Federal Decree by Law No. (35) of 2022, Promulgating the Law of Evidence in Civil and Commercial Transactions

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

- Having reviewed:
- The Constitution;
- Federal Law No. (1) of 1972 on the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (10) of 1973 on the Federal Supreme Court, as amended;
- Federal Law No. (8) of 1974 Regulating the Profession of Experts Before Courts;
- Federal Law No. (6) of 1978 Establishing Federal Courts and Transferring the Jurisdiction of Local Judicial Authorities in Some Emirates to Such Courts, as amended;
- The Law of Civil Transactions, promulgated by Federal Law No. (5) of 1985, as amended;
- Federal Law No. (10) of 1992 Enacting the Law of Evidence in Civil and Commercial Transactions, as amended;
- Federal Law No. (28) of 2005 on Personal Status, as amended;
- Federal Law No. (10) of 2019 Regulating Judicial Relations Between Federal and Local Judicial Authorities;
- Federal Decree-Law No. (31) of 2021 Enacting the Penal Code;
- Federal Decree-Law No. (46) of 2021 on Electronic Transactions and Trust Services;

and

- Based on the Proposal of the Minister of Justice and the Cabinet's approval thereof.

Have enacted the following Decree-Law:

Article (1)

The attached Law shall apply to evidence in civil and commercial transactions.

Article (2)

Federal Law No. (10) of 1992 Enacting the Law of Evidence in Civil and Commercial Transactions, and any provision contradicting or repugnant to the provisions of the attached Law are hereby repealed.

Article (3)

This Decree-Law shall be published in the Official Gazette, and shall enter into force as of 2nd January 2023.

Mohammed bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by Us at the Presidential Palace in Abu Dhabi

On 7th Rabi' al-Awwal 1444 AH.

Corresponding to 3rd October 2022 AD.

Part 1 General Provisions

Article (1)

1. The plaintiff has the right to prove his claim and the defendant has the right to disprove it.
2. The facts to be proven shall be relevant to the action, have a bearing on evidence, and be admissible.
3. No judge shall render a judgment based on his personal knowledge.

Article (2)

1. The Onus of Proof weighs on the claimant "onus probandi actori incumbit" and the denial of the respondent must be made under oath.
2. Evidence shall be established to prove a matter contrary to an apparent fact, and oath shall be taken to confirm an original fact.
3. Proof is be legally valid vis-à-vis all parties, while admission is affirmative evidence against the admitter only.

Article (3)

Without prejudice to the provisions of this Law, in case of conflicting evidence, which cannot be reconciled, the court may weigh evidence based on inferences it may draw from the facts of the case. If the same is impossible, the court may not admit any of such conflicting evidence. In all cases, the court shall indicate the underlying reasons in its judgment.

Article (4)

Proof of obligations does not require a specific form, unless otherwise is stipulated in a particular provision or a written agreement between the litigants.

Article (5)

1. Where the litigants agree on specific rules of evidence, the court shall approve their agreement, unless their agreement is contrary to the public order.
2. The agreement of the litigants shall not be legally valid if it is not in writing.

Article (6)

1. The judgments and decisions issued in respect of the evidentiary proceedings are not required to be substantiated, unless they include a final judgment.
2. In all cases, the judgments and decisions rendered in summary proceedings for the establishment of a current status or the testimony of a witness shall be substantiated.

Article (7)

1. If the court or supervising judge, as the case may be, orders that any of the evidentiary proceedings be initiated, the court or supervising judge shall include in the relevant judgment or decision the date of the first hearing for initiating the relevant procedure, with no need for new notice if the procedure requires more than one hearing, except in case of serving a notice on an absent litigant of the allegation of forgery or administration of an assertory oath thereto.
2. The procedures carried out shall be documented, either in an electronic or paper format, according to the procedures set forth in the Code of Civil Procedure.

3. A clerk shall be present during the evidentiary proceedings to draw up the record, either electronically or in paper form, and co-sign the same with the judge, with no need for the litigants and stakeholders to sign the same.

Article (8)

1. The court may, either sua sponte or on a litigant's motion, renounce, by virtue of a decision to be recorded in the paper or electronic hearing transcript, the evidentiary proceedings ordered thereby; provided that the court indicates the underlying reasons therefor in the hearing transcript.
2. The court may decide not to admit the results of an evidentiary proceeding; provided that it indicates the underlying reasons for the same in its decision or judgment.

Article (9)

In the case of a dumb litigant and the like, his admission, examination, delivery of testimony or taking the oath, administration of the oath, abstaining from taking the oath and deferring the oath shall be in writing. If he is unable to write, his habitual signs shall be deemed valid for the same.

Article (10)

1. Any evidentiary proceeding electronically conducted shall have the same binding force of the judgments prescribed in this Law.
2. In case of failure to conduct any evidentiary proceeding via means of remote communication for any reason whatsoever, the procedure shall be postponed to the next hearing, subject to the provisions set forth in this Law in this regard.

Article (11)

1. Evidentiary proceedings, including admission, examination or cross-examination, testimony or oath-taking, shall be conducted before the court. If the same is impossible, the court may move or delegate one of its judges to conduct the procedure.
2. If the person who makes the admission, examined person, witness or person to whom the oath is administered and the like resides in the State but outside the jurisdiction of the court and the evidentiary proceeding is impossible to be electronically conducted, the court shall delegate another court located within his place of residence. In such case, the provisions of judicial delegation set forth in the legislation in force shall apply in this regard.
3. If the person who makes the admission, examined person, witness or person to whom the oath is administered resides outside the State and it is impossible to electronically conduct the evidentiary proceeding, the court may send a letter rogatory to the competent court in such state to conduct the required evidentiary proceeding on the former's behalf, pursuant to the judicial conventions concluded in this regard.

Article (12)

Without prejudice to the obligations of the State under the international conventions in force therein, the court may admit the evidentiary proceedings conducted outside the State, unless they are contradictory to the public order.

Article (13)

1. If a litigant fails to file the documents or conduct the required evidentiary proceeding,

the court or the supervising judge, as the case may be, may decide to fine him an amount of not less than (AED 1,000) one thousand dirhams and not more than (AED 10,000) ten thousand dirhams, under a decision to be recorded in the hearing transcript. Such decision shall have the same enforceability of judgments and shall be non-appealable.

2. The court or the supervising judge, as the case may be, may exempt the convict from the fine, in whole or in part, if he has an acceptable excuse.

Part 2 Evidence by Admission or Examination of Litigants

Article (14)

1. Admission is a party's statement acknowledging an obligation owed by him to another party.
2. The admission shall be a judicial admission if the litigant makes the admission directly before the court or via any means of remote communication of a certain fact for which he is sued, during the legal proceedings relating to such fact, whether before the court that hears such proceedings or the supervising judge, as the case may be.
3. The admission shall be an extrajudicial admission if it is not made before the court or is related to a dispute raised in another case.

Article (15)

1. In order to be valid, an admission shall be made by a person having the capacity to dispose of the admitted right.
2. Admission of minors who are capable of discretion and discernment and authorized to sell and buy shall be valid in the authorized matters.
3. Admission may be made by a guardian, custodian, endowment administrator or the like

in the matters they exercise within the scope of their guardianship, custody or administration.

Article (16)

1. Admission may be made expressly or implicitly, orally or in writing.
2. Admission shall not be admissible if it contradicts prima facie facts.

Article (17)

Admission shall not be divisible with respect to the person who made it unless it relates to several facts, and the existence of one of them does not necessarily require the existence of others.

Article (18)

Judicial admission shall be conclusive and limited to the person who makes the admission and may not be retracted.

Article (19)

Extrajudicial admission shall be proved pursuant to the provisions hereunder. The testimony evidence may not be established to prove extrajudicial admission, except in the cases where the testimony evidence is allowed.

Article (20)

1. The court or the supervising judge, as the case may be, may, sua sponte or on a litigant's motion, examine the whoever is present of the litigants.

2. Following the approval of the court or the supervising judge, as the case may be, either litigant may directly examine his opposing party who is present.

Article (21)

1. The court or the supervising judge, as the case may be, may, sua sponte or on a litigant's motion, order to the opposing party to appear for examination. A party to be examined shall appear at the hearing scheduled for the same.
2. If a litigant has an acceptable excuse preventing him from appearing in person to testify, his testimony may be heard via means of remote communication. Failing which, the supervising judge may move to his place to hear his testimony. If the examination is taking place before the court, it may delegate one of its judges to examine him. The court or the supervising judge shall determine the date and place of hearing his testimony, and a transcript on the same shall be drawn up and signed by the delegated or supervising judge and the clerk.
3. If a litigant fails to appear for examination without an acceptable excuse, or refuses to answer without legal justification, the court shall draw its own conclusions at its sole discretion and may admit evidence by way of witness testimony and presumptions in cases where the same is not allowed.

Article (22)

1. In case of an incompetent litigant, his legal representative may be examined. The court or the supervising judge, as the case may be, may examine such litigant, if he is a discerning person with respect to the matters he is authorized to perform.
2. If a litigant is a legal person, its legal representative shall be examined.

3. In all cases, the aforesaid legal representative shall have the capacity to dispose of the disputed right.

Article (23)

1. The court or the supervising judge, as the case may be, may direct to any litigant the questions it deems appropriate or those requested by the opposing party to be addressed to him by the court. The answer shall be given at the same hearing, except if required, as the court or the supervising judge deems appropriate, to reschedule another date for giving the answer.
2. A litigant may object to a question put to him, and shall indicate the reason for his objection.
3. The court or the supervising judge, as the case may be, may prevent any question which does not relate to the action, has no bearing on evidence or is not admissible.
4. The answer shall take place in the presence of the litigant requesting the examination; however, the examination shall not be contingent upon his appearance.
5. Questions and answers shall be recorded in the hearing transcript and shall be read out to the litigants present. The examined person may correct his answers that he requires to be corrected. The transcript shall be signed by both the judge and clerk.

Part 3 Documentary Evidence

Article (24)

1. A formal instrument is a paper in which a public servant or a person in charge of a public service records the actions performed by him or what he has received from the parties concerned in accordance with the legal conditions and within the limits of his authority

and competence.

2. If such instrument does not satisfy the requirements referred to in Clause (1) of this Article, it shall only have the legal validity of an informal instrument if it is signed, stamped or fingerprinted by the persons concerned.

Article (25)

1. A formal instrument shall be legally valid vis-à-vis all people in terms of all actions recorded therein performed by its writer within the limits of his mandate, or signed by the persons concerned in his presence, unless it is proven to be a counterfeit by the legally prescribed means.
2. The content mentioned by any person concerned in the formal instrument shall be legally valid vis-à-vis such person concerned, unless proven otherwise.

Article (26)

1. If the original formal instrument exists, its official copy shall be legally valid to the extent to which it is a carbon copy of the original.
2. A copy shall be deemed official if it is a photocopy of the original, in accordance with the governing procedures.
3. A copy shall be deemed a carbon copy unless one of the parties challenges the same. In such case, the copy shall be examined against the original instrument.

Article (27)

If the original formal instrument is not available, the official carbon copy shall same legal validity as the original if the appearance thereof does not give rise to doubt as to its being

identical to the original However, other copies shall not be valid, except for the purpose of guidance only.

Article (28)

1. An informal instrument shall be deemed issued by the person who signed it and legally valid vis-à-vis him, unless this person explicitly denies that the handwriting, signature, signature stamp, or fingerprint attributed to him is his, or his successors deny the same or declare that they do not know that the handwriting, signature, signature stamp, or fingerprint is of the person from whom the right passed to them.
2. The person against whom an informal instrument is invoked and who discusses the content thereof before the supervising judge or the court, as the case may be, may neither deny the validity thereof nor invoke that he does not know that such instrument is issued by the person from whom the right passed to him.

Article (29)

Correspondence signed or proved to be attributed to the sender shall have the same probative value as informal instruments, unless its sender proves that he did not send or cause the correspondence to be sent.

Article (30)

1. Electronic or paper books of merchants shall not be legally valid vis-à-vis non-merchants; however, the data contained therein on the supplies made by the merchants may constitute a base on which the court may administer the suppletory oath to either party, in the matters which may be proved by the testimony of witnesses.

2. Merchants' mandatory regular books, whether electronic or paper, shall be legally valid in favor of their merchant owner vis-à-vis his merchant opposing party if the dispute is pertaining to a commercial business. Such legal validity may be challenged by counter-evidence, which may be derived from the opposing party's regular books.
3. Mandatory books, whether regular or irregular, electronic or paper, shall be legally valid against their merchant owner with respect to the entries upon which his merchant or non-merchant opposing party relied. In such case, the entries of such books which are in favor of their owner shall also be legally valid in his favor.
4. If either merchant litigants relied on the electronic or paper books of his opposing party and admits, in advance, the accuracy of the contents of such books, and the opposing party unjustifiably refuses to produce or give access to his books, the court may administer a suppletory oath to the party who relies on the book to prove his claim.

Article (31)

Domestic registers and papers shall not be legally valid vis-à-vis the persons who wrote them, even they were issued electronically, except in the following two cases:

a. If such person explicitly states therein that he has collected a debt; and
b. If such person explicitly states therein that he intends, by what he wrote in such papers, that they serve as an instrument with respect to the persons in whose favor such papers established a right.

In both cases, if what is stated is not signed by the person who wrote them, he may prove the contrary by all means of proof.

Article (32)

1. Annotating an electronic or paper deed of debt, by the creditor's handwriting without signature, to the effect of the discharge of the debtor shall be legally valid vis-à-vis the creditor until otherwise is proven. Annotating the deed to this effect shall also be legally valid vis-à-vis the creditor, even if such annotation is not written or signed thereby as long as the deed never left his possession.
2. The provision of Clause (1) of this Article shall apply if the creditor establishes, by his handwriting without signature, the discharge of the debtor in another original copy of the deed, or in an acquittance, and the copy or the acquittance, whether electronic or paper, is in the possession of the debtor.
3. Repayment made via electronic means shall be deemed discharge of the debtor.

Article (33)

1. A litigant may request the supervising judge or the court, as the case may be, to order his opposing party to produce any paper or electronic instrument in the latter's possession that has bearing on the action in the following cases:
    a. If the law entitles him to request the production or receipt thereof;
    b. If the instrument is shared between him and his opposing party. An instrument shall be deemed jointly belongs to both litigants, in particular if it serves the interests of both litigants, proves their mutual obligations and rights or affects the legal position of both litigants.
    c. If his opposing party relies on such instrument at any stage of the proceedings.
2. The request referred to in Clause (1) of this Article shall not be admissible unless it satisfies the following elements:
    d. Description and content of the instrument in as much detail as possible;

e. The indications and circumstances proving that the instrument is in the opposing party's possession; and

f. The fact required to be proved by the instrument, and the grounds for obligating the opposing party to produce it.

Article (34)

1. If the opposing party admits that the instrument is in his possession or he remains silent or the requesting litigant establishes the veracity of his request, the court shall order the instrument to be immediately produced or on the date set by it.
2. If the opposing party refuses to produce the requested instrument after he is given a time limit for one time, the copy produced by the requesting litigant shall be deemed as a carbon copy of the original. If the requesting litigant had not produced a copy of the instrument, the court may accept his statements as to the form and content of the instrument.
3. If the opposing party denies the possession of the instrument and the requesting litigant fails to submit to the court adequate evidence proving the veracity of his request, the requesting litigant may request that the court administers an oath to the opposing party that such instrument does not exist, he has no knowledge of its existence or whereabouts, he is not hiding it, or he did not neglect to search for it in order to prevent his requesting party from using it as evidence. If the opposing party refrains from taking the abovementioned oath and does not defer the oath to the requesting litigant or defers the oath to the requesting litigant who takes the oath, the copy produced by the requesting litigant shall be deemed as a carbon copy of the original. If the requesting litigant had not produced a copy of the instrument, the court may accept the requesting

litigant's statements as to the form and content of the instrument.

Article (35)

1. In commercial proceedings, a litigant may request that the opposing party produces an instrument related to the proceedings or gives him access thereto to peruse it, and the court shall order the same according to the following controls:
    a. The instrument must be specific or of a specific type;
    b. The instrument must be related to the commercial transaction, the subject matter of the proceedings, or leads to revealing the truth about the same; and
    c. The access to such instrument may not lead to the infringement of any right to trade secrets or any associated rights, unless the court decides otherwise under a substantiated decision.
2. If the opposing party refuses to produce the instrument to the requesting litigant as ordered by the court pursuant to the provisions of Clause (1) of this Article, the court may deem his refusal as a presumption of the veracity of the requesting litigant's claims.

Article (36)

In the course of the proceedings, even before the Court of Appeal, the court or the supervising judge, as the case may be, may, either sua sponte or upon a litigant's request, decide as follows:

1. To implead a third party to produce an instrument in his possession; or
2. To request an instrument from a public entity or a certified copy thereof to the effect of being identical to the original where the same is impossible for the litigant. The court or the supervising judge, as the case may be, may request the

public entity to provide, orally or in writing, the information in its possession relating to the proceedings, without prejudice to the provisions of the relevant legislation.

Article (37)

1. The court shall assess the implications of the material defects in an instrument in terms of invalidating it or diminishing its probative value, and may admit all or some of the content of such instrument.
2. If the validity of the instrument is in doubt for the court, then it may, on its own, subpoena its issuer or the person who executed it to give an explanation of the truth of the matter.

Article (38)

If a litigant produces an instrument as evidence in the proceedings, he may not withdraw the same without the consent of his opposing party and upon a written permission from the court or the supervising judge, as the case may be, and a certified copy thereof shall be kept within the case file annotated by the case management office as a true copy.

Article (39)

1. A claim of forgery may be made against formal and informal instruments, while the denial of handwriting, signature stamp, signature or fingerprint may be made only against informal instruments.
2. The litigant who claims forgery shall bear the burden of proving his claim. However, if a litigant denies issuing the informal instrument or his successor or representative deny

the same or denies knowing of such instrument, his opposing party shall bear the burden of proving that it has been issued by him or his successor.

3. If a litigant affirms the veracity of a signature stamp affixed to the informal instrument but denies that he has affixed the same to the instrument, he shall raise a claim of forgery.

Article (40)

If the person against whom an informal instrument is presented denies that the handwriting, signature, signature stamp or fingerprint attributed to him is his, or his successor or representative denies the same or denies knowing of the instrument, and the opposing party insisting on relying on the informal instrument which has a bearing on the dispute, and the facts and documents of the case are not sufficient to convince the court of the veracity of the handwriting, signature, signature stamp or fingerprint, then the court shall order verification by comparison and/or testimony of witnesses, pursuant to the rules and procedures stipulated in the present Law. However, witnesses may be heard only with respect to proving that the handwriting, signature, signature stamp or fingerprint has been affixed to the instrument.

Article (41)

1. The court or supervising judge, as the case may be, shall schedule a date for the appearance of litigants to submit all written instruments in their possession for comparison and agree on those instruments serving this purpose. If the litigant who bears the burden of proof is absent, without an acceptable excuse, the court may rule that his right to prove his claim be forfeited If his opposing litigant is absent, the court

may deem the instruments submitted for comparison valid for comparison purposes.

2. The litigant who challenges the veracity of the instrument shall appear in person to sit for a handwriting test on the scheduled date. If he abstains from appearing without an acceptable excuse or appears and abstains from sitting for the handwriting test, the court may adjudicate that the instrument is valid.

Article (42)

1. If the litigants fail to agree on the instruments valid for comparison, only the following shall be admissible:
    a. Handwriting, signature, signature stamp or fingerprint affixed to formal instruments;
    b. Part of the instrument under investigation whose accuracy is admitted by the opposing party;
    c. The litigant's handwriting or signature written by him or fingerprint affixed by him before the court; and
    d. Handwriting, signature, signature stamp or fingerprint affixed to ordinary instruments proved to be attributed to the litigant.
2. Denied handwriting, signature, signature stamp or fingerprint shall be compared to the handwriting, signature, signature stamp or fingerprint proved to be attributed to the party against whom the instrument under investigation is provided as evidence.

Article (43)

1. In case that the court has decided the veracity of the whole instrument, the contesting party may be sentenced to a fine not less than (AED 3,000) three thousand dirhams and

not more than (AED 10,000) ten thousand dirhams, without prejudice to the right of stakeholders to claim for compensation.

2. The fine shall not be multiplied in case of multiple successors or deputies, and no one of them shall be fined if his denial is merely for his lack of knowledge.

Article (44)

1. The claim of forgery may be raised whatever the status of the action is. The claimant of forgery shall specify all points of forgery alleged, his relevant evidence and the investigation procedures required to be followed for proving it. All of the above shall be stated in a memorandum to be submitted to the court, electronically filed or recorded in the electronic or paper transcript of the hearing.
2. In case that the claim of forgery has a bearing on the dispute and the case facts and documents are not sufficient to convince the court of the veracity or forgery of the instrument, and the court deems that the investigation requested by the claimant of forgery has a bearing on the dispute and is admissible, the court shall order the same.
3. The order of investigation into the claim of forgery shall be by way of comparison and/or hearing witnesses, in accordance with the rules and procedures set forth in this Part.

Article (45)

1. The claimant of forgery shall deliver the instrument claimed to be forged, if it is in his possession, or its copy reported to him to the case management office. If he abstains from delivering the instrument or the copy thereof, as the case may be, his right to claim forgery shall be forfeited, and his claim shall not be admitted thereafter.
2. If the instrument is in the litigant's possession, the court shall order him promptly deliver

the same to the case management office or order to seize and lodge it. If the litigant abstains from delivering the instrument and the court could not seize it, it shall be deemed as not found, and the same shall not prevent the subsequent seizure thereof, if possible.

3. In all cases, the judge presiding the hearing and the clerk shall sign the instrument before it is lodged with the case management office.

Article (46)

1. The party who claims that an instrument is forged may withdraw his claim before the completion of the investigation procedures. He may not claim forgery of the instrument following such withdrawal.
2. The party against whom the claim of forgery is raised may put an end to the procedures of investigation into the forgery, whatever the status of the procedures is, by waiving his insistence on the instrument claimed to be forged. In this case, the court may order either to seize or retain the instrument if so requested by the person claiming forgery for a legitimate interest.

Article (47)

The order to investigate into forgery shall stay the execution of the instrument claimed to be forged, without prejudice to the precautionary measures.

Article (48)

Even in the absence of the claim of forgery, the court may decide the rejection and invalidity of any instrument if it becomes clear, in the light of its condition or the facts of the case, that

it is forged. In such case, the court shall state in its judgment the circumstances and presumptions on which it depends to reach such conclusion.

Article (49)

1. If the claim of forgery against the instrument is decided to be rejected or if the right of the party claiming forgery to prove his claim is forfeited, the latter shall be sentenced to a fine not less than (AED 3,000) three thousand dirhams and not more than (AED 10,000) ten thousand dirhams, without prejudice to the stakeholders' right to claim for compensation.
2. The claimant of forgery shall not be fined if he withdraws his claim before the investigation procedures thereof are concluded, unless it is proven to the court that he intends cause harm to his opposing party or delay the adjudication of the action.
3. The claimant of forgery shall not be fined if part of his claim is proven to be true.
4. If an instrument is established to be forged, the court shall refer the same together with the copies of the relevant transcripts to the Public Prosecution to take the necessary actions.

Article (50)

Whoever apprehends that he may be protested against with a forged instrument may sue the party who holds or benefits from such instrument, in accordance with the procedures governing the institution of actions. While hearing such action, the court shall take into account the rules and procedures set out in this Part.

Article (51)

1. In cases where documentary evidence shall be allowed, documentary evidence may be replaced by judicial admission, assertory oath or the principle of documentary evidence supported by another means of proof, in matters where no particular provision is stipulated in this Law.
2. The principle of documentary evidence shall be applicable to any writing by a litigant, which would make the claimed act likely to exist.

Article (52)

Without prejudice to the State's obligations under the international conventions in force therein, the court may accept as evidence any paper or electronic instrument issued outside the State and endorsed by the competent authorities in the issuing state and the competent authorities in the State, unless contrary to the public order.

Part 4 Electronic Evidence

Article (53)

Subject to the other legislation in force in the State, electronic evidence shall be any evidence derived from any data or information generated, stored, extracted, copied, transmitted, reported or received via means of information technology on any medium, and which is retrievable in an understandable way.

Article (54)

Electronic evidence shall include the following:

1. Electronic record;

2. Electronic instrument;
3. Electronic signature;
4. Electronic seal;
5. Electronic correspondence, including emails;
6. Modern means of communication;
7. Electronic media; and
8. Any other electronic evidence.

Article (55)

Electronic evidence shall be subject to same provisions of the documentary evidence set forth in this Law.

Article (56)

Formal electronic evidence shall have the same probative value as formal instruments if it fulfills the conditions set forth in Clause (1) of Article (24) of the present Law, including the documents automatically generated by electronic systems of public entities or entities entrusted with a public service.

Article (57)

Informal electronic evidence shall be legally valid vis-à-vis the parties to the transaction in the following cases, unless otherwise is established:

1. If it is issued according to the legislation in force in this regard;
2. If it is generated from an electronic means set forth in the contract, subject of the dispute; or

3. If is generated from an electronic means which is authenticated or available to the public.

Article (58)

The litigant who alleges the invalidity of the electronic evidence set out in Articles (56) and (57) of the present Law shall bear the burden of proving his allegation.

Article (59)

Save as otherwise provided in Article (56) above, electronic evidence shall have the same probative value as informal instruments, pursuant to the provisions of this Law.

Article (60)

Electronic evidence shall be produced in its original format or by any other electronic means. The court may request the production of its content in writing, as long as its nature so permits.

Article (61)

If any of the litigants abstains from producing what is required by the court to verify the validity of the electronic evidence, without an acceptable excuse, his right to invoke the same shall be forfeited or it shall be legally valid vis-à-vis him, as the case may be.

Article (62)

In case of failure to verify the validity of the electronic evidence for a reason unattributed to the litigants, the court shall assess its probative value based on the circumstances of the

case.

Article (63)

1. Extracts of electronic evidence shall have the probative value prescribed for the electronic evidence itself, as far as such extracts are identical to its electronic record.
2. The provision of Clause (1) of this Article shall apply to the extracts of electronic payment methods.

Article (64)

Where no particular provision is provided in this Part, the provisions set forth in Part 3 of the present Law shall apply to electronic evidence, in so far as they do not contradict its electronic nature.

Part 5 Testimony Evidence

Article (65)

Unless otherwise provided, testimony evidence may be established.

Article (66)

1. Any transaction whose value exceeds (AED 50,000) fifty thousand dirhams or its equivalent or whose value is indefinite shall be established in writing.
2. Testimony evidence may not be established to prove the existence or termination of the transactions set forth in Clause (1) of this Article, unless otherwise stipulated in an agreement or a provision.

3. An obligation shall be assessed in terms its value at the time of conducting the transaction, without adding accessories to the original amount.
4. If the action includes several claims arising from multiple sources, testimony evidence shall be allowed in every claim whose value does not exceed (AED 50,000) fifty thousand dirhams or the equivalent, even if the aggregate value of such claims exceeds such value, and even if they arose from relations between the litigants themselves or from transactions of the same nature.
5. The value of the original obligation shall be the basis for proving partial fulfillment.

Article (67)

Testimony evidence shall not be allowed even if the value does not exceed (AED 50,000) fifty thousand dirhams or the equivalent in the following cases:

1. If the law stipulates that it shall be in writing in order to be legally valid or to be proved;
2. If the claimed amount is the remaining amount or part of a right that may only be established in writing;
3. If it contradicts or exceeds what is included in a written electronic or paper proof; and
4. If a litigant claims an amount that exceeds (AED 50,000) fifty thousand dirham, then he amends his claim to an amount not exceeding such value.

Article (68)

Testimony evidence shall be allowed in cases that should have been proved in writing in the following cases:

1. If the principle of documentary evidence, either electronic or paper, exists.
2. If there is a material or moral impediment that hinders obtaining a written electronic or paper proof. In case of absence of any person who can write the instrument or in case that the person requesting testimony evidence is a third party not a party to the contract, this shall be deemed as a material impediment. Kinship between spouses or relationship by blood or marriage shall be deemed as a moral impediment.
3. If it is proved that the plaintiff has lost his electronic or paper written instrument for a reason beyond his control; and
4. If the documentary evidence is challenged as containing matters prohibited by law or contradicting the public order or morals.

Article (69)

Testimony shall be given with regard to matters seen, witnessed or heard. Hearsay evidence shall not be admissible except with regard to matters that are often realized only through hearsay, such as:

1. Death;
2. Marriage;
3. Divorce;
4. Line of descent; and
5. Endowment and testament.

Article (70)

1. A person below the age of (15) fifteen years and a person who is immature shall not be eligible to testify.

2. Statements of a person below the age of (15) fifteen years may be heard for the purpose of guidance only.

Article (71)

1. Before giving testimony, the witness shall disclose any relationship with the parties to the action or any interest therein.
2. A person who uses testimony to ward off damage or realize an interest shall not be admitted. Moreover, the testimony given by ascendants for descendants, descendants for ascendants, one spouse for the other spouse, even after their separation, or custodians or guardians for the person under custodianship or guardianship shall not be admitted.
3. Employees, servants and persons in charge of a public service shall not, even after the termination of their employment, testify about information which may not be disclosed as authorized by the competent authority and may come to their knowledge during their employment, unless the competent authority authorizes them to testify at the request of the court or at the request of a litigant.

Article (72)

1. A litigant who seeks to establish a fact by testimony of witnesses shall indicate the facts that he wants to establish and the number and names of witnesses in writing or verbally at the hearing.
2. If the court or supervising judge, as the case may be, permits one of the litigants to establish a fact by testimony of witnesses, the opposing litigant has the right to disprove it by this means.

3. The operative part of a judgment or decision that orders testimony evidence shall state every fact to be proved and the day on which the investigation shall commence.
4. The court or the supervising judge, as the case may be, may, sua sponte or at the request of a litigant, subpoena any person it deems necessary to hear his testimony to reveal the truth.

Article (73)

If a litigant fails to bring his witness or summon him to appear at the scheduled hearing, his right to testify shall be forfeited. However, the court or the supervising judge, as the case may be, may order to bring the witness or subpoena the witness to appear at another hearing, without prejudice to any penalty established by the Law for such delay.

Article (74)

1. If the witness refuses to appear in response to the call of the litigant, the court or the supervising judge, as the case may be, the said litigant or the case management office, as the case may be, shall summon him to give his testimony, at least twenty-four hours before the date scheduled for hearing his testimony, excluding distance delays. In urgent cases, such time limit may be shortened.
2. If the witness is duly summoned to appear and fails to comply, the court or the supervising judge, as the case may be, may fine him an amount not less than (AED 1,000) one thousand dirhams and not more than (AED 2,000) two thousand dirhams.
3. If, after being fined, the witness fails to appear in the court, the court or the supervising judge, as the case may be, may impose a second fine against him of not less than (AED 2,000) two thousand dirhams and not more than (AED 10,000) ten thousand dirhams. If

he remains unwilling to appear, the court may issue a subpoena against him.

4. The decisions referred to in this Article shall be recorded at the hearing transcript and shall be non-appealable; however, the court or the supervising judge, as the case may be, may exempt the witness from the fine if he appears and furnishes an acceptable excuse.

Article (75)

1. If the witness appears and refuses to take the oath or abstains, without a legal excuse, from answering, he shall be sentenced to the penalty prescribed in the Penal Code.
2. If the witness has an excuse preventing him from appearing in the court and his testimony cannot be given via means of remote communication, the delegated or supervising judge, as the case may be, may relocate to him to hear his testimony.
3. In case that the investigation takes place before the court, it may delegate one of its judges for hearing the statements of the witness. The court or the delegated judge shall fix the date and place of hearing the witness's statements, and shall draw up a report to that effect to be signed by the delegated judge and the clerk.

Article (76)

1. Testimony shall be given orally and may be given in writing with the permission of the court or the supervising judge, as the case may be.
2. Testimony shall be given in the presence of litigants. Every witness shall be heard in private without the presence of other witnesses who have not yet given testimony, except for considerable exigency. Defense witnesses shall be heard at the same hearing during which prosecution witnesses are heard, unless there is an impediment to the contrary. If the investigation is adjourned, the decision pronouncing the adjournment

shall, in itself, serve as a subpoena to the present witnesses to appear at the next hearing, unless the court expressly exempted them from appearing.

3. The court may promptly hear the testimony of any witness present at its sole discretion, pursuant to the provisions of Clause (2) of this Article.
4. The witness shall take the following oath: "I swear by Almighty God that I will tell the truth, the whole truth, and nothing but the truth". The oath shall be taken, at the witness request, according to the rules of his religion or belief.
5. The absence of the litigant against whom the testimony is given shall not prevent the hearing of testimony, and he may review the witness hearing transcript.

Article (77)

1. The court or the supervising judge, as the case may be, may hear the testimony of witnesses via means of remote communication. Every witness shall be privately heard, unless the same is impossible. The transcript shall be signed by the judge and the clerk.
2. During remote trials, if the testimony of witnesses is impossible to be heard via means of remote communication for any reason whatsoever, the competent court or the supervising judge shall order that the witness appear in person. The order so issued shall indicate the chamber before which the witness shall appear and the hearing date.

Article (78)

1. Parties to the case or their attorneys may directly pose questions to the witness, provided that such questions are relevant to the case and useful for revealing the truth. The witness shall first answer the questions asked by the party who asked him to testify then the questions of the other party, and the party who questioned him first may question

him again. Once the party has completely examined the witness, the witness may be asked new questions only under the permission of the court.

2. The litigant may examine the witness in order to show his bias towards, relationship or friendship with one of the parties, or his credibility or his interest in the ultimate outcome and result of the case in question and whether he has been convicted of a felony or a crime involving moral turpitude or breach of trust.
3. In all cases, the witness may abstain from answering any question where the underlying purpose of which is to make him confess a crime committed by him or to compel him to be a witness against himself.
4. The court or the delegated or supervising judge may, either sua sponte or upon a request by the litigant, prevent questions from being addressed to the witness if the same were irrelevant to the subject matter of the case, intended to needlessly prolong the litigation process or inadmissible on the grounds of being in violation of the laws of the State, public order or ethics. In all cases, the judge shall keep the witness protected from any gesture or statement, whether implicit or explicit, which may result in thought disorder or frighten or abuse him.
5. The court or the delegated or supervising judge, as the case may be, may directly address to the witness any questions deemed useful for revealing the truth. Testimony shall be given orally and no written testimony shall be admitted unless authorized by the court or the delegated or supervising judge and where the case nature so requires. If the witness drops a particular matter that needs to be answered, the court or the delegated or supervising judge shall ask him about the same.

Article (79)

If the testimonies of witnesses are contradictory, the court shall admit such testimony to the extent that the court is satisfied that it is credible.

Article (80)

Testimony shall be recorded in a transcript showing the details of the witness, his relationship with the litigants, the text of his testimony and his answers to the questions addressed to him, and shall be read out to him. The witness shall sign the transcript. If the witness refuses to sign it, his refusal and the reason therefor shall be mentioned in the transcript.

Article (81)

1. The litigant against whom the testimony is given may show to the court or the supervising judge, as the case may be, the matters that would invalidate the testimony of the witness, i.e. challenging the witness or his testimony, and the court shall assess the effect of the same on the testimony.
2. The court or the supervising judge, as the case may be, may assess the fairness of witnesses in terms of their behavior and conduct and other circumstances of the case without the need for Tazkiyah (the mode of inquiry adopted by a court to satisfy itself as to the credibility of a witness). The court may, where appropriate, use methods it deems appropriate to assess the fairness of witnesses.

Article (82)

If the court or the supervising judge, as the case may be, finds, in the course of the proceedings or upon rendering a judgment on the merits, that the witness has given false

testimony, a report to that effect shall be drawn up and referred to the Public Prosecution for necessary actions.

Article (83)

1. Whoever fears to lose the opportunity for having a witness testify in respect of a matter not yet brought before the court but is likely to be brought subsequently, may raise a motion, vis-à-vis all parties involved, that this witness be heard. The motion shall be raised in a paper or electronic format on summary proceedings to the competent court, in accordance with the governing procedures. In case of necessity, the court shall hear the testimony of the witness where the incident in question is one that may be established by way of witness testimony.
2. The court may hear defense witnesses, based on the other litigant's request, to such an extent required by the urgency of the case.
3. Other than the above-mentioned matters, the governing rules and procedures shall apply to the testimony. In this case, a copy of the testimony hearing report may neither be delivered nor be submitted to the court unless the trial court, while considering the same, decides that the incident in question can be proven by way of witness testimony. In addition, the litigant may object before this court as to the admission of such evidence, and may request hearing defense witnesses in his own favor.

Article (84)

Witnesses shall not suffer any harm. The court or supervising judge, as the case may be, shall prevent any attempt to frighten or influence witnesses while giving their testimony.

Article (85)

The court or supervising judge, as the case may be, shall, at the request of the witness, assess the transportation costs and compensation for time spent by the witness. The court shall determine, where appropriate, the amount prescribed for the witness's expenses and the litigant entrusted with depositing the amount, which shall be incurred by the losing party, except in case of proportionate loss, where each litigant shall incur the same in proportion to his loss. The court shall state the same in the judgment rendered on the subject matter of the action.

Part 6 Presumptions and Res Judicata Evidence

Article (86)

1. Presumption established by law relieves the person in whose favor such a presumption was established from the need for any other means of evidence; however, such presumption may be rebutted by any other means of evidence, unless otherwise stipulated.
2. The court may infer other presumptions for the purpose of evidence in the cases where the testimony evidence is allowed, and shall indicate the significance thereof.
3. The court may use scientific means to infer presumptions.

Article (87)

Subject to the provisions set forth in the Code of Civil Procedure, judgments and judicial decisions terminating the litigation as well as payment orders that have res judicata shall be binding with respect to the litigation settled thereby, and no evidence that would rebut such binding force shall be admissible. However, such judgments and judicial decisions

terminating the litigation or payment orders shall not have such binding force, except in a dispute arising between the same litigants themselves without changing their capacities and where such dispute relates to the same right in terms of object and cause. The court shall, sua sponte, decide such binding force.

Article (88)

The court shall not be bound by the penal judgment on the case pending before it, except in the facts adjudicated by such judgment and such adjudication is essential. However, the court shall not be bound by the judgment of acquittal, except if it relies on denying that the facts are attributed to the convict.

Part 7 Custom Evidence

Article (89)

As for matters where no particular provision or an agreement between the parties is provided herein, and without prejudice to the public order, custom or normal practice among the litigants may be used as evidence.

Article (90)

1. A litigant who relies on custom and normal practice among litigants as evidence shall establish the existence thereof at the time of the incident.
2. Any litigant may challenge the establishment of custom and normal practice among litigants, and may rebut the same by stronger evidence.

Article (91)

In case of conflict, normal practice among litigants shall prevail and special custom shall have priority over general custom.

Article (92)

The court may, where appropriate, assign an expert to verify the establishment of custom and normal practice among litigants, pursuant to the provisions set forth in Part X of the present Law.

Part 8 Oath Evidence

Article (93)

1. An assertory oath is an oath taken by a litigant to refute his opposing party's claim, and the litigant may administer the assertory oath to his opposing party pursuant to the provisions set out in this Part.
2. A suppletory oath is an oath taken by a litigant to complete evidence. A suppletory oath may not be administered to the opposing party pursuant to the provisions set out in this Part.

Article (94)

1. Either litigant may administer the assertory oath to the other litigant whatever the status of the action is, provided that the incident regarding which the oath is administered shall relate to the person to whom the oath is administered. If such merit is not personal, the oath shall relate to the person's mere awareness thereof. However, the judge may

prevent the administration of oath if the litigant administers the oath in an abusive manner.

2. The litigant to whom the assertory oath is administered may defer it to his opposing party; however, the oath may not be deferred if it relates to an event not involving, but only the litigant to whom the oath is administered shall take the oath.
3. The litigant who administers or defers the assertory oath may not recede if the opposing party agrees to take the oath.

Article (95)

1. The person taking the oath shall have the capacity to act in the matter for which he takes the oath.
2. An oath may not be taken by proxy; however, administration of the oath, acceptance to take the oath, abstaining from taking the oath and deferral of the oath may be made under a special power of attorney.

Article (96)

1. The oath shall be taken if the person taking the same says, "I swear by the Almighty God to say all the truth, the whole truth and nothing but the truth". The oath shall, at the request of the person taking the oath, be taken according to his religion or belief.
2. The oath shall be taken as per the wording approved by the court.

Article (97)

1. An oath may not be administered in relation to any incident contrary to public order.
2. The court shall refuse administration of an oath if it does not relate to the action, has no

bearing on evidence or is not admissible, and the court may also refuse administration of the same if the litigant administers the same in an abusive manner.

Article (98)

1. If a plaintiff fails to establish evidence and request his opposing party to take the oath, he shall take the oath. If he refuses to take the oath, the oath shall be deferred to the plaintiff at request of the defendant. If the plaintiff refuses to take the oath deferred thereto, his action will be dismissed.
2. The oath shall not be deferred if it relates to a fact only known by the defendant who shall be sentenced if he refuses to take the oath.
3. A plaintiff may request his opposing party to take the oath, unless the action is adjudicated by a final judgment.
4. The party who administers or defers the oath may not withdraw the same if the opposing party agrees to take the oath.

Article (99)

The litigant may not prove the false oath after the oath is taken by the opposing party to whom the oath was administered or deferred. However, if an oath is proved to be false under a penal judgment, the injured litigant may claim for compensation, without prejudice to any right he may have to challenge the judgment rendered against him due to the false oath.

Article (100)

A custodian, guardian, endowment administrator and the like may administer the oath,

abstain from taking the oath or defer the oath in relation to the authorized matters. The assertory oath shall be administered to them on the matters carried out by them.

Article (101)

The party administering the oath to his opposing party shall indicate precisely the incidents regarding which the oath is to be taken and the wording of the oath shall be clearly stated. The court may amend the wording of the oath in such a manner as to show clearly and precisely the incident regarding which the oath is to be taken.

Article (102)

The oath shall be taken in the presence of the party requesting to administer it unless he decides not to attend the hearing at which the oath with be taken or fails to attend though he knows the date of the hearing.

Article (103)

1. The party who is subpoenaed to appear before the court to take the oath shall appear.
2. If the party to whom the oath is administered appears in person and does not challenge its admissibility or its relevance to the lawsuit, he shall take the oath immediately or defer it to his opposing party; otherwise, he shall be deemed to have declined the oath. If he fails to appear without an excuse, he shall be deemed to have declined the oath.
3. If the party to whom the oath is administered appears in person and challenges its admissibility or its relevance to the lawsuit, he shall indicate the same. If the court is not satisfied of the same, he shall take the oath, otherwise, he shall be deemed to have declined the oath.

Article (104)

1. If there are several persons taking the oath, several oaths shall be taken, unless they share one right or they are satisfied with one oath.
2. If there are several parties to whom the oath is administered, several oaths shall be taken.
3. The court may rely on only one oath if there are several requests.

Article (105)

1. The judge may, sua sponte and whatever the status of the action is, administer the suppletory oath to either litigant to base thereon its judgment on the subject matter of the action or the value subject of the judgment, provided that the action does not have complete evidence nor shall it be void of any evidence.
2. The litigant to whom such suppletory oath is administered may not defer it to the opposing party.

Article (106)

The suppletory oath shall be taken by custodians, guardians, endowment administrators and the like on matters carried out by them.

Part 9 Inspection

Article (107)

1. The court or the supervising judge, as the case may be, may, either sua sponte or at a litigant's request, decide to inspect the disputed object. The court shall include in the

inspection decision the date, place and method of inspection. The court may delegate one of its judges to carry out such inspection or delegate an expert to move and carry out the inspection. The absent litigant shall be notified at least (24) twenty-four hours before the scheduled date. A report shall be drawn up to indicate all the functions related to the inspection.

2. The court or the supervising judge, as the case may be, may delegate an expert to provide assistance in the inspection. The court may hear the testimony of any witnesses deemed appropriate to be heard and they shall be subpoenaed to appear through a request, even verbal, to be addressed by the clerk.

Article (108)

1. Whoever fears the loss of the distinguishing features of an incident, which may become disputable before courts, may request its inspection and establishment of its current status and submit a statement of claim for summary proceedings to the competent court according to the governing procedures. The inspection and establishment of the current status shall be made pursuant to the provisions of Article (107) of the present Law.
2. Where a summary proceeding is instituted, the court may delegate an expert to move, carry out inspection and hear the statements of witnesses he deems necessary. The court shall schedule a hearing to hear the litigants' comments on the expert's report and functions, in accordance with the rules set out in Part 10 of the present Law.

Part 10 Experts

Article (109)

1. The court or supervising judge, as the case may be, may, sua sponte or at a litigant's

request, decide to assign one or more expert(s) selected from the civil servants or experts, or assign a local or international consulting firm enrolled in the roll of experts, pursuant to the laws in force in this regard, in order to solicit their opinion on technical matters required for adjudicating the case.

2. When selecting an expert, his technical knowledge and expertise shall be appropriate for the subject matter of the dispute.
3. If the litigants agree on selecting one or more expert(s), the court shall approve their agreement.

Article (110)

If the expert is not enrolled in the roll of experts, he shall take an oath, before the entity assigning him, whether the court or the supervising judge, as the case may be, that he will carry out his task faithfully and honestly; otherwise, his task will be null and void. The appearance of the litigants when the expert takes oath is not required. There shall be drawn up a record of oath-taking which shall be signed by the judge and kept in the case file.

Article (111)

The operative part of the expert assignment decision shall include a detailed description of his task and powers, the date scheduled for filing the report, the hearing scheduled to consider the report, whether or not it is filed, and the urgent measures he is authorized to take.

Article (112)

1. The court shall, where appropriate, fix the amount to be paid to the expert, identify the

litigant liable to deposit such amount and set a time limit for the same.

2. Where such litigant fails to deposit the amount to be paid to the expert within the time limit, the other litigant may deposit the same, without prejudice to his right to recourse against his opposing party.
3. If neither litigant deposits the amount, the court may decide to suspend the case for a non-renewable period not exceeding one month until the deposit is made, as long as the adjudication thereof is pending on the expert's report, or the litigant's right to revoke the assignment decision is decided to be forfeited if the court deems that the excuses provided thereby are unacceptable.

Article (113)

Before performing the task, the expert shall disclose any relationship with the parties to the case or any interest he has therein. If the expert fails to make such disclosure, the court shall decide to remove him and order him to refund the amounts he has received, and the judgment shall be final and non-appealable, without prejudice to the disciplinary penalties and the right of stakeholders to claim compensation from him.

Article (114)

1. Either litigant may request to disqualify the expert if a reason pertaining to him makes it probable that he will be unable to perform his task impartially. In particular, the expert may be disqualified if he is a relative or an in-law of one of the litigants up to the fourth degree; an attorney-in-fact of any litigant in his private business; a custodian or guardian of any litigant or an endowment administrator or the like; works for one of the litigants; or has outstanding litigation with one of the litigants unless such litigation arises after

the appointment of the expert with the intent of disqualifying him.

2. A motion for disqualification may not be accepted by the litigant who called the expert at his choice, unless the reason for disqualification has occurred following his assignment. In all cases, a motion for disqualification may not be admitted after closing the pleading.
3. The expert shall be notified of the disqualification motion filed against him, and shall be given a time limit not exceeding (2) business days to respond thereto.
4. The court or the supervising judge, as the case may be, shall decide on the disqualification motion within (3) business days from the date of submission of the expert's response or from the expiry of the time limit prescribed for giving the response. The judgment rendered in the motion shall be final and non-appealable.

Article (115)

In order to perform his task, the expert may:

1. Hear the statements and comments of litigants, and any person whose statements are required if so authorized by the assignment decision;
2. Request the litigants or other persons to deliver or grant him access to books, records, documents, papers or stuff he deems necessary to perform his task; and
3. Inspect facilities, places and objects required to be inspected to perform his task.

Article (116)

1. No person shall abstain, without legal justification, from enabling the expert to perform his task, pursuant to the provisions of Article (115) of the present Law. In this case, the expert shall refer the matter to the court, which may decide what it deems appropriate, including obligating the abstainer even by coercive force where required.
2. The expert shall report to the court or supervising judge, as the case may be, if his task is

hindered by an obstacle which prevented him from pursuing his task or if the task requires wider scope, and in which case the court shall decide what it deems appropriate.

Article (117)

1. The expert shall draw up a report on his work, which shall include the following:
    a. A description of the task entrusted to him according to the assignment decision;
    b. The functions carried out by him in detail and the statements of litigants and other persons, along with the documents and evidence provided thereby and the technical analysis thereof;
    c. Opinions of experts whose assistance is sought; and
    d. The result of his work, his technical opinion and the grounds he relied on precisely and clearly.
2. In case of multiple experts, they shall draw up one report. If their opinions are different, they shall mention in the report their respective opinions and the grounds therefor.

Article (118)

1. If the expert fails to carry out his task without an acceptable excuse, performs it negligently or files the report beyond the scheduled date, without justification, he shall be served a notice within a time limit not exceeding (5) five business days from the same. If he fails to response within the said time limit, the court shall disqualify him and order him to refund the amounts he has received, without prejudice to the disciplinary penalties and the right of stakeholders to claim compensation from him.
2. The decision disqualifying the expert and obliging him to refund the amounts he has

received shall be final and non-appealable.

3. If the court or supervising judge, as the case may be, finds that the delay is caused by one of the litigants fault, it shall order such litigant to pay a fine of not less than (AED 3,000) three thousand dirhams and not more than (AED 10,000) ten thousand dirhams, and may rule that his right to rely on the expert assignment decision be forfeited.

Article (119)

1. The expert shall lodge with the case management office his paper or electronic report, which shall be signed by him and which shall contain the information referred to in Article (116) of the present Law.
2. Before filing his final report, the expert shall deliver to the litigants a copy of his initial report and grant them a time limit of not less than (3) three business days for receiving their respective comments and observations on his initial report and responding to the same within (5) five business days. He shall also submit his final report to the court or supervising judge according to the rules set forth in Clause (1) of this Article, and shall send a copy of such final report to the litigants within the (3) three business days following the filling of the report.
3. The parties shall not file new objections to the expert report after being filed by the expert with the court unless such objections are novel and based on evidence that could not occur except after the expert report is filed with the court.

Article (120)

If the expert's task is completed, he shall return all papers, documents or other stuff he has received within (10) ten business days from the task completion date. In case of his

abstention, without and acceptable excuse, he shall be ordered by the court to hand over what he has received and to pay a fine of not more than (AED 10,000) ten thousand dirhams. The court's judgment shall be final and non-appealable.

Article (121)

The court or the supervising judge, as the case may be, may, sua sponte or at a litigant's request, at any stage of proceedings, take any of the following actions:

1. Summon the expert at a hearing scheduled by the court to discuss his report, either orally or in writing, and may ask him any questions, as it deems appropriate;
2. Allow the litigants to discuss the expert;
3. Order the expert to correct deficiencies in his work and address shortcomings or errors detected by the court which may assign one or more expert(s) to jointly work with the previously assigned expert; and
4. Assign another expert or experts to correct deficiencies in the previous expert's work and address shortcomings or errors detected therein or re-consider the matter in question. The new expert assigned by the court may use the previous expert's information.

Article (122)

1. The litigants may, even before the action is instituted, agree to accept the result of the expert's report and the court shall rely on their agreement, unless the report includes items contrary to the public order.
2. Without prejudice to the provision of Clause (1) of this Article, the expert's opinion shall not be binding on the court. If the court does not rely on the expert's opinion in whole or

in part, it shall indicate the reasons therefor in its judgment.

3. If the court does not rely on the expert's report, in whole or in part, due to the expert's negligence or fault, it may order him to return all or some of stuff he has received, as the case may be, without prejudice to the disciplinary penalties and the right of stakeholders to claim compensations from him.

Article (123)

The litigant who loses the claim, the subject matter of the expert's testimony, shall incur the amount prescribed for the expert, unless the loss is proportionate where every litigant shall incur the same on a pro rata basis. The court shall indicate the same in the judgment on the subject matter of the action.

Article (124)

1. Notwithstanding the procedures regulating the profession of experts, the court or supervising judge, as the case may be, may, based on a decision to be recorded in the hearing transcript, assign an expert to orally express his opinion on a simple technical matter that do not require a prolonged or complicated work, and the court may decide that the opinion shall be given in writing.
2. The court or the supervising judge, as the case may be, may schedule in the decision the date of the hearing at which the expert will provide his opinion orally or the time limit within which the written opinion shall be provided.

Article (125)

The court may rely on an expert's report submitted in another case instead of seeking

assistance of an expert in the case, without prejudice to the litigants' right to discuss the matters set out in this report.