

## **Federal Law No. (11) of 2009 Concerning Martial Laws**

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

- Having reviewed The Constitution;
- Federal Law No. (1) of 1972 concerning the competences of Ministries, and powers of Ministers, as amended;
- Federal Law No. (6) of 1973 on immigration and residence, as amended;
- Federal Law No. (10) of 1973 on the Federal Supreme Court, as amended;
- Federal Law No. (11) of 1976 concerning firearms, ammunitions, and explosives, as amended;
- Penal Code promulgated by Federal Law No. (3) of 1987, as amended;
- Law of Criminal Procedures promulgated by Federal Law No. (35) of 1992, as amended;
- Federal Law No. (1) of 2004 on the fighting Terrorist Crimes;
- Federal Law No. (8) of 2006 concerning the Armed Forces;
- Federal Law No. (17) of 2006 on the Supreme Council for National Security; and
- Based on the submissions made by the Minister of Defense, and the approval of the Deputy Supreme Commander of the Armed Forces, the Cabinet, and the National Federal Council, and endorsement of the Supreme Council of the Federation,

**Enacted the following law:**

### **Chapter One**

#### **Definitions**

##### **Article (1)**

The following words and phrases shall have the meanings respectively assigned next thereto, unless the context otherwise requires:

**State**                      : the United Arab Emirates.

<b>President of State</b>	: President of the United Arab Emirates.
<b>Armed Forces</b>	: The Armed Forces of the State.
<b>Martial Law</b>	: A set of rules and extraordinary measures applied by the State under emergency conditions allowing it to temporarily disrupt all or some of the laws in force so as to ward off and dangers threatening the country. The body that shall undertake the responsibility of conducting the legislative, judicial and executive State matters upon declaration of the Martial Law as determined by the Federal Decree on the Declaration of Martial Law.
<b>Executive Authority</b>	: Temporary courts formed by order of the Executive Authority for considering any crimes committed during the application of Martial Law, and which shall be of two types (Martial Courts for Misdemeanor and Martial Courts for Felonies).

## Chapter Two

### Declaration of Martial Law and its Procedures

#### Article (2)

Martial Law may be declared in the cases of necessity as follows:

1. Exposure of the State's public security or an area thereof to danger, because of war or armed aggression, or in cases of the emergence of a State of affairs that heralds their occurrence, or the occupation of any part of the State's territories.
2. Occurrence of turmoil at home or abroad which would probably extend into the State or impact the security, economic, and political situations in the State massively.
3. Occurrence of public disasters or rampant epidemic.
4. The desire to secure the Armed Forces of the State, secure its supplies, and protect its roads and transportation means and any other means related to its activities and military operations inside or outside the State.

### Article (3)

1. Martial Law shall be declared according to a federal decree issued after the approval of the Supreme Council of the Federation, in response to a suggestion by the President of the State, and approval of the Federation Cabinet, in the cases of necessity mentioned in the previous article, and this decree shall be submitted to the Federal National Council at its first meeting, and shall contain the following:
  - a. Statement of the case of necessity which led to declaring the Martial Law.
  - b. The area or areas covered by Martial Law.
  - c. Date of starting the application of Martial Law.
  - d. Statement of the Executive Authority which shall undertake the execution of the emergency powers contained in the decree, and this Authority can be military or civil.
2. Ministries, Government Departments, Authorities, and Federal and Local Public Corporations and Private Sector shall implement all orders, instructions, and guidance issued by the Executive Authority, regardless of the competences, tasks, and duties entrusted to it or the activities that it performs, in accordance with the provisions of Article (5/4) of this Law.
3. All matters related to managing the State affairs shall be subject to the discretion of the Executive Authority which may disrupt all or some of the laws, regulations, and local and civil federal agencies; but may not disrupt the meetings of Federal National Council or impair the immunity of its members during the application of Martial Law in accordance with the provisions of the Constitution.
4. Martial law shall be lifted according to a decree issued by the President of the State according to the same measures of declaring it, when the necessity for the declaration thereof is over; and in all cases the term of applying Martial Law shall not exceed six months or the end of the circumstances that necessitated the declaration, whichever is less. In the event of persistence of the circumstances which necessitated the declaration of Martial Law, this term may be renewed for other similar terms, and in this case, the application of Martial Law shall be made according to a federal decree.

5. The Supreme Council for National Security may submit to the State's President a recommendation to take measures declaring martial laws as stipulated in this Law

### **Chapter Three**

#### **Measures and Orders of the Executive Authority Enforcing Martial Law**

##### **Article (4)**

The Executive Authority enforcing the Martial Law may take, by declaration or by written orders, all or some of the following measures:

1. Imposition of restrictions on the individuals freedom as concerning assembly, travel, residence, and passing by certain public places or at certain times; arresting any suspected people or those who threaten public security and order; and sanctioning inspection of people, places and means of transportation at any time by day or night, without applying any provisions or procedures except those contained in the orders issued by the Executive Authority.
2. Preventing any gathering, demonstration, sit-in, meeting, or general strike, which may be also be dispersed using the appropriate force if necessity so requires.
3. Stopping the activity of any club, association, body, organization, center, or community which has an adverse effect on the public security or order, or imposing restrictions on it.
4. Imposition of censorship on newspapers, publications, leaflets, drawings, and all means of expression, propagation, and advertising prior to their publication; closing the printing premises thereof; and seizure and confiscation of the materials that incites to disorder or breaching the public security and order.
5. Imposition of censorship on parcels, mails, telegrams, and telephone communications, including communications via the Worldwide Web (the Internet), the domestic (Intranet), or any other means of communication.
6. Determining the times of opening or closing for the public stores, or ordering the closure of some or all of them.
7. Determining the prices of goods, and preventing monopoly.
8. Withdrawal of import and export licenses of arms, ammunition, explosives; as well as the licenses of holding or possession thereof, or ordering the seizure thereof, whenever

they are, and closing their warehouses.

9. Banishment of non-citizens whose presence is believed to threaten the State's security or detaining them in a safe place if setting them free can lead to breaching the public security and order.
10. Evacuation or isolation of some areas, and organizing, identifying and restricting the means of transportation leading thereto.
11. Temporary seizure of the means of transport or of any facility, institution, company, store, building, or movable item, taking into account maintaining the owners' right to an appropriate compensation.
12. Preventing people from doing certain actions, or assigning them to perform certain ones, while maintaining their right to appropriate compensation or remuneration.
13. Imposition of any measures which the Executive Authority deems appropriate to maintain the public security and order.

### **Article (5)**

1. The Armed Forces and the Security and Police Authorities or any other authority specified by the Executive Authority shall undertake the execution of orders issued by the latter.
2. Those in charge of the execution of the orders of the Executive Authority shall have the capacity of Judicial Officers.
3. Those in charge of the execution of orders of the Executive Authority shall use the appropriate force if necessity so requires.
4. Every employee, within the limits of his powers and everyone else within the limits of his capabilities shall assist in the execution of those orders.

## **Chapter Four**

### **Martial Courts**

#### **Article (6)**

The Executive Authority may form Martial Courts for the consideration of crimes committed during the enforcement period of the Martial Law as follows:

1. Martial Courts for Misdemeanors and its Competences:
  - a. Formed of a President and a sufficient number of military, civilian judges, or both. It consists of one or more circuit and shall issue its rulings by a military or civilian judge.
  - b. The martial courts for misdemeanors, during the enforcement period of martial laws, shall be competent to examine the following crimes:
    1. Misdemeanor Crimes.
    2. Crimes determined in order of the Executive Authority and punishable by imprisonment or a fine.
    3. Misdemeanor crimes affecting State security.
    4. Rule upon the grievances submitted by arrested or detained persons and extending their orders of detention.
2. Martial Courts for Felonies and its Competences:
  - a. Formed of a president and a sufficient number of military, civilian judges, or both. It consists of one or more circuit and shall issue its rulings in a tribunal formed of three judges.
  - b. The martial courts for felonies, during the enforcement period of martial laws, shall be competent to examine the following crimes:
    1. Felonies.
    2. Crimes determined in order of the Executive Authority whose least punishment is imprisonment.
    3. Felonies affecting State security.
3. All judges shall be selected by the Executive Authority.
4. The assembly of the said martial courts shall be valid only in the presence of a representative of the Public Prosecution to be chosen from members of the Military or Public Prosecution by the Executive Authority as the case may be.
5. Each Court shall have a secretary who is entrusted with writing the trial's procedures, under the court's president's supervision, in a record which he and the court president sign.

### **Article (7)**

The Executive Authority may order referral to the Martial Courts in common law offenses, provided that they should explain such crimes in detail in the referral decree issued by them.

### **Article (8)**

The Executive Authority may, necessity so requires, order the formation of Martial Courts from among the Officers of the Armed Forces with legal background, and the court shall in this case apply the procedures set by the Executive Authority in its order of formation. One of the officers of the Armed Forces shall act as the Public Prosecution representative, and the jurisdiction of such courts shall expire upon the expiry of the purpose for which they were formed.

## **Chapter Five**

### **The Provisions of Arrest**

#### **Article (9)**

1. Any person may be immediately arrested if he violates the instructions of the Executive Authority, or commits any of the crimes specified in the orders issued by it.
2. Any person who shall be arrested shall be promptly notified of the rationales for arrest and shall be treated as a prisoner on remand.
3. The detainee or his legal representative may express grievance against the action taken against him pursuant to the application of Martial Law.
4. The grievance can be made through a request submitted to the competent martial court and the court shall decide thereupon by a decision with a statement of the rationales within a period not exceeding seven days from the date of submittal, after hearing the statements of both the applicant and the representative of the prosecution.

#### **Article (10)**

The arrested person shall be brought before the Martial Court within a period not exceeding fifteen days from the date of arrest, and the Court may order his release on bail or retain him

in custody for a period not exceeding ninety days extendable for one similar period.

### **Article (11)**

1. The Executive Authority may drop the case prior to referral to the Court.
2. The Executive Authority may order interim release of the detainee before referring the case to the Martial Court.

## **Chapter Six**

### **Investigation and Trial Procedures**

#### **Article (12)**

1. Except as stipulated by the procedures of the present law or the orders issued by the Executive Authority, the provisions contained in the Code of Penal Procedures shall be applied in the investigation of cases which the Martial Courts are to settle, and are to consider their procedures, pass verdicts thereon, and implement the punishments *res judicata*, and such procedures may be reduced by an order of the Executive Authority.
2. Upon the investigation, the representative of the Public Prosecution shall have all authorities and powers conferred upon him by virtue of the law.

#### **Article (13)**

The Martial Court may, during the consideration of the case, issue a decision of interim release of the detainee.

#### **Article (14)**

1. Subject to the provisions of Article (6) of the present law, a competent Judge shall be mandated, pursuant to a resolution issued by the Executive Authority, and assisted by a sufficient number of judges and staff, to verify the authenticity of the procedures, examine the grievances of the concerned people, and give his opinion thereupon. The said judge shall, for every felony, deposit a memorandum explaining his opinion and submit it to the Executive Authority prior to the verdict's ratification.



2. In the cases of urgency, the mandated judge may limit his opinion to writing it on the verdict papers margins.

### **Article (15)**

The claims of civil rights shall not be accepted by the Martial Courts.

### **Article (16)**

1. The judgments issued by the Martial Courts shall not be challenged by any means.
2. The judgments issued in felonies and crimes threatening the State's security shall be final and enforceable only after approval by the Executive Authority.
3. If the verdict issued was death penalty, it shall be enforceable only after ratification by the President of the State.
4. President of the State shall have the right to pardon the convicted person or replace the death penalty with a lesser one, in accordance with the provisions of the Constitution.

### **Article (17)**

The Executive Authority may, in the case of passing an acquittal judgment in a felony or an offense threatening the State's security, order its abrogation and order a new trial before another Martial Court formed of different judges, and in all events if a new acquittal verdict is passed, it should be ratified by the Executive Authority.

### **Article (18)**

The Executive Authority may, after ratification of the verdict of indictment, order to rescind it and drop the lawsuit, or reduce or replace the punishment, or stop the implementation thereof provided that such decision is based on specified rationales.

### **Article (19)**

1. Upon expiry of the Martial Law, Martial Courts shall continue to consider the cases referred thereto during the validity of Martial Law in accordance with the procedures to

be followed before them.

2. The cases in which the defendants were not referred Martial Courts shall be referred to the competent courts, and the applicable procedures shall be followed.

### **Article (20)**

1. The provision of the first item of the previous article shall be applied on the lawsuits upon which the Executive Authority decides re-trial in accordance with the provisions of this Agreement.
2. The Executive Authority shall retain all authorities prescribed by virtue of the provisions of this law, as concerning both the verdicts passed by Martial Courts before lifting Martial Law and which were not ratified, or for the verdicts passed after retrial.

## **Chapter Seven**

### **Punishments**

#### **Article (21)**

Anyone who violates the orders issued by the Executive Authority shall be punished according to the punishments prescribed in such orders; and such punishments may not exceed imprisonment for two years and paying a fine of not more than AED 100,000 (Dirhams one hundred thousand) or by either punishment.

#### **Article (22)**

Anyone who violates the orders issued by the Executive Authority shall be punished by imprisonment for a period not exceeding six months and by a fine of not more than AED 50,000 (Dirhams fifty thousand), or by either punishment in case of no punishment is stipulated in such orders.

## **Chapter Eight**

### **Final Provisions**

#### **Article (23)**

Implementation of this law shall not entail prejudice to the rights and powers assigned to the Commander of Military Forces in the time of war in the area of military operations.

#### **Article (24)**

Competent authorities, in their respective areas, shall implement the provisions of this law.

#### **Article (25)**

This present law shall be published in the Official Gazette and shall come into force as of the day following the date of publication.

**Khalifa Bin Zayed Al Nahyan**

**President of the United Arab Emirates**

Promulgated by us at the Presidential Palace, Abu Dhabi on:

Dhu al-Hijjah 19, 1440 Hijri

December 6, 2009