him by the Public Prosecution, and he accepted the trial.

Article (159) Notice to Appear Procedures

1. The notice to appear before the court shall be served upon litigants at least one full day prior to the scheduled hearing date in respect of petty offences, [3] three days in respect of misdemeanors, and [10] ten days in respect of felonies.
2. The notice to appear shall indicate the charge and the law articles that prescribe the punishment.

Article (160) Methods of Serving the Notice to Appear

1. The notice to appear before the court shall be served by any of the following methods:
    a. Recorded audio or video calls, messages on the mobile phone, smart applications, e-mail or via any other means of communication; or

b. To the Defendant in person wherever he is present at his place of residence or place of work. If the notice cannot be served due to any reason on the part of the Defendant, or if the latter refuses to receive the notice, the same shall be deemed to have been served upon the Defendant in person. If the process server does not find the Defendant required to be served at his place of residence, the notice may be delivered to any cohabitant, spouse, relative, in-law or servants of the Defendant;

2. The process server shall verify the identity of the person who is informed or who receives the notice, so that his / her appearance must indicate that he / she has completed [18] eighteen years of age, and that neither he / she nor the person he / she represents has an apparent interest that conflicts with the interest of the Defendant;

3. In the event of service by the modern means of communication defined in Clause [1.A] of this Article, the process server shall ensure that such a mean, whatever it is, belongs to the Defendant. In the event of service via recorded audio or video calls, the process server shall draw up a report in which the content of the call, the time and date of the call, and the person who answered the call shall all be recorded. Such a report shall have the probative force of evidence and shall be attached with the case file.

4. If the Defendant cannot be served in accordance with Clause [1] of this Article, the notice shall be delivered to the police station where the last place of residence of the Defendant is located, and the place where the crime is perpetrated shall be considered as the last place of residence of the Defendant, unless otherwise is established.

Section 2 HEARING ORDER AND PROCEDURES

Article (161) Personal Appearance or Representation of the Defendant

The Defendant charged with a felony or a misdemeanor, punishable by a penalty other than

the fine, shall appear in person. For other misdemeanors and petty offences, the Defendant may appoint an attorney to defend him, without prejudice to the authority of the court to order his personal presence.

However, in all circumstances, the attorney, a relative, or an in-law of the Defendant may appear and furnish an excuse for the Defendant's absence. If the court accepts the excuse, it shall schedule another date for the Defendant to appear, and the Public Prosecution shall notify the Defendant of the new date.

Article (162) Open and Closed-Door Court Hearings

1. The court hearing shall be open; however, the court may, for reasons relating to the public order or preservation of public morals, order that the case, in whole or in part, be heard in cameras, or that particular persons be denied attendance.
2. With regard to the offenses against the honor and other instances prescribed by the law, the hearings shall be held in cameras.

Article (163) Presence of the Public Prosecution at Criminal Court Hearings

A member of the Public Prosecution shall attend the hearings of the criminal court, and the latter shall hear him and decide on his claims.

Article (164) Keeping Order of The Courtroom

1. The order and administration of the court hearing shall be vested in the presiding judge, who may, to that end, dismiss from the hearing any person jeopardizing the order of the court, but if such a person does not comply, the court may, with immediate effect, order his detention for 24 [twenty-four] hours or to penalize him with a fine of not less than

AED 1,000 [one thousand UAE Dirhams] and not more than AED 5,000 [five thousand UAE Dirhams], and the court's judgment in this respect shall be final.

2. The court may, at any time prior to the end of the hearing, revoke its judgment or decision issued under Clause [1] of this Article.

Article (165) Appearance of the Defendant Before the Court Without Handcuffs

1. The Defendant shall appear before the court without handcuffs or restraints, but shall be duly monitored.
2. The Defendant may only be removed from the hearing when the case is being heard if he commits any act of disturbance that entails this measure. In which case, the procedures shall continue until he is allowed to appear again, then the court shall inform him of the actions taken in his absence.

Article (166) Investigation Procedures During the Hearing

1. The investigation shall be commenced during the hearing by calling the litigants and the witnesses. The Defendant shall be questioned about his name, surname, profession, nationality, place of residence and place of birth, after which the charge imputed to him shall be announced. Next, the Public Prosecution and the Plaintiff, if any, shall submit their claims. Thereafter, the Defendant shall be asked how he pleads; if he pleads guilty, the court may decide that it is satisfied with his admission and then render a judgment against him without hearing the testimony of witnesses. Otherwise, the court shall hear the testimony of the prosecution witnesses, unless the crime is punishable by the death penalty, in such case, the court shall complete the investigation procedures.

2. Such witnesses shall first be examined by the Public Prosecution, and then by the victim, if present, the Plaintiff as concerns the latter's claim, then cross-examined by the Defendant, and finally by the Defendant liable for civil damages. The Public Prosecution, the victim, and the Plaintiff shall, respectively, may examine for a second time the witnesses in order to seek clarification of the facts to which they testified, while the court shall hear the testimony of each witness in private.

Article (167) Hearing the Testimony of Defense Witnesses

1. After hearing the testimony of the prosecution witnesses, the court shall hear the testimony of defense witnesses who shall first be examined by the Defendant, and then by the Defendant liable for civil damages, then cross-examined by the Public Prosecution, and finally by the Plaintiff. The Defendant and the Defendant liable for civil damages shall each have the right to re-examine the witnesses to seek clarification of the facts to which they testified in their answers to the questions addressed to them.
2. Each litigant may request that the testimony of the above-mentioned witnesses be heard again in order to seek clarification or verification of the facts to which they testified, or request that the testimony of other witnesses be heard for this purpose.

Article (168) Testimony-Giving Procedures

The witnesses shall be called by name, one by one, to give testimony before the court. The witnesses whose testimony is heard shall remain inside the courtroom until the pleadings are closed, unless the court permits them to leave. Where necessary, a witness may be asked to leave the courtroom while the testimony of another witness is being heard, and the witnesses may be confronted with each other.

Article (169) Examination of Witness

1. The court may, at any stage of the proceeding, pose to the witnesses any question it deems necessary to reveal the truth and may permit the litigants to do the same.
2. The court shall prevent any questions posed to the witnesses if they are irrelevant to the case or unacceptable.
3. Moreover, the court shall protect the witness from any explicit or implicit statements, as well as any sign that may confuse their thoughts or frighten them.
4. The court may decide against hearing the testimony of witnesses on facts that are deemed clear enough.

Article (170) Hearing the Statements of Litigants

1. After hearing the testimonies of both the prosecution witnesses and the defense witnesses, the Public Prosecution, the Defendant and all other litigants involved in the case may give their statements. In all instances, the Defendant shall be the last to speak.
2. The court may prevent the Defendant, the remaining litigants and their attorneys from continuing to speak in case they speak beyond the subject of the case or repeat their former statements.

Article (171) Appearance of the Absent Defendant

In the event that the absent Defendant appears before the conclusion of the hearing in which the judgment is rendered, the case shall be re-heard in his presence.

Article (172) Trial Transcript

1. A transcript shall be drawn up and all events taking place during the trial hearing shall be recorded, and each page thereof shall be signed by both the presiding judge and the clerk of the court.
2. This transcript shall include the date of the hearing, description of whether it is an open or closed-door hearing, the names of judges, the member of the Public Prosecution who attended the hearing, the clerk, the litigants and their attorneys, the statements of both witnesses and litigants. Furthermore, a reference shall be made in the transcript to the papers read out and all actions taken, while the claims submitted during the hearing of the case, the decisions made on the subsidiary matters, the operative part of judgments rendered and all other things that take place during the hearing shall be recorded there-in.

Section 3 WITNESSES AND OTHER EVIDENCE

Article (173) Subpoena

1. The witnesses shall be subpoenaed upon the request of the litigants in accordance with this Law, at least twenty-four hours prior to the hearing date. The witness may attend the hearing without notice upon motion of the litigants.
2. The court may, in the course of hearing the case, subpoena and hear the statement of any person, even based on an Arrest Warrant, whenever necessary. It may also subpoena him / her to appear at another hearing.

Article (174) Failure of the Witness to Appear

1. If the witness fails to appear before the court after being subpoenaed, he may, after hearing the Public Prosecution's statement, be condemned to a fine of not less than [AED 1,000] one thousand dirhams and not exceeding [AED 5000] five thousand dirhams.
2. If the court is convinced that his testimony is important, it may adjourn the case for the witness to be subpoenaed, and may issue an Arrest Warrant against him.
3. If the witness appears, after being re-subpoenaed or based on his own initiation, or furnishes an acceptable excuse, he may be relieved of the fine, after hearing the Public Prosecution's statements.
4. If the witness fails to appear after being subpoenaed for the second time, he may be condemned to a fine that does not exceed twice the maximum fine prescribed in Clause [1] of this Article. The court may issue an Arrest Warrant against him to be brought at the same hearing or at another hearing to which the case is adjourned.

Article (175) Witness's Failure to Appear until the Judgment Is Rendered

In the event that the witness fails to appear before the court until a judgment is rendered on the case, he may file a grievance against the judgment condemning him to a fine with the court that rendered the judgment.

Article (176) Witness is Unable to Appear

1. If the witness informs the court that he is unable to appear before the court for a valid excuse such as his illness or any other excuse preventing him from appearing to give testimony, the court may move to his place and hear his testimony after informing the Public Prosecution and the other litigants of the same. The litigants may attend in person or through their attorneys and address to the witness the questions they deem necessary.

2. In the event that the court becomes convinced, after moving to the witness's whereabouts, that the excuse was fake, it may either order his detention for a period not exceeding [3] three months or impose a fine not exceeding of [AED 20,000] twenty thousand dirhams against him.

Article 177 Verification of Witness Identity and the Procedures for Hearing Him Before the Court

1. The court shall instruct each witness to mention his name, surname, age, profession, nationality, place of residence, and his connection to the Defendant, the victim and the Plaintiff, and shall verify his identity.
2. A witness, who has completed [15] fifteen years of age, shall take an oath before giving the testimony to testify the truth, the whole truth and nothing but the truth. It is permissible to hear the testimony of those who have not reached the aforementioned age as supporting evidence, without taking the oath.
3. The aforementioned details, the testimony of witnesses, and the procedures for hearing them shall all be recorded in the transcript without modification, deletion, erasure, alteration or addition. None of the same may be approved unless the presiding judge of the court, the clerk and the witness so confirm.

Article (178) Failure to Hear the Witness

Where it is not possible to hear the testimony of a witness for whatever reason, the court may decide that the testimony given by him during the preliminary investigation or in the evidence-gathering report or after taking oath according to Article [41] of this Law be read out.

Article (179) Witness's Failure to Remember Certain Facts

Where the witness states that he no longer remembers any of the facts, or if the testimony of the witness given during the hearing conflicts with his former testimony or statements, the part relating to this fact may be read out from his statement given during the investigation or his statements in the evidence-gathering reports.

Article (180) The Order to Furnish Evidence

The court may, even if sua sponte, during the hearing of the case, order that any evidence deemed necessary to reveal the truth be furnished.

Article (181) Appointment of Expert Witnesses

1. The court may, either sua sponte or upon motion of the litigants, engage one or more expert witnesses in the case, and, if necessary, a committee of experts whose number shall be odd.
2. The court may, sua sponte, order that the expert witnesses be subpoenaed to be questioned about the content of the reports submitted by them during the preliminary investigation or before the court; and it shall issue such order if so requested by the litigants.
3. If it is not possible to verify a proof before the court, it may move to its whereabouts for verification.

Section 4 SUBSIDIARY FORGERY CASE

Article (182) Challenging Case Papers on Forgery Grounds

1. The Public Prosecution and all litigants may, at any stage of the case, challenge on forgery grounds any paper submitted in the case.
2. The forgery allegation shall be made under a statement to be kept in the transcript of the hearing, and the same shall indicate where the forgery occurred and relevant proofs.

Article (183) Authority to Adjudicate on Forgery Allegation

1. Where the court that hears the case is convinced that the decision to be made thereon is dependent on the paper alleged to be forged, and there is a good reason to proceed with the verification of the forgery evidence, it shall send the papers to the Public Prosecution and stay the proceeding until a decision is made on the forgery allegation by the competent authority. It may also, if the decision to be made on the forgery allegation falls within its jurisdiction, investigate the forgery allegation by itself and decide on the authenticity of this paper.
2. The court may condemn the party alleging forgery to a fine not exceeding [5,000] five thousand dirhams in the event that a judgment or a decision is rendered denying the forgery allegation.

Article (184) Forgery of an Official Document

If an official paper is decided to be forged, in whole or in part, the court that decides such forgery shall order that such a paper be either cancelled or corrected, as the case may be, and a report shall be drawn up to that effect.

Section 5 THE DEFENDANT SUFFERING FROM MENTAL DISABILITY OR

Article (185) Placing the Defendant at a Medical Treatment Facility or Elsewhere

1. Where there is a necessity that the Defendant's mental or psychological state be examined, the Chief Prosecutor - during the investigation - or the court hearing the case may order that the Defendant, if remanded in custody, be placed under observation in a specialized medical treatment facility for successive periods not exceeding [15] fifteen days each and [45] forty five days in total. In the event that the Public Prosecution fails to complete the investigation procedures with the Defendant and the extension of the detention period is required, the Chief Prosecutor shall submit the matter to the competent court for the latter to decide either extension of the detention for a specified period or release of the Defendant.
2. In case the Defendant is not remanded in custody, the Chief Prosecutor or the competent court may place the Defendant under observation elsewhere.

Article (186) Stay of Proceedings if the Defendant Is Unable to Defend Himself

1. If it is established that the Defendant is unable to defend himself due to insanity, mental disorder or weakness or a serious psychological disease occurring after the perpetration of the crime, the proceeding or the trial against him shall be suspended until the relevant cause ceases to exist.
2. The Defendant shall, in which case, be placed at a medical treatment facility based on an order of the Public Prosecution or the court that hears the proceeding, as the case may be.

3. The stay of the proceeding shall not prevent the investigation measures deemed urgent and necessary.

Article (187) Period of the Defendant's Stay at a Medical Treatment Facility

The period spent by the Defendant in the medical treatment facility, under the preceding two Articles, shall be subtracted from the period of the sentence or of the measures imposed on him.

Article (188) Dismissal With Prejudice Order or Judgment of Acquittal Due to Insanity

If a dismissal with prejudice order is issued or a judgment of acquittal is rendered in favor of the Defendant on grounds of insanity, mental disorder or weakness or serious psychological disease, the Public Prosecution or the court, as the case may be, shall order that the Defendant be placed at a medical treatment facility until his release is decided, after reviewing the report of the medical treatment facility where the Defendant is placed and hearing the statements of the Public Prosecution, in the instances where the order is not issued thereby, and after verifying that the Defendant has recovered his sound mind or is no longer dangerous.

Section 6 PROTECTION OF VICTIMS WITH PSYCHOLOGICAL OR MENTAL DISORDER

Article (189) Crimes Perpetrated against Victims with Psychological or Mental Disorder

If a crime is committed against a person with a psychological or mental disorder, the competent court may, either sua sponte or upon motion of the Public Prosecution, issue an order to place him temporarily at a hospital or medical treatment facility or to hand him over to his family or a trusted person - as the case may be - until the case is adjudicated on.

Chapter 2 Special Procedures for Misdemeanor and Infraction Courts

Article 190 Judgment in Absentia or in Presence

1. In case the party duly summoned neither appears on the day specified in the notice to appear, nor is represented by an attorney in the cases permitted by law, the court shall adjudicate on the case in absentia.

2. In the event that the case is instituted against several persons for the same act, and any of them has appeared before the court and others failed to appear, the court shall adjourn the case to a subsequent hearing in order to re-serve those who failed to appear. The judgment shall be rendered in the presence of all of them.

Article (191) Judgment Rendered as if in Presence

The judgment shall be deemed in the presence of all litigants who attended the hearing upon calling the case, even if they leave the courtroom afterwards or fail to appear at the hearings to which the case is adjourned.

Article (192) Effect of the Judgment Rendered as if in Presence

In the above-mentioned instances where the judgment is considered to be rendered in the presence of the litigants, the court shall investigate the case brought before it as if the litigant

is physically present.

Chapter 3 Special Procedures for Criminal Courts

Article (193) Felonies Tribunal

Each court of first instance shall have one or more tribunals for major criminal offenses consisting of three judges, and one or more tribunals for minor criminal offenses consisting of a single judge.

Article (194) Scope of Jurisdiction of Criminal Court

The jurisdiction of the Criminal Court shall include the territorial scope for jurisdiction of the courts of first instance at the seat of this court, and it may hold its hearings elsewhere within its territorial jurisdiction.

Article (195) Duties of Court-Appointed Attorney

1. The attorney, assigned by the court or appointed by the Defendant, shall defend the latter at the hearings or delegate someone else to represent him, failing which, he shall be condemned to a fine not exceeding [AED 1,000] one thousand dirhams, without prejudice to the disciplinary trial, if applicable. The Judgment of fine shall be final.
2. The court may relieve him of the fine if it is established that he has had an acceptable excuse that prevented him from attending the hearing in person or delegating someone else to act on his behalf.

Article (196) Determination of Fees for Court-Appointed Attorney

The court shall issue, at the request of the court-appointed attorney, an order determining

his professional fees to be borne by the public treasury, as guided by the fees schedule issued under a resolution of the Minister of Justice or the head of the judicial authority, as the case may be. This order shall be unchallengeable.

Article (197) Setting the Dates for Hearing the Case

1. The chief justice of the competent criminal court shall, when the case file is referred thereto, order that the Defendant and the witnesses be notified of the day scheduled for hearing the case, and the Public Prosecution shall subpoena them.
2. In the event that there are serious reasons for adjournment of the case, it shall be adjourned to a fixed date.

Article (198) The Power to Arrest or Keep the Defendant on Remand

The criminal court may, in all cases, order that the Defendant be arrested and brought before it or be remanded in custody and may release the remand prisoner on or without a personal guarantee or a bail bond.

Article (199) Failure of the Felony-Charged Defendant to Appear

Where the Defendant charged with a felony fails to appear on the hearing date, after being duly served with the decision to prosecute and a Notice to Appear, the court may either render a judgment in absentia or adjourn the case and order that the Defendant be served again.

Article (200) Denying the Defendant's Right to Dispose of his Property

For every judgment of conviction that gives rise to depriving the Defendant of the right to

dispose of or manage his own property or to institute any legal proceedings in his own name, the Public Prosecution, the Defendant or any interested party shall petition the Court of First Instance, within whose jurisdiction the property of the convict is located, to appoint a Receiver to manage the said property. The court may order the Receiver so appointed to provide a guarantee, and such Receiver shall be supervised by the court in respect of all affairs of receivership, and shall submit thereto a statement of account.

Article (201) Service of Process upon the Defendant Residing Abroad

In the event that the Defendant is residing outside the State, the decision to prosecute and the subpoena shall both be served upon him at his place of residence, if known, at least one month prior to the date set for hearing the case. Judgment may be rendered in absentia if the Defendant fails to appear after being duly served or where the service could not be conducted.

Article (202) Reading out the Decision to Prosecute and the Papers at the Hearing

The decision to prosecute shall be read out at the hearing followed by all the papers proving that the absent Defendant has been duly served, following which, the Public Prosecution and the other litigants shall submit their statements and requests. Next, the court shall, if necessary, hear the witnesses and then adjudicate on the case.

Article (203) Enforcement of The Judgment in Absentia

As soon as rendered, the judgment in absentia shall be enforced as concerns all enforceable penalties and measures, and for damages, it may be enforced as of its rendering date. In

which case, the Plaintiff shall provide a personal or pecuniary security, unless otherwise is stated in the judgment. The security shall be refunded two years following the rendering date of the judgment.

Article (204) Re-Trial of the Convict based on a Judgment in Absentia

In the event that the Defendant convicted in absentia appears before the court or is arrested, the case shall be re-heard before the court. If the previous judgment for damages has been enforced, the court may order a refund of the amounts collected, in whole or in part.

Article (205) Failure of an Defendant to Appear

The absence of an Defendant shall not delay the decision on the case with regard to the other Defendants. In case the Defendant charged with a misdemeanor that is brought before the criminal court fails to appear, the procedures applicable before the Misdemeanor Court shall apply.

Part 3 INELIGIBILITY, DISQUALIFICATION AND RECUSAL OF JUDGE

Article (206) The Eligibility, Disqualification and Recusal of Judge

The provisions and procedures set forth in the Civil Procedure Law shall apply to the judge's eligibility to hear any legal proceeding and his disqualification and recusal, subject to the provisions of Articles [207] and [208] of this Law.

Article (207) Situations Where the Judge Steps Down from a Case

1. The judge shall be prohibited from getting involved in hearing the case if the offense has been perpetrated against him in person, or if he has performed the duties of the Judicial Police Officer, the Public Prosecution or an attorney of any litigant involved therein, or where the judge has given testimony or performed any expert witness's duties in respect of the case in question.
2. The judge shall also be prohibited from getting involved in rendering a judgment on an appeal in cassation if the appealed judgment has been rendered by him.

Article (208) Disqualification of Judges

1. The litigants may disqualify the judges from adjudicating on any case in the instances described in Article [207] of this Law, and based on all disqualification instances described in the Civil Procedure Law.
2. Neither the Public Prosecution Members, nor the Judicial Police Officers, may be disqualified.

Part 4 Judgment

Chapter 1 Rendering of Judgment

Article (209) No Obligation on the Court to Abide by Preliminary Investigation and Fact-Finding Reports

The court shall be under no obligation to abide by the contents of the preliminary investigation or fact-finding reports, unless otherwise provided for in the Law.

Article (210) Satisfaction of the Judge

The judge shall adjudicate on the case according to his own satisfaction. However, the judge may not render a judgment based on any evidence that has not been produced to the litigants at the hearings.

Article (211) Open Hearing of the Judgment

1. The judgment shall be rendered at an open court hearing, even of the case has been heard camera, and shall be written down in the hearing transcript and signed by both the presiding judge and the clerk.
2. The Court may order that necessary measures be taken to prevent the Defendant from leaving the courtroom before the judgment is pronounced, or to ensure his appearance at the hearing of adjudication, even if by rendering a judgment of detention against him, where the pretrial detention is permissible as regards the underlying offense.

Article (212) Judgment of Acquittal

If the incident in question is not proven, or where the law does not prescribe a penalty for it, the Court shall decide acquittal of the Defendant, and the latter shall be released if he is kept in detention only based on such an incident.

Article (213) Judgment of Conviction

If the incident in question is proven and constitutes a punishable offense, the Court shall render the sentence according to the provisions set forth in this Law.

Article (214) Court's Compliance with Case Elements

No judgment may be rendered against the Defendant on grounds of any incident other than

the one described in both the decision to prosecute and the notice to appear, nor may a judgment be rendered against a person other than the Defendant against whom the case is instituted.

Article (215) Change of Legal Characterization of the Incident

1. The Court may include in its judgment a change of the legal characterization of the incident imputed to the Defendant, and may change the charge as deemed appropriate in light of the investigation or pleadings at the hearing.
2. The Court shall keep the Defendant notified of such change, and shall grant him a time limit for preparing his defense based on the new description or characterization, if the same is requested by the Defendant.
3. The Court may also correct any typographical error or omission in the words of indictment as contained in the decision to prosecute or in the notice to appear before the court.

Article (216) Hearing Transcript and Judgment

The hearing transcript and judgment shall be complementary to each other for establishing the trial procedures and details of the judgment introduction.

Article (217) Content of Judgment and Adjudication on Motions

1. The judgment shall contain the grounds upon which it is based, and every judgment of conviction shall include details of the wrongful act that entails the penalty and its circumstances, and shall refer to the text of the law whereby the judgment is rendered.

2. The Court shall decide on the motions submitted thereto by the litigant, and shall indicate the grounds of its decision.

3. Notwithstanding the provisions of Clauses [1 and 2] of this Article, it may be sufficient for the judgment rendered on the one-day cases to only include a description of the charge and its relevant articles of the law, and a summary of judgment grounds, and the same shall not be deemed a defect or shortcoming in the factual grounds of grounds, and, as such, shall not invalidate the judgment.

Article (218) Rendering of Judgment by Majority Opinion or Unanimity

The presiding judge shall collect the opinions, starting with the newest judge and so on up to the most senior judge, and shall then give his opinion. Judgment shall be rendered based on majority opinion, except for the judgments involving death penalty, which must be rendered by unanimity. In the absence of such unanimity, the death penalty sentence shall be replaced with life imprisonment sentence.

Article (219) Compulsory Procedures upon Pronouncing a Judgment

Upon pronouncing the judgment, the Court shall keep the same in the case file, including its grounds, and signed by the presiding judge and the judges.

Chapter 2 Correction of Judgments and Decisions

Article (220) Correction of Material Error

1. If a material error occurs as to a judgment or a decision and does not give rise invalidity thereof, the court that renders the judgment or decision shall, either sua sponte or motion of any litigant, correct such an error without pleadings. The correction shall be con-

ducted on the underlying judgment or decision and shall be signed by the presiding judge.

2. Such a procedure shall apply to the instances of correcting the name and surname of the Defendant.
3. Improper listing or posting of the judgment or decision on the e-system shall be classified as a material error.
4. The correction decision may be appealed in cassation if the issuing body thereof exceeds its legal authority, using the means of appealing in cassation allowable for the judgment or decision in question.
5. The decision rejecting the correction shall not be independently appealed in cassation.

Part 5 INVALIDITY

Article (221) Invalid Procedure

The procedure shall be deemed invalid if the same is explicitly provided for in the law, or if the procedure involves any defect due to which the purpose of the procedure could not be achieved.

Article (222) Invocation of Public Order-Related Invalidity

If the invalidity is due to failure to observe the provisions of the law relating to the formation of the court, or authority to adjudicate on the case, or its jurisdiction in terms of the type of crime brought before it, or due to a matter relating to the public order, such invalidity may be invoked at any stage of the case, and shall be decided by the Court even without motion.

Article (223) Invalidity Unrelated to Public Order

Except for the instances where the invalidity is relating to the public order, the invalidity may only be invoked by the party in whose favor the same is established, unless such a party has caused such invalidity.

Article (224) Judgment of Invalidity

Invalidity shall only be decided by the Court if the purpose of the form or matter required is proven to have occurred.

Article (225) Termination of Invalidity

Invalidity shall cease to exist if explicitly or implicitly waived by the party in whose favor the same is established, except for the instances where the invalidity is relating to the public order.

Article (226) Correction of the Notice to Appear

If the Defendant attends a court hearing in person or through an attorney, he may not invoke invalidity of the Notice to Appear, but rather, he may request a time extension for getting his defense prepared before the case is heard, and the court shall grant such a request.

Article (227) Replacement of Invalid Procedure

The invalid procedure may be replaced with a valid one, even after the invalidity is invoked, provided that the same takes place within the legal timeframe prescribed for performing the underlying procedure. If no such timeframe is established in the law, the Court shall set an

appropriate time limit. In which case, the underlying procedure shall only become effective as of its replacement date.

Article (228) Effect of Invalid Procedure

The invalid procedure shall not give rise to invalidity of the other procedures preceding it or those subsequent thereto, unless they have been dependent thereon.

Part 6 Challenging Judgments

Chapter 1 Opposition

Article (229) Opposition against a Judgment in Absentia

1. The convict and the Defendant liable for civil rights may challenge, by way of opposition, the judgments rendered in absentia on the misdemeanors and infractions within seven [7] days of the date of being notified of the judgment. The statement of opposition shall be filed with the office of criminal clerks of the Public Prosecution located within the territorial jurisdiction of the Court that rendered the judgment, and shall indicate the date of the hearing scheduled for the opposition proceeding. The filing of a statement of opposition shall be deemed a service of the judgment in absentia, even if the same is filed by the attorney.
2. The opposition shall cause the case to be heard ab initio with regard to the opposing party before the Court that rendered the judgment in absentia. The opposing party shall not sustain any harm as a result of his opposition proceeding. If the opposing party fails to attend the first hearing scheduled for hearing his opposition proceeding, the opposition proceeding shall be deemed null and void, and any challenge filed by the opposing party against the judgment rendered in absentia shall not be admitted.

Chapter 2 Appeal

Article (230) Appealing the First Instance Court's Judgments

1. The Defendant and the Public Prosecution may each appeal against the judgments rendered on the criminal action by the courts of first instance.
2. Appealing a judgment shall not give rise to a stay of its execution, unless otherwise decided by the Court of Appeal according to the conditions it considers appropriate.
3. The judgment imposing death penalty sentence shall be deemed appealed by operation of law and its execution is stayed.

Article (231) Appealing the Judgment Rendered on Interrelated Offenses

The judgment rendered on inseparably interrelated offenses may be appealed, even if the appeal is legally permissible for the Appellant only with regard to any particular items of such offenses.

Article (232) Appealing the Jurisdiction-Related Judgments

1. The judgments rendered before the merits are adjudicated on may only be appealed if they give rise to a stay of proceedings.
2. Appealing the judgment rendered on the merits shall inevitably result in appealing such judgments. However, all judgments establishing lack of jurisdiction may be appealed.
3. The judgments establishing jurisdiction may be appealed if the court has no jurisdiction to hear the case in question.

Article (233) Appealing the Judgments Rendered on Civil actions

The Plaintiff, the Defendant liable for the same, the insurer and the Defendant may each appeal against the judgments rendered on the civil action by the court of first instances with regard to the civil rights only, where the damages claimed are in excess of the jurisdictional amount on which the judge renders a final judgment, or if there is any invalidity affecting the judgment or a procedural invalidity that affected the judgment.

Article (234) Appeal Procedures

1. The appeal shall be established by filing a statement of appeal with the criminal clerk's office within fifteen [15] days of the date of pronouncement of the judgment rendered in the presence of the parties, or as of the date of judgment rendered on the opposition proceeding.
2. If the convict is imprisoned, he may file a statement of appeal to the prisoner's director, and the latter shall, forthwith, submit the same to the criminal clerk's office.
3. If the convict is released on bail, the court of appeal may release him based on an undertaking or any other security as determined by the Court, until the appeal proceeding is adjudicated on.
4. The Attorney General may appeal any judgment within thirty [30] days as of the judgment date.

Article (235) Appealing the Judgments Rendered as if in Presence

For the judgment rendered as if in the presence of the litigant, as defined in Articles [190] and [191] in this Law, their appeal time limit shall commence, with regard to the party in whose absence they are rendered, as of the date of service.

Article (236) Scheduling a Hearing for the Appeal

1. The criminal clerk's office shall write down, in the statement of appeal, the date of the hearing scheduled for hearing the appeal, and the same shall be deemed a service of the hearing date, even if the statement of appeal is filed by the attorney of the Appellant. In addition, the Public Prosecution shall notify the other litigants involved of the hearing date.
2. If the Defendant is imprisoned, the Public Prosecution shall move him at an appropriate time to the penal institution where the court of appeal is located, and, in which case, the court of appeal shall adjudicate on the appeal expeditiously.

Article (237) Procedures for Hearing and Adjudication on Appeal

The court shall hear the Appellant's statements and review the grounds of his appeal, and then the other litigants shall speak. The Defendant shall be the last to speak. Next, the court shall render its judgment after review of the papers of the case.

Article (238) Lapse of Appeal

The appeal filed by the Defendant on whom a custodial sentence is imposed shall lapse if the Defendant fails to surrender himself for enforcement of the judgment prior to the scheduled hearing of the appeal.

Article (239) Examination of Witnesses

1. The court of appeal shall, by itself, examine the witnesses whose testimony should have been given before the court of first instance, and shall complete any other shortcoming in the investigation procedures.
2. In all instances, the court of appeal may order that any investigation be conducted or that any witness testimony be given as deemed necessary, and any witness may only be subpoenaed if so ordered by the Court.

Article (240) Setting Aside the Appealed Judgment and Remand of Case to Public Prosecution

For the appeal filed by the Public Prosecution, the court of appeal shall, if it is convinced that the act decided on as a misdemeanor constitutes a felony, order that the appealed judgment be set aside, that the court of first instance be lacking the jurisdiction, and that the case be remanded to the Public Prosecution for taking the necessary action with regard thereto.

Article (241) Judgment on the Appeal

1. If the appeal is filed by the Public Prosecution, the court may affirm, set aside or amended the appealed judgment in favor of or against the Defendant. However, the judgment of acquittal may only be set aside by unanimity.
2. If the appeal is not filed by the Public Prosecution, the court may only affirm, set aside or amended the appealed judgment in favor of the Appellant. For the judgments in absentia and the opposition proceedings against them before the court of appeal, the procedures applicable before the court of first instance shall apply.

Article (242) Setting Aside the First Instance Court's Judgment

1. If the court of first instance rendered a judgment on the merits, and the court of appeal is convinced that the judgment is based on an invalidity or that a procedural invalidity has affected the judgment, the court of appeal shall set aside the judgment and adjudicate on the case.
2. If the court of first instance decides that it is lacking the jurisdiction or grants a subsidiary claim that gives rise to a stay of proceedings, and the court of appeal set aside the judgment and establishes the jurisdiction of the lower court or decides that the subsidiary claim be dismissed and that the case be heard, the court of appeal shall remand the case to the court of first instance for the latter to adjudicate on the merits. In which case, the Public Prosecution shall serve such a decision on the absent litigants.

Article (243) Setting Aside the Judgment Awarding Damages

If the Judgment awarding damages is set aside, but such damages have been enforced on a temporary basis, they shall be refunded based on the new judgment.

Chapter 3 Cassation

Article (244) Cases of Appealing Appellate Judgments in Cassation

The Public Prosecution, the convict liable for civil damages, the Plaintiff, and the insurer may each appeal in cassation the final judgments rendered by the court of appeal on any felony or misdemeanor in the following instances:

1. If the contested judgment is based on violation, misapplication or misinterpretation of the law;
2. If the judgment involved an invalidity or where a procedural invalidity has affected the judgment;

3. If the court adjudicates on the civil claim in excess of the relief sought by the claimant;
4. If the contested judgment is lacking the grounds thereof, or if such grounds are insufficient or vague; or
5. If two contradictory judgments are rendered on a single incident.

The Petitioner may prove, based on all methods of evidence, that the legal procedures have been violated or misapplied, if they are not recorded in the hearing transcript or in the contested judgment. But if they are mentioned in either of them or have been properly applied, the Petitioner may only prove their violation by way of forgery allegation.

Article (245) Procedures for Filing an Appeal in Cassation

1. The appeal in cassation shall be established by filing a petition that contains the grounds of such appeal with the Case Management Office of the court to which the appeal is submitted, within thirty [30] days following the date of the judgment. However, if the judgment is rendered as of in presence of the litigants, the time limit for challenging it on cassation grounds shall commence as of the date of its service. The appeal in cassation shall be recorded in the relevant register.

2. If the appeal in cassation is filed by the Public Prosecution, its grounds shall be signed by an officer with a rank of at least Chief Prosecutor, If the appeal in cassation is filed by a party other than the Public Prosecution, its grounds shall be signed by an attorney admitted before the court of cassation.

3. The Case Management Office of the court shall serve upon the Respondent a copy of the statement of appeal in cassation, not later than eight [8] days of the day of recording the appeal in the relevant register. The Respondent may file with the Case Management Of-

fice of the court a statement of response to the appeal within eight [8] days of the date of being notified of the same.

Article (246) Overturning the Judgment by the Court

1. No grounds may be submitted to the court in respect of the appeal in cassation other than those mentioned in the statement of appeal filed with the clerk's office of the court with which the statement is filed.
2. The court may, sua sponte, overturn the judgment in favor of the Defendant, if it is convinced, in light of the facts established in the papers, that the contested judgment is based on a legal error relating to the public order, that the contested judgment is based upon violation, misapplication or misinterpretation of the law, or that the court issuing the judgment has not been duly formed according to the law or has had no jurisdiction to adjudicate on the case, or if a new law is enacted in favor of the Defendant after the contested judgment has been rendered and is applicable to the merits of the case.

Article (247) Payment of Security Deposit

If the appeal in cassation is not filed by the Public Prosecution or by the convict sentenced to death penalty or a custodial sentence, such appeal may only be admitted after the Petitioner pays an amount of AED [1,000] one thousand dirhams to the court treasury as a security deposit.

Article (248) Enclosure of Case File

1. The Case Management Office of the court shall request the enclosure of the file of the case whose judgment is appealed in cassation, within three [3] days following the date

of filing the statement of appeal in cassation, and the Case Management Office of the court issuing the contested judgment shall send the case file not later than six [6] days following the date of receiving the request.

2. The court shall adjudicate on the appeal in cassation after the deliberations are conducted, without pleadings, and after the report drawn up by a member thereof is read out. It may also hear the statements of the Public Prosecution, the attorneys of the parties or the parties themselves, if deemed necessary.

Article (249) Admission of the Appeal in Cassation

1. If the appeal in cassation is not filed in compliance with the requirements set forth in Article [245] of this Law, the court shall dismiss it.

2. If the court admits the appeal in cassation and the merits thereof are worthy of adjudication, or if the appeal in cassation is filed for the second time, the court shall adjudicate thereon and may perform the necessary procedures. For other instances, the court shall overturn the judgment, in whole or in part, and shall either remand the case to the court that rendered the judgment for the latter to hear the case through a tribunal comprising different judges, or remand the case to the trial court for the latter to adjudicate thereon ab initio. The Court to which the case is remanded shall abide by the court of cassation's judgment with respect to the points adjudicated by the latter court.

3. The provision of Clause [1] of this Article shall apply to the judgment overturned pursuant to Article [246.2] of this law.

Article (250) Correction of Erroneous Citation of Law or Law Provisions

If the judgment grounds include an erroneous citation of the law or the provisions of the law, the judgment shall not be overturned as long as the court-ordered penalty is prescribed

by the law for the offense in question, and the court shall correct the error made.

Article (251) Overturning a Judgment

Only aspects of the judgment upon which the appeal in cassation is based shall be overturned, unless the entire aspects of judgment are inseparably interrelated. Unless the appeal in cassation is filed by the Public Prosecution, the judgment shall only be overturned with regard to the Petitioner filing the appeal in cassation, unless the aspects on which the appeal in cassation is based are related to other Defendants. In which case, the judgment shall be overturned with regard to all Defendants, even if they do not appeal the judgment.

Article (252) Pleas in Bar

If the contested judgment was issued due to accepting a plea in bar and such judgment is overturned by the court of cassation and the case is remanded to the lower court issuing the judgment for examination of the merits of the case, the lower court shall not make any judgment contrary to the court of cassation's judgment.

Article (253) Appealing a Death Penalty Judgment in Cassation

Without prejudice to the foregoing provisions, the judgment that imposes a death penalty sentence shall be deemed an appeal in cassation and its execution shall be stayed until the appeal in cassation is adjudicated on. In addition, the clerk's office of the court that rendered the judgment shall, within three [3] days of the judgment date, send the case to the Case Management Office of the court with which the appeal in cassation is filed. The Public Prosecution shall file with the Case Management Office of the court a statement of opinion on the judgment within twenty [20] days of the judgment date, and may appoint an

attorney admitted before the court of cassation to defend the Defendant if the latter has not already appointed an attorney. The court shall adjudicate on the appeal in cassation pursuant to the provisions of Article [246.2] and Article [249.2] of this Law.

Article (254) Legal Costs and Damages

1. If the court to which the appeal in cassation is submitted decides that the appeal in cassation be denied, dismissed in whole or in part, or be inadmissible, the Petitioner filing the same shall be ordered to pay the legal costs, and the security deposit shall be forfeited in whole or in part.
2. If the court is convinced that the appeal in cassation is based on malicious grounds, it may award damages in favor of the Respondent, if the same is claimed by the latter.

Article (255) Prohibition Of Reformatio In Peius

If the judgment is overturned upon motion by any litigant other than the Public Prosecution, no harm shall be inflicted upon such a litigant based on the appeal in cassation.

Article (256) Appeal in Cassation As a Matter of Law

1. The Attorney General may, either sua sponte or upon a written request from the Minister of Justice or the Head of the competent local judicial body, appeal in cassation as a matter of law, the final judgments, regardless of the issuing court thereof, if the judgment is based on violation, misapplication or misinterpretation of the law in the following two cases:
    a. The judgments against which the law does not permit the parties to file an appeal in cassation; and

b. The judgments in respect of which the parties have missed the appeal in cassation time limits, waived the appeal, or filed an appeal in cassation that is decided inadmissible by the Court.

2. This appeal shall be filed without being restricted to a particular time limit, based on a petition to be signed by the Attorney General. The court shall hear the appeal after summoning the parties.

Chapter 4 Reconsideration

Article (257) Reconsideration of Final Judgments

Motions for reconsideration of final judgments imposing sentences or measures may be filed in the following instances:

1. If the Defendant is sentenced on grounds of a murder offense, and the victim is subsequently found alive;
2. If a judgment is rendered against a person on the grounds of a particular incident, and a judgment is subsequently rendered against another person on grounds of the same incident, and there is contradiction between both judgments, so that the innocence of either convict is presumed.
3. If a witness or expert witness is convicted on grounds of perjury offense, or where an paper submitted in the course of the case is later decided to be forged, in the event that the witness testimony, the expert's report or the forged paper has affected the judgment.
4. If the judgment is based on a judgment rendered by a judicial civil or personal status tribunal and which is subsequently overturned; or
5. If, after the judgment is rendered, new facts appear or papers are submitted and of

which the Court has no prior knowledge at the time of trial, and such facts or papers would prove the innocence of the convict.

Article (258) The Party Moving for Reconsideration and Relevant Procedures

1. In the first four instances of Article [257] of this Law, the Attorney General and the convict or his / her attorney if the convict is incapacitated or missing, or the relatives or spouse of the convict after his / her death, shall have the right to file a motion for reconsideration.
2. If the moving party is not the Attorney General, the motion shall be submitted to the Attorney General based on a petition showing the details of the judgment required to be reconsidered, the supporting grounds for such a motion, and shall be accompanied by the supporting documents.
3. The Attorney General shall submit the motion, whether filed by him or by any other party, together with the investigations conducted, to the criminal cassation tribunal, under a report indicating his opinion and the underlying grounds of such an opinion.
4. The motion shall be submitted to the court within the three [3] months following its filing date.

Article (259) Exclusive Right of Attorney General to File Motions for Reconsideration

1. The right to file motions for reconsideration in respect of the instance described in Article [257.5] of this law shall be conferred exclusively upon the Attorney General, whether sua sponte or upon the request of the interested parties. If the Attorney General is con-

vinced that the motion is well-grounded, he shall submit it, together with the necessary investigations conducted, to the criminal cassation tribunal. The motion shall refer to the incident or the document relied upon.

2. The criminal cassation tribunal shall decide on the motion after reviewing the papers and conducting any necessary investigations, according to the procedures prescribed for hearing the appeal in cassation on criminal matters.

Article (260) Notifying the Litigants of the Hearing

The Public Prosecution shall notify the litigants of the hearing scheduled for examining the motion before the criminal cassation tribunal at least three [3] days prior to the hearing date.

Article (261) Procedures for Adjudicating on Motion for Reconsideration

1. The criminal cassation tribunal shall adjudicate on the motion after hearing the statements of the Public Prosecution and the litigants, and after conducting any necessary investigations by itself, according to the procedures prescribed for hearing the appeal in cassation. If the motion is granted, the tribunal shall overturn the judgment and decide acquittal of the Defendant if such acquittal is established; otherwise, the case shall be remanded to the court that rendered the judgment, unless the criminal cassation tribunal decides that the same be heard by a tribunal comprising different judges or be remanded to the trial court for adjudication ab initio. The court, to which the case is remanded, shall abide by the cassation court's ruling on the matters decided on.

2. If retrial is not possible, such as the instances of termination of the criminal action on grounds of death, insanity, or serious mental or psychological disorder of the convict, the criminal cassation tribunal shall hear the case.

3. The criminal cassation tribunal shall only overturn the erroneous aspects of the judgment.

Article (262) Stay of Execution of Judgment

The filing of a motion for reconsideration shall not cause a stay of execution of the judgment, unless the underlying judgment involves death penalty. Other than that, the court may order a stay of execution in its decision whereby the motion for reconsideration is granted.

Article (263) Publication of Acquittal Judgment

Every judgment of acquittal based on a motion for reconsideration shall be published, at the government's expense, both in the official gazette and in a local newspaper chosen by the person concerned.

Article (264) Lapse of Judgment for Damages

Overturning the contested judgment shall automatically give rise to the lapse of the judgment for damages rendered based thereon, and any amount of such damages shall be refunded accordingly.

Article (265) Award of Damages for Overturned Judgment

1. If the convict claims damages resulting from the judgment decided to be overturned, the court may award such damages under the acquittal judgment,

2. If the convict is dead when the motion for reconsideration of the judgment against him is filed, the legal heirs of him shall be entitled to claim the damages described in Clause [1] of this Article.
3. Damages may be claimed at any stage of retrial proceeding.

Article (266) Challenging the Reconsideration Judgments

1. Judgments rendered by any judicial body other than the criminal cassation tribunal on the merits of a case based on a motion for reconsideration may be challenged by all methods of challenge prescribed by law.
2. No punishment harsher than the punishment or measures imposed on the convict may be ordered.

Article (267) Dismissal of Motion for Reconsideration

If a motion for reconsideration is dismissed, it may not be re-submitted based on the same grounds.

Part 7 BINDING FORCE OF FINAL JUDGMENTS

Article (268) Res Judicata Effect of Final Judgments

1. The criminal action and the facts therein contained shall lapse with regard to the Defendant concerned once a final judgment of acquittal or conviction is rendered thereon.
2. If a judgment is rendered on the merits of the criminal action, the same may only be re-heard based on a challenge against such judgment by the methods of challenge prescribed by law.

Article (269) Binding Force of Criminal Judgments before Civil Courts

The final criminal judgment of acquittal or conviction rendered on the merits of a case shall have a binding force before the civil courts in respect of the civil actions which have yet to be decided on under a final judgment, in respect of the occurrence of the offense and its legal characterization and perpetrator. The judgment of acquittal shall have such a binding force, whether it is based on exoneration of the Defendant or lack of evidence. Such binding force shall have no existence if the judgment is based on the principle that the underlying act is not a legally punishable offense.

Article (270) Binding Force of Civil Judgments before Criminal Courts

Judgment rendered on civil actions shall have no binding force before the criminal courts in respect of the occurrence of an offense and its perpetrator.

Article (271) Binding Force of Personal Status Judgments before Criminal Courts

Judgments rendered on personal status matters shall have the res judicata effect before the criminal courts in respect of the personal status matters upon which the adjudication on the criminal action is based.

Book 4 ENFORCEMENT OF JUDGMENTS

Part 1 GENERAL PROVISIONS

Chapter 1 Enforceable Judgments

Article (272) Enforcement of Criminal Judgments

The Public Prosecution shall enforce the judgments rendered on all criminal actions instituted before the courts, and may, if necessary, seek direct assistance from the public authority.

Article (273) Replacement of Punishments or Measures in Legally Prescribed Instances

Subject to the provisions of Book I of the Crimes and Penalties Law [Penal Code], referred to hereinabove, the punishments or measures described therein or in any other laws may only be replaced or amended upon being ordered or enforced in the instances prescribed by law. Such punishments and measures shall be applied and enforced as described in this law.

Article (274) Enforcement of Judgments Rendered on Qisas Offenses

The judgments rendered on Qisas offenses shall not be expeditiously enforced.

Article (275) Execution of Diyya Punishment

The party convicted for Diyya payment shall be kept at a penal institution based on an order of the Public Prosecution until the Diyya judgment is enforced or the Diyya amount is settled.

Article (276) Postponement of Diyya Payment by Attorney General

The Diyya payment may be postponed or allowed to paid in installments based on the approval of the Attorney General for reasonable considerations decided by him. The

relevant decision shall indicate the postponement period and precautionary measures to be taken to prevent the convict from escape.

Article (277) Release or Cancellation of Remand Prisoner's Provisional Electronic Monitoring

The remand prisoner shall be immediately released or shall have his provisional electronic monitoring immediately cancelled – as the case may be -if the judgment establishes his acquittal or imposes a non-custodial sentence or a penalty that does not entail imprisonment, if a stay of execution of the sentence is ordered, or if the Defendant has already served the term of the sentence or punitive measures imposed on him while undergoing pretrial detention or electronic monitoring.

Chapter 2 Objection to Enforcement and Relevant Procedures

Article (278) Filing the Objections to Enforcement

Any objections to the enforcement of criminal judgments shall be filed with the court that rendered the judgment.

Article (279) Objection Procedures

Objection shall be filed under a statement to be submitted to the court within the territorial jurisdiction of which the enforcement is to take place. The date scheduled for hearing the objection before the competent court shall be indicated in the statement and shall not exceed seven [7] days of the filing date thereof. The objecting party shall be notified to appear on the hearing date, and the Public Prosecution shall notify the litigants to appear on

the scheduled date.

Article (280) Objection to Enforcement of Death Penalty

If the objection relates to the enforcement of a death penalty judgment, it may be filed with the person in charge of the management of the institution or place of enforcement of the sentence, and such a person shall be required to immediately submit the same to the Public Prosecution in order to fix the date for hearing it and notify the litigants to appear on the said date.

Article (281) Stay of Execution of Judgment Subject to Enforcement Objection

Filing an objection to the enforcement of a judgment shall not bring about a stay of execution of the underlying judgment, unless the judgment in question imposes death penalty. Other than that, the court may order a stay of execution until the objection is decided on.

Article (282) Legal Representation for the Objector

Under any circumstances, the objector may appoint an attorney to defend him, without prejudice to the court's right to order his personal appearance.

Article (283) Adjudication on the Objection

The objection shall be adjudicated on after hearing the statements of both the Public Prosecution and interested parties, and the court may conduct the necessary investigations. Decisions on the subject of the objection shall establish impermissibility of enforcement,

dismissal of the objection or continuation of enforcement, and the decision made on the objection shall be unchallengeable.

Part 2 ENFORCEMENT OF DEATH PENALTY

Article (284) Place of Keeping the Convict Sentenced to Death

The convict sentenced to death shall be kept at a penal institution based on an order of the Public Prosecution until the judgment is enforced.

Article (285) Ratification of Death Penalty

When the death penalty judgment rendered by a federal court becomes final, the case file shall be submitted to the President of the State through the Minister of Justice for ratification of the judgment.

Article (286) Meeting the Convict Sentenced to Death

1. Relatives of the convict sentenced to death may meet him on the day fixed for enforcement of the judgment but away from the place of enforcement.
2. If the convict requests a meeting with the religious preacher of the penal institution or any other religious person before the sentence is enforced against him, the necessary facilities shall be provided to enable such a meeting.

Article (287) Place of Enforcement of Death Penalty

The death penalty shall be enforced within the penal institution or elsewhere based on a written order of the Attorney General, indicating the necessary fulfillment of the procedures

set forth in Article [289] of this law.

Article (288) Attending the Death Penalty Enforcement Procedures

1. The death penalty judgment shall be enforced in the presence of a member of the Public Prosecution, a representative of the Ministry of Interior, the person in charge, and the physician, of the penal institution, or any other physician appointed by the Public Prosecution.
2. Avengers of blood [in respect of Qisas murder] shall have the right to attend the enforcement procedures, and the Public Prosecution shall inform them thirty [[30] days prior to the scheduled enforcement date.
3. Persons other than the above-mentioned ones shall only be allowed to attend the enforcement procedures based on a special permission from the Public Prosecution. In all cases, the attorney of the convict shall be allowed to attend.

Article (289) Death Penalty Enforcement Procedures

1. The person in charge of the management of the penal institution shall read out the operative part of the death penalty judgment and the charge based on which the judgment has been rendered against the convict, at the place of enforcement in full view of the persons present. If the convict wants to say anything, the Public Prosecution Member shall draw up a report to that effect.
2. When the enforcement is completed, the Public Prosecution Member shall draw up a report, and shall write down in the report the physician's confirmation of the death and its occurrence time.

Article (290) Death Penalty Enforcement Times

The death penalty shall not be enforced on the official holidays and religious holidays of the convict's religion.

Article (291) Postponed Execution of Pregnant Woman

The enforcement of death penalty against the pregnant woman shall be postponed until she gives birth and breastfeeds her newborn for two years, and she shall be imprisoned up to the postponed enforcement date.

Part 3 ENFORCEMENT OF CUSTODIAL SENTENCES

Article (292) Place of Enforcement of Custodial Sentences

1. Judgments imposing custodial sentences shall be enforced at the designated penal institutions based on an order of the Public Prosecution.
2. Notwithstanding any provision set forth in this law or in any other law, the penal institutions law or any legislative instrument enacted by the emirate concerned within the scope of its authority may order that the convict undergoing a custodial sentence or the convict sentenced to physical coercion perform penal labor within or outside the penal institutions during the punishment enforcement term.
3. Under any circumstances, the penal labor order shall be issued by the Public Prosecution according to the conditions and controls set forth in the relevant law or legislative instrument, as the case may be.

Article (293) Inclusion of Enforcement Commencement Day

The commencement day of judgment enforcement against the convict shall be included in the sentence term, and the convict shall be released on the day following the expiration of

the sentence term at the time scheduled for releasing the prisoners.

Article (294) Commencement of Custodial Sentence Term

The custodial sentence term shall commence on the date of arresting the convict based on an enforceable judgment, and such a term shall be reduced in proportion to the pretrial detention period.

Article (295) Subtracting the Pretrial Detention or Monitoring Period from Sentence Term

If the Defendant is exonerated from the offense based on which he has underwent pretrial detention or provisional electronic monitoring, or where a dismissal with prejudice order is issued in respect thereof, the pretrial detention or provisional electronic monitoring period shall be subtracted from any sentence imposed on him on the grounds of any criminal offense committed by him during or prior to the pretrial detention.

Article (296) Multiplicity of Custodial Sentences

Where there are several custodial sentences imposed against the Defendant, the pretrial detention and arrest period shall be subtracted from the lighter sentence first.

Article (297) Postponed Enforcement of Custodial Sentence against a Pregnant Woman

If the woman punished by a custodial sentence is pregnant, the enforcement of judgment against her may be postponed until she gives birth to her baby and a six-month period following her childbirth passes.

Article (298) Postponed Enforcement of Custodial Sentence against a Diseased Person

If the person punished by a custodial sentence is afflicted with a life-threatening disease, or where the enforcement of judgment against him would jeopardize his life, the enforcement of sentence may be postponed.

Article (299) Postponed Enforcement of Custodial Sentence against a Person with Mental or Psychological Disorder

If the convict is afflicted with insanity or serious mental or psychological disorder, which makes him totally unable to control his acts, the enforcement of sentence shall be postponed until he is cured. In which case, he shall be kept at a medical treatment facility, and the period of his stay at the same shall be subtracted from the court-ordered sentence term.

Article (300) Postponed Enforcement of Custodial Sentence against a Spouse

If a husband and his wife are punished by a custodial sentence, the enforcement of sentence may be postponed against either of them until the other party is released, in the event that they are taking care of a young child under fifteen [15] years of age, provided that they have a known place of residence in the State.

Article (301) Custodial Sentence Enforcement Postponement Procedures

1. The enforcement of custodial sentence shall be postponed according to the foregoing Articles based on an order of the Advocate General or the person acting in lieu of him, whether sua sponte or upon motion of the interested parties. He may also order that necessary precautions be taken to prevent the convict from escape.
2. Other than the instances described in the foregoing articles, the enforcement may only be postponed based on an order of the Attorney General for reasonable considerations decided by him. Such an order shall indicate the postponement period and the necessary precautions required to be taken to prevent the convict from escape.

Article (302) Diversity of Custodial Sentences

If there are diverse custodial sentences, the harshest sentence shall be enforced first.

Part 4 ENFORCEMENT OF NON-CUSTODIAL MEASURES

Article (303) Release of Sentenced Prisoner

The sentenced prisoner may only be released before the end of his sentence term in the instances defined in the law.

Article (304) Conditional Release

1. Every convict punished by a custodial sentence may be granted conditional release if the same satisfies the requirements set forth in the Penal Institutions Law.
2. The convict granted conditional release shall be subject to the requirements set forth in the above-mentioned law throughout the remaining period of his sentence term.

3. Upon motion of the Public Prosecution, the conditional release may be revoked if the released person fails to satisfy the requirements set forth in Clause [2] of this Article.

Article (305) Places for Committal of Convicts

1. The judgments of committal shall be enforced by sending the sentenced convicts to a penal institution, medical treatment facility or any other designated place.
2. The convict shall be committed under an order of the Public Prosecution.
3. The committal to medical treatment facility shall be subject to the provision of Article [299] of this law.
4. The committal to a penal institution shall be subject to the provisions of Article [297] and [298] and Articles [301] through [306] of this Law.
5. If the convict is afflicted with a mental or psychological disorder that satisfies the requirements of severity defined in Article [140] of the Crimes and Penalties Law [Penal Code], he may be committed to a medical treatment facility annexed to the penal institutions to be determined under a decision of the Minister of Interior or of the Head of the Local Judicial Body, as the case may be.

Article (306) The Order of Measures Enforcement

1. The measures shall only be enforced after the custodial sentences are enforced.
2. Notwithstanding the provision of Clause [1] of this Article, the measure of committal to a medical treatment facility shall be enforced ahead of any other sentence or non-custodial measure, while the physical measures shall be immediately enforced, unless the law provides otherwise.

Part 5 SETTLEMENT OF COURT-AWARDED AMOUNTS

Article (307) Settlement of Amounts due to the Government

Upon settlement of the amounts due to the government in respect of the fines and charges, the refundable amounts and compensatory damages, the Public Prosecution shall, before initiating the enforcement procedures, notify the convict of the value of such amounts, unless such a value is mentioned in the judgment.

Article (308) Collection of Court-Awarded Amounts

1. The judgment imposing a fine penalty, refund, compensatory damages or any other form of financial penalty shall have the force of a Writ of Execution.
2. The Public Prosecution may initiate the enforcement of the judgment imposing fine penalty, refund, compensatory damages or any other form of financial penalty, and shall have, in this respect, the same powers vested in the enforcement judge in respect of imposing the executive attachment over the property of the convict, issuing an arrest warrant and travel ban order against him, and sending the enforcement file to the competent enforcement judge. Such procedures and decisions shall be challengeable and appealable according to the aforesaid Civil Procedure Law.
3. In all cases, the Public Prosecution may assign the judgment enforcement procedures to the competent enforcement judge.

Article (308) Collection of Court-Awarded Amounts

1. The judgment that orders a fine penalty, refund, compensatory damages or any other form of financial penalty shall be a Writ of Execution.

2. The Public Prosecution may initiate the enforcement of the judgment imposing a fine penalty, refund, compensatory damages or any other form of financial penalty, and shall have, in this respect, the same powers vested in the enforcement judge in respect of imposing the executive attachment on the property of the convict, issuing an arrest warrant and travel ban order against them, or sending the enforcement file to the competent enforcement judge. Such procedures and decisions shall be challengeable or appealable, as the case may be, in accordance with the aforesaid Civil Procedure Law.
3. In all cases, the Public Prosecution may transfer the procedures for the enforcement of the judgment to the competent enforcement judge.

Article (309)Criminal Judgment Enforcement Judge

The Federal Judicial Council or the Head of the competent local judicial body, as the case may be, may assign one or more judges of the court of first instance to perform the duties of the criminal judgment enforcement judge, in respect of the amounts set forth in Articles [311.1], [311.2] and [311.4] of this law.

Article (310) Service of Writ of Execution

The enforcement of judgments awarding the amounts set forth in Article [311] of this law shall be conducted based on the request of the Public Prosecution, and the enforcement shall be preceded with a service of the Writ of Execution according to the procedures defined in the Civil Procedure Law.

Article (311) Distribution of the Convict's Funds

If a judgment imposing a fine, refund of amounts and compensatory damages, and the

property and funds of the convict are not sufficient enough to cover all such payables, the amounts collected shall be distributed to the eligible bodies as per the following order:

1. Fines and other financial penalties;
2. Fees and costs of the criminal action;
3. Amounts due to the Plaintiff; and
4. Amounts due to the government in the form of refund and compensatory damages.

In the event that the criminal offenses underlying the judgments are of a different nature, the amounts paid by the convict or those collected through enforcement against the convict's property shall be deducted first from the amounts awarded in the criminal actions, the misdemeanor proceedings and infraction proceedings respectively.

Article (312) Reduction of Fine

1. If a person is remanded in custody or is under provisional electronic monitoring and is only punished by a fine penalty, the amount of AED [100] one hundred dirhams shall be subtracted from the fine penalty for each day of pretrial detention or provisional electronic monitoring.
2. If the judgment imposes both imprisonment and fine, and the period of pretrial detention or provisional electronic monitoring served by the convict exceeds the period of the court-ordered imprisonment sentence, the said amount shall be subtracted from the fine for each day of the said excess duration.

Article (313) Postponed and Installment Payment of Amounts due to Government

1. The Public Prosecution may, whenever necessary and upon motion, either grant the convict an extension of time to be able to pay the amounts due to the government, fines and other financial penalties, or permit that the same be paid in installments over a timespan not exceeding two years.
2. The Public Prosecution may revoke the decision issued to that effect based on reasonable grounds.

Article (314) Physical Coercion

Physical coercion may be used as a method for collecting the fines and other financial penalties, and shall take place by keeping the convict in confinement. The duration of such confinement shall be one day per AED [100] one hundred dirhams or less, and the period of physical coercion shall not exceed six [6] months, subject to the following requirements:

1. If the court-ordered fines and other financial penalties do not exceed AED [20,000] twenty thousand dirhams, the physical coercion period shall not exceed sixty [60] days.
2. If the court-ordered fines and other financial penalties exceed AED [20,000] twenty thousand dirhams but are less than AED [50,000] fifty thousand dirhams, the physical coercion period shall be one hundred twenty [120] days.
3. If the court-ordered fines and other financial penalties exceed AED [50,000] fifty thousand dirhams, the physical coercion period shall be one hundred eighty [180] days.

Article (315) The Provisions of Custodial Sentence Enforcement Apply to

Physical Coercion Enforcement

The provisions regulating enforcement of the custodial sentences set forth herein shall apply to physical coercion enforcement.

Article (316) Multiplicity of Judgments

In the event of several judgments rendered against a convict, they shall be enforced based on the aggregate value of court-ordered amounts, provided that the physical coercion period shall not exceed one year.

Article (317) Physical Coercion Enforcement Order

The physical coercion penalty shall be enforced based on an order of the Public Prosecution, and shall be commenced at any time after the convict is duly served, and after the convict has served all court-ordered custodial sentences.

Article (318) Termination of Physical Coercion

The physical coercion penalty shall be terminated once the amount corresponding to the confinement period served by the convict calculated pursuant to the foregoing articles becomes equal to the court-ordered financial penalty after subtracting the amount paid by the convict or any amount collected from the latter through enforcement against his property.

Article (319) Clearance of the Convict

The convict shall be discharged from the fines and other financial penalties when the same undergoes physical coercion at a rate of AED [100] one hundred dirhams for each day.

Part 6 LAPSE OF SENTENCE ON LIMITATION GROUNDS AND DEATH OF THE CONVICT

Article (320) Lapse of Court-Ordered Sentence on Limitation Grounds

1. Except for the criminal offenses of Qisas, Diyya and felonies on which a final judgment of the death penalty or a life sentence, the court-ordered sentence imposed on other criminal offenses shall lapse after the passage of thirty [30] calendar years.
2. The court-ordered sentence imposed on a misdemeanor proceeding shall lapse after the passage of seven [7] years, while the court-ordered sentence imposed on a infraction proceeding shall lapse after the passage of two [2] years. The limitation period shall commence as of the date on which the judgment of conviction becomes final, unless the sentence is ordered in absentia by the Criminal Court on a misdemeanor proceeding, as, in the latter case, the limitation period shall commence as of the date of the judgment.

Article (321) Interruption of Limitation Period

1. The limitation period shall be interrupted by arresting the convict punished by a custodial sentence, or based on any enforcement procedure that is conducted against the convict or of which the latter becomes aware.
2. The limitation period shall be interrupted if, during such a period, the convict commits a criminal offense of the same type of, or similar in nature to, the one for which he has been convicted, not including the infractions.

Article (322) Suspension of Limitation Period

The running limitation period shall be suspended upon the occurrence of any impediment,

whether legal or physical, that precludes enforcement.

Article (323) Provisions on Compensatory Damages and Costs

1. The provisions regulating the limitation period set forth in the Civil Procedure Law shall apply in respect of the court-ordered compensatory damages, refundable amounts and legal costs.
2. Enforcement by way of physical coercion shall not be conducted after expiration of the limitation period for the sentence.

Article (324) Death of the Convict

If the convict passes away after a final against is rendered against him, the compensatory damages and refundable amounts shall be enforced against his estate.

Book 5 MISCELLANEOUS PROVISIONS

Part 1 JUDICIAL SUPERVISION OF PENAL INSTITUTIONS

Article (325) Prosecution Members' Access to Penal institutions and the Like

Members of the Public Prosecution shall have the right to get access to penal institutions, detention centers, remand places and debtor jails that are located within the circuits of their territorial jurisdiction, in order to ensure the absence of any illegally-detained persons. In addition, they may also review and take copies of the records and arrest and detention warrants, communicate with any inmate and hear their complaints. To that effect, they shall receive every assistance to get the information required.

Article (326) Rights of Penal Institution's Inmate

1. Every inmate detained at any of the places described in Article [325] hereof may, at any time, submit a written or oral complaint to the person in charge of the management of the place in order for the latter to communicate the same to the Public Prosecution. In which case, the person in charge of the management of the place shall receive the complaint and immediately communicate it to the Public Prosecution after having it written down in the relevant record.
2. Whoever becomes aware that a person is illegally detained or is detained at a non-Detention Center shall forthwith notify a member of the Public Prosecution, and the latter shall, once notified, move to the place of the illegally-detained person, conduct an investigation, order that the same be released, and draw up a report to that effect.

Part 2 LOSS OF PAPERS

Article (327) Loss of Judgment or Investigation Papers

If the judgment document is lost for whatever reason before its enforcement, or if all investigation papers are lost, in whole or in part, before a decision being issued thereon, the procedures described in the following Articles shall apply:

Article (328) Certified Copy of Judgment

If a certified copy of the judgment is available, it shall be used in lieu of the lost judgment document, and if such a copy lies in the possession of some person or entity, the Public Prosecution shall obtain an order from the chief justice of the court issuing the judgment for

delivery of such a copy.

Article (329) Loss of Judgment

Losing the judgment document shall not give rise to retrial where the methods of challenging the judgment have been exhausted.

Article (330) Retrial due to Failure to Obtain Judgment Copy

If the case is heard by the criminal cassation tribunal, and it is not possible to obtain a copy of the judgment, the court shall order that retrial be conducted where the methods of challenging the judgment have all been exhausted.

Article (331) Loss of Investigation Papers before Issuing a Decision

If the investigation papers are lost, in whole or in part, before a decision being made in respect thereof, the investigation shall be reconducted in respect of the papers lost. If the case is pending before the court, it shall conduct the necessary investigations.

Article (332) Loss of Investigation Papers not Including the Judgment

If the investigation papers are lost, in whole or in part, but the judgment document is available and the case is heard by the criminal cassation tribunal, the procedures shall only be re-conducted if so decided by the court.

Part 3 CALCULATION OF DATES AND TIME LIMITS

Article (333) Notice Times

1. No notice shall be served before seven in the morning [07:00 am] or after six in the evening [06:00 pm], and shall not be served on public holidays unless there is a permission to that effect by the competent in necessary circumstances. Such a permission shall be indicated in the original copy of the notice.
2. If the notice is served by any modern means of communication, whether upon a natural or private legal person, the times set forth in clause [1] of this Article shall not apply.

Article (334) Gregorian Calendar

The dates and timeframes stipulated in this law shall be calculated based on the Gregorian calendar, unless otherwise provided.

Article (335) Time Limit Calculation Method

1. If the law prescribes a time limit in days, months or years for appearance or for the occurrence of a particular procedure, neither the day of service, nor the date of occurrence of the event regarded by the law as giving rise to the relevant time limit, shall be included in the time limit, and the time limit shall expire at the end of the working hours of the last business day thereof.
2. If the time limit is prescribed in hours, the hour of commencement and of the end of the time limit shall be calculated as described above.
3. If the time limit is required to expire before a particular procedure takes place, the underlying procedure shall only be conducted after the lapse of the last day of the time limit.
4. Time limits prescribed in months or years shall expire on the corresponding day of the next month or year.

5. Under any circumstances, if the last day of the time limit falls on a public holiday, the time limit shall be automatically extended to the first following business day.

Part 4 Special Criminal Procedures

Chapter 1 Criminal Order

Article (336) Concept and Effect of Criminal Orders

The criminal order is a judicial order issued by the Prosecutor for adjudicating on the merits of the criminal action which he decides not to dismiss without prejudice nor transfer to the court of the misdemeanor and infractions described in this chapter, even if in the absence of the Defendant. The criminal order shall give rise to termination of the criminal action, unless challenged by the Defendant within the legal time limit.

Article (337) Scope of Application of Criminal Order-Related Provisions

1. The provisions on criminal order shall apply to the misdemeanors and infractions described in the applicable laws in the State, and which are punished by non-mandatory detention sentences.
2. The Attorney General shall issue a decision, in agreement with the Attorneys General of the local judicial authorities, determining the misdemeanors and infractions to which the criminal order-related provisions are applicable. In addition, the Attorneys General shall, within their respective areas of jurisdiction, issue the necessary decisions for implementing the provisions of this Article.

Article (338) Offenses Excluded from Criminal order-Related Provisions

The following criminal offenses shall be excluded from the scope of applying the provisions on the criminal order:

1. Qisas and Diyya offenses;
2. Criminal offenses affecting the national security and interests of the State;
3. Offenses involving the exercise of any influence on, or defamation of, the judiciary, and impediment of judicial procedures;
4. Criminal offenses described in the Juvenile Delinquents and Vagrant Law;
5. Criminal offenses whose punishment is not permitted by the law to be mitigated; and
6. Criminal offenses for which the law prescribes a banishment sentence.

Article (339) Prosecutor's Issuance of Criminal order

The prosecutor may issue a criminal order against the convict found guilty, by imposing the legally prescribed fine against him, but not exceeding half of its maximum threshold, in addition to the supplemental penalties and fees.

Article (340) Details of Criminal order

The criminal order issued by the Prosecutor shall contain the following details:

1. The date of issue of the criminal order;
2. The name and personal details of the Defendant and criminal action's registration number;
3. The charge brought against the Defendant;
4. The law provision[s] applicable to the offense committed; and
5. The name and rank of the prosecutor issuing the criminal order;

Article (341) Amendment or Revocation of Criminal order

1. The public prosecutor, with a rank of at least a Chief Prosecutor, and who is nominated under a decision of the Attorney General, may amend or revoke the criminal order within seven [7] days following its date of issue.
2. Revocation of the criminal order shall render the same as null and void, and shall cause the criminal action to be prosecuted and processed in the way described herein.
3. The criminal order, as amended, shall be served upon the Defendant.
4. The criminal order may only be re-issued after being revoked if the revocation is made for proving the validity of the conviction or its violation of the law.

Article (342) Objection to Criminal order

1. The Defendant may file with the Public Prosecution an objection to the criminal order issued against him within seven [7] days following its date of issue if issued in his presence, or as of the date of service of the criminal order if issued in his absence or after being amended. The filing of such objection shall render the criminal order null and void, and shall cause the criminal action to be prosecuted and processed according to the procedures set forth herein.
2. If there are several Defendants, and any of them objects to the criminal order, the same shall be deemed null and void only with regard to the objecting Defendant.
3. The Defendant may waive his objection to the criminal order before being served with a notice to appear before the competent court. Any such waiver shall cause the objection to lapse and shall render the criminal order final and conclusive with regard to the waiving Defendant.

4. Under any circumstances, upon hearing the criminal action, the court shall not abide by the criminal order objected to.

Article (343) Finality of the Criminal order

The criminal order shall become final and unchallengeable with regard to the Defendant in either of the following cases:

1. In case the Defendant performs the criminal order through payment of the prescribed fine; or
2. Lapse of the right to object to the criminal order on limitation grounds.

Article (344) Filing A Civil Action

1. Filing a civil action shall not preclude issuance of the criminal order, and the Plaintiff may resort to the competent civil court to claim his rights.
2. The decision made on the subject matter of the criminal action under the criminal order shall not have any legal force in the civil courts.

Article (345) Procedural Objection to Enforcement of Criminal Order

1. The final criminal order shall be enforced in accordance with the rules set forth in this law.
2. The enforcement of a criminal order may be objected to in the following two cases:
   a. If the criminal order is issued in violation of the procedures set forth in this Chapter; or
   b. If the criminal order is issued against a person other than the Defendant.

3. The procedural objection shall be filed with the Public Prosecution, which shall, under any circumstances, submit the same to the misdemeanor court having the jurisdiction to hear the case for the latter to adjudicate on the objection without pleadings. If, however, the misdemeanor court is convinced that the objection could not be adjudicated on in its current state or without investigation or pleadings, it shall schedule a day for examining the objection according to the standard procedures, and shall summon the objecting party to appear. The court shall decide on the objection after hearing the statements of the Public Prosecution. Such a decision shall either establish dismissal of the objection and continuation of enforcement of the criminal order or grant the objection and cause the criminal order to become null and void. In the latter case, the court shall send the case file back to the Public Prosecution for the latter to dispose thereof.
4. The court's decision on the objection shall be final and unchallengeable.

Article (346) Penalty Prescribed by the Criminal Order

The penalty prescribed by the criminal order shall not be deemed a criminal conviction that entails rehabilitation.

Article (347) Amendment or Revocation of Criminal Order by Attorney General

1. The Attorney General may amend or revoke the criminal order within thirty [30] following the date of its issue or amendment, or as of the date of waiver by the Defendant of its objection, even if the criminal order has been enforced. The criminal order shall be served upon the Defendant.
2. The Attorney General shall issue the decisions and instructions required for implementing the provisions set forth in this Chapter.

Chapter 2 Criminal Conciliation

Article (348) Criminal Conciliation Procedures

The Public Prosecution or the competent court, as the case may be, may initiate the procedures of Criminal Conciliation based on an agreement between the victim or his attorney appointed under a special power of attorney or his heirs or their attorney appointed under a special power of attorney on the one hand, and the Defendant on the other hand, to amicably settle and bring their dispute in criminal matters to an end according to the provisions set forth in this chapter.

Article (349) Offenses to which Criminal Conciliation is Applicable

The provisions of Criminal Conciliation set forth in this Chapter shall apply to the following offenses:

1. Misdemeanors and infractions described in Articles 382 [Paragraph 1], 390, 394, 403, 404, 425, 426, 427, 431, 432 [Paragraph 1], 433, 447, 453, 454, 455, 464 [Paragraph 1], 465 [Paragraph 1], 467, 468, 473 and 474 of the Crimes and Penalties Law [Penal Code].
2. The other misdemeanors and infractions in respect of which the law provides that the criminal action shall be terminated on the grounds of conciliation or waiver.

Article (350) Establishment of Criminal Conciliation

1. The victim or his legal representative or attorney appointed under a special power of attorney, or his heirs or their attorney appointed under a special power of attorney, may

establish their conciliation with the Defendant before the Public Prosecution or the court, as the case may be.

2. The Defendant or his legal representative or attorney appointed under a special power of attorney, or his heirs or their attorney appointed under a special power of attorney, may establish the conciliation referred to in the foregoing clause based on an instrument duly attested by the competent notary public and signed by the victim or his heirs or their attorney appointed under a special power of attorney, as the case may be.
3. If the victim or his legal representative or attorney appointed under a special power of attorney, or his heirs or their attorney appointed under a special power of attorney, accept to enter into conciliation with the Defendant, a conciliation report shall be drawn up indicating the purport of the parties' agreement, and shall be approved by the Prosecutor after being signed by the parties involved.
4. The request for establishment of conciliation shall not be admitted if it is conditional or restricted to a particular timeframe.
5. Conciliation may be established at any stage of litigation, even after the judgment or the criminal order becomes final.

Article (350) Establishment of Criminal Conciliation

1. The victim or their legal representative or attorney appointed under a special power of attorney, or their heirs or the latter's attorney appointed under a special power of attorney, may establish their conciliation with the Defendant before the Public Prosecution or the competent court, as the case may be.
2. The Defendant or their legal representative or attorney appointed under a special power of attorney, or their heirs or the latter's attorney appointed under a special power of attorney, may establish the conciliation referred to in the foregoing clause based on an in-

strument duly attested by the competent notary and signed by the victim or their heirs or the latter's attorney appointed under a special power of attorney, as the case may be.

3. If the victim or their legal representative or attorney appointed under a special power of attorney, or their heirs or the latter's attorney appointed under a special power of attorney, accept to enter into conciliation with the Defendant, a conciliation report shall be drawn up indicating the purport of the parties' agreement, and shall be approved by the Prosecutor after being signed by the parties involved.
4. The motion for establishment of conciliation shall be inadmissible if it is conditional or restricted to a particular timeframe.
5. Conciliation may be established at any stage of litigation, even after the judgment or the criminal order becomes final.

Article (351) Establishment of Victim-Offered Conciliation with the Defendant before Criminal Court

1. If the victim or his legal representative or attorney appointed under a special power of attorney, or his heirs or their attorney appointed under a special power of attorney, offers conciliation to the Defendant before the criminal court on any of the offenses set forth in Article [349] of this law, and before the judgment becomes final, the court shall establish their conciliation in the hearing transcript and shall have the same signed by the victim or his attorney appointed under a special power of attorney.
2. If the conciliation is established under an instrument duly attested pursuant to the provisions of Article [350] of this law, the court shall establish the same in the hearing transcript, and shall enclose the duly-attested original instrument with the case file.

Article (352) Offering Conciliation through Criminal Mediation

1. The Public Prosecution may, in respect of the offenses that are terminated on grounds of conciliation or waiver, and before the case is transferred to the criminal court, either sua sponte and with the consent of both the Defendant and the victim or the persons legally acting on their behalf or at their request, conduct Criminal Mediation between the Defendant and the victim, with the aim of establishing their conciliation, through a neutral third-party mediator under the supervision of the Public Prosecution, if the latter is convinced, in light of the circumstances and details of the underlying incident, that any such measure would ensure compensating the damage sustained by the victim or would terminate the effects arising out of the offense.
2. The Public Prosecution shall indicate, in the decision transfer the case to Criminal Mediation, the duration of mediation, which shall not exceed one month of the date of notifying the mediator of the task. Such a duration shall be renewable for a similar period only once at the request of the mediator, based on reasonable grounds for such extension.

Article (353) Confidentiality of Mediation Procedures

1. Mediation procedures shall be of a confidential nature. Neither party may invoke the mediation procedures, any papers or information furnished in respect thereof, or any agreements or waivers by the parties involved, before any court or other entity whatsoever. In addition, it shall be prohibited for the mediator, the parties to mediation, and every person involved in the mediation procedure, to disclose any information furnished during the mediation process.
2. The mediator shall not be summoned before the investigation bodies, the courts, arbitration tribunals or any other bodies to give testimony on the information obtained by him in the course of performing his mediation duties.

3. The mediator shall be relieved of the prohibition described in the foregoing two clauses in the following cases:
    a. If the Defendant or the victim asks the mediator to disclose any information, where such information is relating to his person;
    b. If compliance with the confidentiality obligation would jeopardize the life of any other person; or
    c. If such secrets are relating to any other criminal offense committed or is likely to be committed.

Article 354 Instances of Recusal, Disqualification and Removal of Mediator

1. The mediator shall, if he becomes aware of any legal, ethical or other grounds that would preclude his neutrality, submit to the Public Prosecution a request to be relieved of continuing to act as a criminal mediator, indicating the grounds for his request, in order for the Public Prosecution to make a decision appointing another mediator, if it is convinced that the underlying grounds are serious.

2. The Defendant or the Defendant, or any persons acting on their behalf, may request disqualification of the criminal mediator, if there are good reason to believe that he would not be able to impartially perform his duty.

3. If either party objects to, and requests disqualification of, the mediator, or if the mediator is removed, passes away, or is unable to continue to perform his duty for whatever reason during any stage of mediation, the Public Prosecution the Public Prosecution shall appoint another mediator to complete the mediation procedures.

Article (355) Termination of Mediation Duty

1. The mediation procedures shall be terminated in the following instances:
    a. If the Defendant and the victim, or the persons in their behalf, enter into an agreement for bringing their dispute to an end by way of waiver, conciliation or payment, before the mediator takes over his duties;
    b. If the Defendant and the victim sign the conciliation agreement before the specified time limit expires;
    c. If the Defendant, the victim and the mediator unanimously agree to terminate the Criminal Mediation before they reach a conciliation agreement for whatever reason;
    d. If either the Defendant or the victim notifies the mediator or the Public Prosecution of its desire not to pursue the Criminal Mediation process;
    e. If the mediator notifies the Public Prosecution that the Criminal Mediation is ineffective or that there is no possibility to reach conciliation between the Defendant and the victim, due to lack of any form of cooperation during the Criminal Mediation sessions, or due to failure of either party or both parties to appear; or
    f. Due to expiration of the Criminal Mediation time limit without being extended.
2. Under any circumstances, the mediator shall, upon termination of the mediator procedure, deliver back to each party all the papers and statements submitted by the latter, and shall be prohibited from retaining their originals or copies thereof. In addition, the mediator shall send to the Public Prosecution a report on the result of Criminal Mediation within three [3] business days starting from the date of termination of the Criminal Mediation for whatever reason.

Article (356) Mediation-Based Conciliation Agreement

1. If, at the conclusion of the mediation process, the parties reach an agreement for conciliation and settlement of their dispute, in whole or in part, the mediator shall execute the Criminal Mediation agreement and shall have the same signed by the parties as well as the mediator himself. The agreement shall indicate the purport of the mediation and the timeframe set for the Defendant to perform his obligations towards the victim. The Defendant and the victim shall each receive a copy of the mediation agreement, and the same shall be submitted to the Public Prosecution Member for approval.
2. The Defendant shall, within a time limit to be determined by the Public Prosecution and not exceeding two weeks of the approval date of the conciliation and settlement agreement, commence the performance of his obligations covered by the agreement.
3. If the Defendant fails to perform the said obligations, in whole or in part, the competent prosecutor may decide that the criminal action be reinstituted and prosecuted of according to the procedures set forth in this Law.

Article (357) Effect of Conciliation Agreement

1. The conciliation shall give rise to termination of the criminal action or stay of execution of the judgment rendered thereon, as the case may be.
2. If a conciliation is established with the Defendant after the criminal judgment or criminal order becomes final, the Public Prosecution shall order a stay of its execution.
3. No challenge against, or retraction of the acceptance of, the conciliation agreement by the Defendant or the victim shall be admitted after being approved by the Prosecutor, and the conciliation approval report shall have the legal force of a Writ of Execution.

4. The conciliation agreement shall be binding only upon its parties, and shall apply only to the parties on whom the agreement establishes obligations, and shall not be relied upon any third party.
5. The Defendant's agreement to enter into Criminal Mediation as well as any statements made by him during the same shall not be relied upon against him as an act of confession.

Article (358) Effect of Conciliation on the Civil Action

Conciliation shall have no effect on the civil rights of the victim or of the aggrieved party, or on the right of either of them to resort to the civil courts to claim final compensation for the damage sustained, unless such rights or waived or covered by the conciliation agreement.

Article (359) Regulation of Criminal Mediation

1. The Minister of Justice or the Head of Local Judicial Body shall issue a resolution regulating the mediator's performance of Criminal Mediation duties and the requirements to be fulfilled by him, and disciplinary measures against him and the fees schedule.
2. The Attorney General shall, in coordination with the Attorneys General of the local judicial authorities, issue a decision regulating the transfer to Criminal Mediation and its sessions, the procedures for selection of the criminal mediator and the latter's role and obligations, in such a manner that does not go against the provisions of this Chapter.

Chapter 3 Plea Bargains

Section 1 Plea Bargaining in Misdemeanor Cases

Article (360) Provisions of Plea Bargaining in Misdemeanor Cases

The Public Prosecution may, if the crime is actionable before the competent court, propose to the Defendant in misdemeanor cases a final out-of-court settlement of the criminal action, by accepting any of the punishments and measures described in Article [362] hereof. In which case, the Plea Bargain shall be enforced based on the competent criminal judge's approval of the final Plea Bargain report.

Article (361) Scope of Plea Bargaining in Misdemeanor Cases

The Plea bargaining process shall not apply to the following offenses:

1. Qisas and Diyya offenses;
2. Criminal offenses affecting the national security;
3. Criminal offenses described in the Juvenile Delinquents and Vagrant Law;
4. Criminal offenses for which the law does not allow reduced sentences;
5. Specific offenses to which the Public Prosecution applies the provisions of the criminal order; and
6. Offenses that are inseparably associated with an offense to which the plea bargaining process is not applicable.

Article (362) Plea Bargaining In Misdemeanors

1. Plea Bargaining in Misdemeanors shall be carried out by an offer from the Public Prosecution to impose one or more of the following penalties or measures:
    a. Payment of the fine prescribed by law for the offense, but not exceeding half of its maximum value;
    b. Waiver, in favor of the State, of the object used, or intended to be used, for committing the offense or which has resulted therefrom;

c. Suspension of the license granted to the Defendant for a period not exceeding six [6] months or revocation thereof;
d. Closure of the business entity or suspension of business activities for a period not exceeding six [6] months;
e. Performing any community service, subject to the general provisions of law regulating the same;
f. Denying the Defendant's access to certain public places for a period not exceeding one year, subject to the general provisions of law regulating the same;
g. Prohibiting the use or possession of certain means of communication for a period not exceeding six [6] months or deciding confiscation of the same, subject to the general provisions of law regulating the same; or
h. Obligating the Defendant to pay provisional compensation for the damage sustained by the victim, if the latter demands the same. The victim shall be notified of such a proposal.

2. Under any circumstances, the fine penalty and community service measure shall not be imposed on a single person concurrently.

3. In all cases and without prejudice to the rights of bona fide third parties, if the Defendant accepts the Plea Bargain, he shall surrender any objects or funds that were used in, intended to be used in, or resulted from, the criminal offense, where such objects or funds are in his direct or indirect possession or are under his direct or indirect control.

Article (362) Plea Bargaining in Misdemeanors

1. Plea Bargaining in Misdemeanors shall be carried out based on a proposal of the Public Prosecution to impose one or more of the following penalties or measures:

a. Payment of the fine prescribed by law for the offense, but not exceeding half of its maximum value;
b. Waiver, in favor of the State, of the object used, or intended to be used, for committing the offense or which has resulted therefrom;
c. Suspension of the Accused's license for a period not exceeding six (6) months or revocation thereof;
d. Closure of the business entity or suspension of business activities for a period not exceeding six (6) months;
e. Performing any community service, subject to the general provisions of law regulating the same;
f. Denying the Defendant's access to certain public places for a period not exceeding one year, subject to the general provisions of law regulating the same;
g. Prohibiting the use or possession of certain means of communication for a period not exceeding six (6) months or deciding confiscation of the same, subject to the general provisions of law regulating the same; or
h. Obligating the Defendant to pay provisional compensation for the damage sustained by the victim, if the latter demands the same. The victim shall be notified of such a proposal.

2. Under any circumstances, the fine penalty and community service measure shall not be imposed on a single person concurrently.
3. In all cases and without prejudice to the rights of bona fide third parties, if the Defendant accepts the Plea Bargain, they shall surrender any objects or funds that were used in, intended to be used in, or have resulted from, the criminal offense, where such objects or funds are in their direct or indirect possession or are under their direct or indirect control.

Article (363) Preliminary Offer of The Plea Bargaining in Misdemeanor Cases

1. The Public Prosecution shall serve the Defendant, if the same is not present, of the offered Plea Bargain, according to the methods and procedures of service set forth in this law. The served notice shall indicate the right of the Defendant to an attorney before accepting the Public Prosecution's offer.
2. The Defendant shall accept or decline the offer within five [5] business days of the date of being offered to him or of the date of being served upon him, as the case may be. Failure of the Defendant to respond to the offer shall be construed as a rejection of the Plea Bargain.

Article (364) Acceptance by the Defendant of The Plea Bargain in Misdemeanor Cases

If the Defendant accepts the Plea Bargain, the Prosecutor shall draw up an independent report containing details of the Defendant, a description of the charges brought against him and the articles of law applicable thereto, as well as the proposed penalties and measures. Such report shall be signed by the Defendant.

Article (365) Transferring The Plea Bargain in Misdemeanors to The Competent Court

1. The Public Prosecutor shall transfer the Plea Bargain in Misdemeanors report, after the same is served upon the Defendant, to the competent criminal court. The court shall, in chambers, verify the validity of the procedures, appropriateness of the punishment and

absence of invalidation or nullifying factors, and may, under a reasoned decision to be made at the same scheduled hearing, approve or reject the Plea Bargain.

2. The court's decision approving the Plea Bargain on Misdemeanors shall constitute a judgment establishing termination of the criminal action against the Defendant on settlement grounds. The Defendant shall abide by the content of the court-approved the Plea Bargain report, shall perform all the obligations therein contained, and shall neither retract his acceptance of such a report nor challenge the same by any means of challenge.

Article (366) Nullification of and Breaking the Plea Bargain

1. If the Defendant declines, or if the court dismisses, the offered Plea Bargain in a misdemeanor, the Plea Bargain shall be deemed null and void. In which case, the Public Prosecution shall remove or withhold the Plea Bargain report, and the Public Prosecution may proceed with and handle the criminal action by the legally prescribed methods.

2. If the Defendant violates the Plea Bargain conditions or fails to perform his obligations, the Public Prosecution may either institute the criminal action before the competent criminal court and may obligate the Defendant to fulfil his obligations according to the rules of judgments enforcement set forth herein.

3. If a judgment of conviction is rendered against the Defendant, the work, training or qualification efforts performed by the Defendant in implementation of the Plea Bargain conditions and the funds paid by him in this regard shall be taken into consideration upon serving the court-ordered sentence.

Article (367) Effect of The Plea Bargain on Rehabilitation

The penalty prescribed under the Plea Bargain process shall not be deemed a criminal

conviction that entails rehabilitation.

Section 2 PLEA BARGAINING IN FELONY CASES

Article (368) Provisions of Plea Bargaining In Felony Cases

The Public Prosecution may, either sua sponte or at the request of the Defendant in respect of the felonies and misdemeanors that are inseparably associated therewith, where the investigation procedures are completed and there is strong presumptions that the Defendant has committed such offenses, make an offer to the Defendant, in the presence of his attorney, that in exchange for giving a detailed confession of committing such offenses, it shall request that the Court passes a reduced sentence, as described in Article [370] hereof.

Article (369) Scope of Plea Bargaining In Felony Cases

Without prejudice to the provisions of Article [370] hereof, the provisions of the Plea Bargain shall apply to the felonies punishable by a determinate prison sentence and the misdemeanors that are inseparably associated therewith.

Article (369) Scope of Plea Bargaining In Felony Cases

Without prejudice to the provisions of Article (361) hereof, the provisions of the Plea Bargain shall apply to the felonies punishable by a determinate prison sentence and the misdemeanors that are inseparably associated therewith.

Article (370) Plea Bargaining In Felonies

1. The Prosecution Member, with a rank of not less than a Chief Prosecutor, to be nominated under a decision of the Attorney General, shall, upon applying the Plea Bargain in felonies and the misdemeanors that are inseparably associated therewith, propose to request that the Defendant be sentenced to prison for no more than three [3] years and no less than three [3] months.

2. In addition to the punishment described in Clause [1] of this Article, the Public Prosecution may propose to the Defendant that one or more of the punishments described in Article [362] of this law be imposed on him.

3. The competent court may, either sua sponte or at the request of the Prosecutor, apply the punishment proposed in the Plea Bargain according to the following:

    a. Ordering that the Defendant be placed under electronic monitoring as a substitute for the custodial sentence, subject to the general provisions regulating the same; or

    b. Applying the provisions regulating the suspended sentences or pardons.

4. The implementation of the Plea Bargain process in felonies shall not preclude the competent court from imposing ancillary or complementary punishments, and rule on what should be returned, as well as the penal measures, except for the banishment measure according to the rules and procedures set forth in the law.

Article (371) Preliminary Offer of Plea Bargaining In Felony Cases

1. The Public Prosecution shall serve upon the Defendant or whoever he decides of the Defendants – if they are not present –his offered Plea Bargain in felonies, according to the methods and procedures of service set forth in this law. The served document shall emphasize the need for engaging an attorney.

2. The Defendant shall accept or decline the offer no later than ten [10] days of the date of being offered to, or served upon him, as the case may be. Failure of the Defendant to respond to the offer shall be construed as a rejection of the Plea Bargain.

Article (372) Acceptance by the Defendant of on the Plea Bargain In Felony Cases

1. In case the Defendant accepts the offered Plea Bargain in felonies, the competent Prosecutor shall question the Defendant in detail, shall complete the necessary investigation procedures for reinforcing the evidence, and shall then draw up the offer in a separate report. Such a report shall contain the details of the Defendant, a description of the charges brought against him and the articles of law applicable thereto, the relevant evidence, and place of commission of such crimes. The report shall be signed by both the Prosecutor and the Defendant.
2. The Prosecutor shall verify that the Defendant's confession is both truthful and consistent with the facts, through supporting it by revealing the elements of the crime and its evidence.

Article (373) Transferring The Plea Bargain In Felonies to The Competent Court

The Public Prosecution shall transfer the criminal action, together with the report of thePlea Bargain in felonies, to the competent criminal court according to the procedures prescribed by law. The Court shall verify the validity and soundness of the Plea Bargaining procedures, and shall question the Defendant, in the presence of his attorney, about whether he admits the commission of the offense he is charged with. If the Defendant confesses, the court shall

rely upon such confession as sufficient evidence for convicting him and imposing on him the punishment proposed by the Public Prosecution or imposing on him the punishment prescribed under the provisions of Article [370] hereof.

Article (374) Retraction of Criminal Confession

The Defendant may retract his confession at any stage before the judgment is rendered. In which case, the criminal action shall be sent back to the Public Prosecution to be prosecuted and processed according to the procedures prescribed by law by a Prosecutor other than the prosecutor who was party tothe Plea Bargaining procedures.

Article (375) Nullification of The Plea Bargain In Felonies

1. The Plea Bargain in felonies shall be deemed null and void if the Defendant does not accept the proposed Plea Bargain or retracts his confession before the judgment being rendered, or if the court dismisses the same. In which case, the criminal action shall be prosecuted and processed by the Public Prosecution according to the procedures prescribed by law.
2. Nullification of the confession shall remove all its effects, and such confession shall not be relied upon as evidence against the Defendant or any third party.
3. Nullification of the Defendant's confession due to retraction shall have no effect on the validity of the other evidence obtained by the Public Prosecution based on such confession.
4. The Public Prosecution shall remove or withhold the Plea Bargain report and the confession described in Article [372] of this Law.

Section 3 COMMON PROVISIONS OF PLEA BARGAINS IN MISDEMEANORS AND IN FELONIES

Article (376) Defendant's Attorney to Attend The Plea Bargaining Sessions

1. Criminal settlement procedures shall be conducted in the presence of the attorney of the Defendant, and his presence during the Plea Bargain in felonies process shall be deemed mandatory. If, due to financial inability, the Defendant charged with a criminal offense fails to appoint an attorney to defend him, the Public Prosecution shall appoint an attorney for him, and the latter's fees shall be paid by the State as described in the law. If the attorney appointed by the Public Prosecution has any excuses or impediments that would prevent him from accepting the appointment, he shall immediately communicate them to the Public Prosecution. If the Public Prosecution admits such excuses or impediments, it shall appoint another attorney.
2. The Defendant and his attorney shall both be enabled to review the criminal action's papers upon conducting the Plea Bargaining procedures.

Article (377) Handover of Objects and Funds

Without prejudice to the rights of bona fide third parties, the Defendant shall, if he accepts the Plea Bargain, shall surrender any objects or funds that are involved in, intended to be involved in, or resulting from, the criminal offense, where such objects or funds are in his direct or indirect possession or are under his direct or indirect control.

Article (378) Effect of Multiplicity of Convicts on The Plea Bargain Offer

Multiplicity of Defendants involved in the criminal action shall not prevent the Public

Prosecution from initiating the Plea Bargaining procedures with any or all of them. In which case, the Public Prosecution shall dispose of the criminal action with regard to the remaining Defendants according to the procedures prescribed by law.

Article (379) Effect of Plea Bargains on Interruption of Criminal action's Limitation Period

1. The limitation period of the criminal action shall be interrupted based on the Plea Bargaining procedures. If there are several Plea Bargaining procedures, the limitation period shall commence as of the date of the last procedure thereof.
2. If there are several Defendants, interruption of the limitation period with regard to any of them shall give rise to the same interruption with regard to the rest of them.

Article (380) Effects of The Plea Bargain on Filing A Civil Action

1. Subject to the provisions of Article [24.2] of this Law, the victim or the Plaintiff may file a claim with the Public Prosecution seeking provisional compensation from the Defendant for the damage sustained by him. Such a claim shall be recorded in the Plea Bargain report. In all cases, the filing of such a claim shall not preclude the Public Prosecution from conducting the Plea Bargaining procedures.
2. The Plea Bargain report shall, after being duly approved, have the legal force of a Writ of Execution. In addition, the Plea Bargain shall have no effect on the civil damage accruing to the victim or the aggrieved party, and shall not prevent the same from resorting to the civil courts to claim final compensation for the damage sustained.
3. A request from the victim or the Plaintiff to apply the Plea Bargain with the Defendant shall be inadmissible, and their statements shall not be heard during the discussions thereto related.

Article (381) Judge Not to Preside Over the Criminal Action

Subject to the provisions of Article [207] of this Law, if a decision to reject the Plea Bargain is issued and the Public Prosecution decided to transfer the criminal action to the competent court, the judge, who rejected the Plea Bargain, shall not preside over the Action.

Article (382) Challenging the Decision or Judgment Ordering Plea Bargaining

1. The Public Prosecution and the convict may each challenge, by way of appeal, the judgment rendered on the Plea Bargaining in felony cases, on the grounds of invalid determination of the punishment, violation, misapplication or misinterpretation of the law, or procedural invalidity affecting the Plea Bargaining procedures.
2. The Public Prosecution and the convict, who is punished under the Plea Bargaining in misdemeanors, may challenge, by way of appeal, the decision made thereon on the grounds of violation, misapplication or misinterpretation of the law. The appeal time limit shall commence as of the date of issuance of the decision challenged. The judgment rendered on the appeal shall be unchallengeable.

Chapter 4 Imposing Electronic Monitoring

Section 1 General Provisions

Article (383) Concept of Imposing Electronic Monitoring on the Defendant

1. The procedure of imposing electronic monitoring on the Defendant is a situation where the Defendant or the convict is denied the right to be away, beyond the specified times,

from his place of residence or any other place designated in the order issued by the Public Prosecution or the competent court, as the case may be. Such a procedure is enforced through electronic means that permits remote monitoring and compels the person undergoing electronic monitoring to carry a closed-circuit electronic transmission device throughout the period of electronic monitoring.

2. Upon designation of the times and places referred to in Clause [1] of this Article, it shall be taken into consideration the convict's practice of any professional or artisanal activity, pursuing his education or vocational training, access to medical treatment or any circumstances determined by the Public Prosecution or the competent court, as the case may be.

Article (384) Designation of Means used for Enforcement of Electronic Monitoring and Implementation Mechanism

1. The Cabinet shall, based on the Minister of Interior's resolution, issue a resolution specifying the means used for enforcement of electronic monitoring and its implementation control and mechanism, or may assign the implementation duty to any legal person or entity licensed to engage in such activity according to the conditions to be included in the resolution.

2. Under any circumstances, it shall be ensured that the electronic means described in Clause [1] of this Article preserves the dignity, safety and privacy of the person undergoing electronic monitoring.

Article (385) Resolutions Regulating Remote Control Operations

The Minister of Interior shall, in coordination with the relevant judicial bodies, issue the resolutions regulating the implementation of remote-control operations at the places of

electronic monitoring.

Article (386) Monitoring Compliance by the Person Undergoing Electronic Monitoring

1. The officers, non-commissioned officers and personnel of the police forces at the competent police stations and units shall have the competence to monitor compliance by the person undergoing electronic monitoring with the content and scope of the judicial order and judgment imposing electronic monitoring on him, as the case may be. They may also get access, during the times specified in the decision or judgment, to the designated place of implementation, in order to ensure that the person undergoing electronic monitoring performs his obligations and is present at the designated place, in addition to checking the means of his living and proper functionality of the electronic monitoring devices. They shall submit relevant reports to the competent Public Prosecution on the results of their monitoring.
2. The Minister of Justice may issue a resolution, in coordination with the Head of the relevant body, nominating the public employees other than the categories described in Clause [1] of this Article. Such a resolution shall determine their duties and competences on monitoring compliance by the person undergoing electronic monitoring with his obligations set forth in this Chapter.

Article (387) Verifying No Harm to Health of the Person Undergoing Electronic Monitoring

The competent Public Prosecution may, at any time, at the request of the person undergoing electronic monitoring, engage a licensed and competent physician to verify that the electronic equipment means involved in the implementation of electronic monitoring does

not inflict any harm upon the health of the person undergoing electronic monitoring or the safety of his body. The physician shall draw up a medical report to that effect.

Article (388) Enforcement of Monitoring Penalty through Electronic Means

The monitoring penalty, as well as the measures set forth in the penal codes in force in the State, may be enforced through the electronic means in accordance with the provisions and procedures set forth in both this Section and Article [404] of this Law.

Section 2 PROVISIONAL IMPOSITION OF ELECTRONIC MONITORING

Article (389) Provisional Imposition of Electronic Monitoring on the Defendant

1. The Prosecutor may issue an order whereby the Defendant would provisionally undergo electronic monitoring, based on his approval or at his request, instead of his pretrial detention, under the same conditions set forth in Article [103] of this Law.
2. The said order shall designate the place of residence at which the Defendant is required to be present, the places to which the Defendant is or is not permitted to go, and relevant times and dates, along with the other details described in Article [104] of this Law.

Article (390) Order Re No Communication for the Defendant Who is Under Electronic Monitoring

1. The Public Prosecution may, where the investigation procedures so necessitate, include in the provisional Electronic Monitoring Order an Order Re No Communication, without prejudice to the Defendant's right to communicate with his attorney at all times.

2. The order may also obligate the Defendant to comply with the obligations set forth in Articles [404.1] and [404.2] of this Law.

Article (391) Crimes for Which No Order of Provisional Electronic Monitoring Allowed

No order imposing provisional electronic monitoring shall be issued in respect of the criminal offenses punishable by the death penalty or life imprisonment, the offenses affecting internal or external nationality security of the state, and the offenses for which the law prescribes the measure of banishment from the State.

Article (392) Duration of Provisional Electronic Monitoring

1. Provisional electronic monitoring shall be imposed after the Defendant is questioned, and shall be valid for thirty [30] days, which may be renewed only once for the same duration, subject to consent of the Defendant.
2. If the investigation interest requires that the Defendant continue to undergo the provisional electronic monitoring after the expiration of the durations set forth in Clause [1] of this Article, the Public Prosecution shall transfer the case file to a judge of the competent criminal court, in order for the latter to order, after review of the papers and hearing the statements of the Defendant and based on the latter's consent, that the provisional electronic monitoring be extended for a renewable period not exceeding thirty [30] days, that the electronic monitoring be cancelled and the Defendant be remanded in custody, or that the Defendant be released with or without bail.

3. Under any circumstances, the judge of the competent criminal court may amend the times of the Defendant's presence at the place of residence or at the designated places, after hearing the statements of the Defendant and consulting the Public Prosecution.

Article (393) Revocation of Provisional Electronic Monitoring Order

1. The Public Prosecution may revoke the order imposing provisional electronic monitoring issued thereby, and issue an arrest warrant against the Defendant undergoing provisional electronic monitoring and keep him in remand until investigations are completed, if there is cogent evidence against the Defendant, if the Defendant violates the obligations described in the order revoked, if the same is requested be the Defendant, or if there are circumstances that entail such an action.
2. If the order is issued by the judge of the competent criminal court, a new arrest warrant shall be issued against the Defendant by the same court upon motion of the Public Prosecution.

Article (394) Imposing Provisional Electronic Monitoring instead of Pretrial Detention

The judge of the competent criminal court may, while hearing the motion for extending the electronic monitoring, order that the Defendant undergo provisional electronic monitoring, subject to the latter's consent, instead of pretrial detention.

Article (395) Rules and Procedures for Appeal against or Revocation of Provisional Electronic Monitoring Decision

Appealing against or revocation of the decisions imposing provisional electronic monitoring

shall be subject to the same rules, procedures and time limits prescribed for pretrial detention under Articles [133, 135, 136, 137 and 139] of this Law.

Article (396) Subtracting the Provisional Electronic Monitoring Durations from Custodial Sentence Terms

Subtracting the provisional electronic monitoring durations upon enforcement of custodial sentences shall be subject to the same rules prescribed for pretrial detention under Articles [294, 295 and 296] of this Law.

Section 4 IMPOSING PROVISIONAL ELECTRONIC MONITORING INSTEAD OF CUSTODIAL SENTENCE

Article (397) Imposing Provisional Electronic Monitoring instead of Confinement

1. When the court renders a judgment of confinement sentence for a term not exceeding two years, it may indicate in the operative part of judgment that the sentence be enforced through electronic monitoring; if it convinced that the circumstances or age of the Defendant suggests that the latter would not commit a new offense, and that he has a permanent and known place of residence in the State, or if it is convinced that the Defendant is practicing a stable professional job, even if temporarily, or is pursuing his education or recognized vocational training, or that he is the sole breadwinner of his family, or based on any other circumstances determined by the court, as the case may be.
2. Imposing the electronic monitoring measure described in this Section shall not apply to the convicted recidivist.

Article (398) Commencement of Electronic Monitoring Punishment Enforcement Duration

The duration of enforcement of the electronic monitoring-based punishment described in this Section shall commence as of the date of arresting the convict based on an enforceable judgment.

Article (399) Compliance with Criminal Measures

The court may, upon rendering a judgment indicating that the punishment would be enforced based on electronic monitoring, include in the operative part of judgment an order that the convict be subject to any of the penal measures described in Articles [111.1, 111.2 and 127] of the Crimes and Penalties Law [Penal Code] referred to hereinabove.

Article (400) Obligations of the Convict Undergoing Electronic Monitoring

The convict undergoing an electronic monitoring penalty shall keep the Public Prosecution having the jurisdiction to enforce the judgment notified of the following details:

1. Any changes to his occupation or place of residence;
2. His desire to move or stay away from his designated place of residence for a period exceeding fifteen [15] days within the State, and the underlying reasons. He shall also notify the Public Prosecution upon his comeback.
3. His acceptance to receive periodic visits from the competent officers referred to in Article [386] of this Law, in order to verify his means of living and performance of his obligations set forth in this Section.
4. Under any circumstances, the convict undergoing electronic monitoring shall only travel abroad after obtaining a permission from the competent court described in

Article [405] of this law and consulting the Public Prosecution, and the court may withhold such a permission without giving any reasons. If the permission is given, the decision issued shall specify the travel date and destination and reason, in addition to date of comeback. The convict shall notify the Public Prosecution as soon as he comes back from abroad. The period of the convict's stay abroad shall not be included in the enforcement duration of the court-awarded punishment.

Article (401) Enforcement of Complementary Punishments, Damages and Legal Costs

Imposing electronic monitoring on the convict shall not preclude the enforcement of complementary punishments, damages, refundable amounts and legal costs.

Article (402) Supervising the Enforcement of Electronic Monitoring

1. The Public Prosecution shall supervise the enforcement of electronic monitoring based on periodic reports to be submitted thereto by the competent body on monitoring the conduct of the convict and performance of his obligations set forth in this Chapter.
2. The Court that rendered the judgment may subsequently amend the places, times or restrictions of electronic monitoring, upon motion of the Public Prosecution, or upon motion of the convict after consulting the Public Prosecution.

Article (403) Cases of Mandatory Revocation of Electronic Monitoring Order

The Electronic Monitoring Order shall be revoked in any of the following instances:

1. If, during the enforcement of electronic monitoring, it becomes known that a final judgment imposing a custodial sentence had already been rendered against the

convict before the issuance of the order imposing electronic monitoring on him, and of which the court has no knowledge upon issuing the Electronic Monitoring Order;

2. If the medical report issued pursuant to Article [387] of this Law establishes that the means involved in enforcing the electronic monitoring has inflicted harm upon the health or safety of the convict's body;
3. If the convict himself requests such revocation; or
4. If enforcement of the electronic monitoring becomes impossible.

Article (404) Cases of Optional Revocation of Electronic Monitoring Order

The Electronic Monitoring Order may be revoked in either of the following instances:

1. If, during the electronic monitoring enforcement period, the convict commits a premeditated offense for which a pretrial detention punishment is ordered against him or for which a custodial sentence is rendered against him.
2. If the periodic follow-up reports referred to in Article [386] of this law reveal misconduct of the convict or the latter's failure to abide by the measures and obligations imposed upon him pursuant to Articles [399] and [400] of this Law.

Article (405) The Competent Authority for Revocation of Electronic Monitoring Order

1. The revocation judgment referred to in Articles [403] and [404] of this law shall be rendered by the court that ordered the electronic monitoring measure, upon motion of the Public Prosecution, and after serving a notice to appear upon the convict.

2. The court that renders the final judgment imposing custodial sentence pursuant to Article [403.1] of this Law shall have the authority, either sua sponte or upon motion of the Public Prosecution, to revoke the Electronic Monitoring Order.

Article (406) Challenging and Opposing the Judgment Revoking the Electronic Monitoring Order

1. The revocation judgment referred to in the instances described in Article [403] of this law shall be final and unchallengeable.
2. Judgments of revocation rendered in absentia in the two instances referred to in Article [404] of this Law may be challenged by way of opposition according to the conditions, time limits and procedures set forth in Article [229] of this law. The judgment rendered on the opposition shall be final and unchallengeable.

Article (407) Effect of Revocation of Electronic Monitoring Order

The rendering of a judgment revoking the Electronic Monitoring Order shall require the convict to serve the court-ordered custodial sentence term which is still enforceable as of the day of undergoing electronic monitoring. The duration of undergoing electronic monitoring shall be subtracted from the sentence term.

Section 4 RELEASE AND IMPOSING ELECTRONIC MONITORING ON THE CONVICT

Article (408) Motion to Undergo Electronic Monitoring for Remaining Sentence Term

Any convict punished by a custodial sentence for a term of not less than two years and not exceeding five [5] years, and who has served half of the sentence term, may file with the Public Prosecution a motion to be released and to undergo electronic monitoring for the remaining duration of the sentence through the electronic means.

Article (409) Verifying the Motion to Undergo Electronic Monitoring

1. The competent Public Prosecution shall examine the motion referred to in Article [408] of this law, in order to verify the convict's proper conduct during his stay at the penal institution to such an extent that suggests his self-discipline, and that there his release would not jeopardize the public order. Next, it shall submit the case file, accompanied by its opinion, to the court that rendered the sentence judgment.
2. The court may grant the Motion and decide that the convict both be released and undergo electronic monitoring, if it becomes convinced of the Defendant's good conduct and attitude, and that it is unlikely for the Defendant to commit any new criminal offense. In addition, the court impose under its decision on the convict any of the measures and obligations set forth in Articles [399] and [400] of this law.

Article (410) Deciding on the Motion for Release and Undergoing Electronic Monitoring

1. The court's judgment granting or dismissing the motion for release of the convict and imposing the electronic monitoring on him shall be final and unchallengeable.
2. If the Motion is dismissed, a new Motion may only be submitted after at least six [6] months of the date of the judgment dismissing the former Motion, unless the new Motion satisfies the requirements of conditional release described in the Penal institutions Law referred to hereinabove.

Article (411) Rules Applicable to Enforcement of Electronic Monitoring Order

Enforcement of the Electronic Monitoring Order described in this Section shall be subject to the same rules set forth in Article [402] hereof.

Article (412) Rules Applicable to Procedures for and Effects of Revocation of Electronic Monitoring Order

1. The Electronic Monitoring Order described in this Section shall be revoked if any of the instances set forth in Articles [403.2, 403.3, 403.4 and 404] of this law is satisfied.
2. The procedures for, and effects of, revocation of the Electronic Monitoring Order shall be subject to the same rules set forth in Articles [405] and [407] of this Law.
3. Notwithstanding Article [406.2] of this law, the judgment of revocation in the instances set forth in Clause [1] of this Article shall be final and unchallengeable.

Article (413) Enforcement of Release and Undergoing Electronic Monitoring

The competent authority of conditional release described in the Penal institutions Law may order that the release and electronic monitoring be enforced through the electronic means and pursuant to the provisions and procedures set forth in both Section I of this Chapter and Article [401] hereof.

Part 5 Use of Electronic Technologies in Criminal Procedures

Article (414) Scope of Application

The law enforcement bodies vested with the authorities of detecting the criminal offenses and collecting the evidence, the Public Prosecution and the Courts may engage the remote communication technology in the criminal procedures with the Defendant, the victim, the witness, the attorney, the expert witness, the interpreter, the Plaintiff or the Defendant liable for civil damages.

Article (415) Appearance, Openness and Confidentiality

The provisions of appearance, openness and confidentiality of investigations shall be fulfilled through the use of remote communication technology if carried out according to the provisions hereof.

Article (416) Conducting Procedures Remotely

The head of the competent body, or his authorized person, may conduct the procedures remotely whenever necessary at any stage of the criminal action, in such a way that facilitates fact-finding, investigation or litigation procedures.

Article (417) Remotely-Conducted Procedures beyond Territorial Jurisdiction of the Competent Emirate

The procedures may be conducted remotely beyond the territorial jurisdiction of the competent emirate, in coordination with the competent body, if the person - with whom the underlying procedures is required to be conducted – is present therein.

Article (418) The Defendant's Right to Object

The Defendant may, at the first hearing of trial based on the remote communication

technology at any stage of litigation, request his physical appearance before the court. The court may grant or dismiss such a request in light of the rules of proper administration of justice.

Article (419) Attorney's Attendance Alongside the Defendant

Subject to the provisions of this Law, the attorney of the Defendant may meet or attend alongside the latter during the procedures of investigation or trial through the remote communication technology, in coordination with the competent authority.

Article (420) Confidentiality of Remotely-Conducted Procedures

The remotely-conducted procedures shall be electronically recorded and kept, shall be deemed of a confidential nature, and shall only be circulated, accessed to or copied from the e-information system based on a permission of the Public Prosecution or the competent court, as the case may be.

Article (421) Application of Information Security Policy

The remote communication technology described in this law shall be subject to the information security regulations and policies in force in the State.

Article (422) Writing Down the Remotely-Conducted Procedures

The competent authority may write down the remotely-conducted procedures in paper or electronic records or documents to be certified by it with no need to be signed by the persons concerned.

Article (423) Use of Remotely-Conducted Procedures with Foreign States

Remotely-conducted procedures may be used for implementing the Letters rogatory and judicial assistance requests with foreign states according to the provisions of the agreements and treaties ratified by the State.

Article (424) Use of Remotely-Conducted Procedures with the Juvenile and Child

Without prejudice to the Law of Juvenile Delinquents and Vagrants, the competent authority shall apply the remotely-conducted procedures with the juveniles and children.

Article (425) Probative Value of Electronic Signature and Documents

1. The electronic signature shall have the same probative value of the physical signatures referred to in this law, as long as they observe the provisions set forth in the Law of Electronic Transactions and Trust Services.
2. Electronic documents shall have the same probative value of authentic and privately-executed paper documents under this law, as long as they observe the provisions set forth in the Law of Electronic Transactions and Trust Services.

Article (426) Coordination and Technical and Procedural Assistance

Coordination shall be made by and between the Ministry of Interior, the Ministry of Justice, the judicial bodies and relevant entities for providing e-signature devices, preparing the rooms, and providing the modern means of communication, with the aim of carrying out remotely-conducted procedures at the competent bodies, penal institutions and other relevant bodies, and providing necessary technical and procedural assistance, in accordance

with the cabinet resolutions to be issued in this respect.

Article (427) Manual or Electronic Implementation of the Provisions of this Law

1. The crime detection and evidence-gathering bodies, investigation bodies and the courts may conduct any of the procedures set forth in this Law manually or electronically.
2. The judicial orders, decisions and judgments may be issued manually or electronically.