

Federal Decree by Law No. 24 of 2021
on Concerning the Accountability of Ministers and Senior Federal Officials

We Khalifah Bin Zayed Al Nahyan

UAE President,

- Having reviewed the Constitution; and
- Federal Law No. (1) of 1972, Concerning the Competences of Ministries and Capacities of Ministers, and its amendments thereof; and
- Federal Law No. (10) of 1973, Concerning the Federal Supreme Court, and its amendments thereof; and
- Federal Law No. (3) of 1983, Concerning the Federal Judicial Authority, and its amendments thereof; and
- Federal Law No. (3) of 1987, Promulgating the Penal Code and its amendments thereof; and
- Federal Law No. (35) of 1992, Promulgating the Code of Criminal Procedures, and its amendments thereof; and
- Federal Law No. (36) of 1992, Concerning rehabilitation; and
- Federal Decree by Law No. (4) of 2004, Establishing and Organizing the Ministry of Presidential Affairs; and
- Federal Law No. (8) of 2011, Reorganising the Audit Bureau; and
- Federal Decree by Law No. (14) of 2018, Concerning the Central Bank and the organisation of financial facilities and activities, and its amendments thereof; and
- Based on what was presented by the Deputy Prime Minister and Minister of Presidential Affairs, and the approval of the Council of Ministers.

Have promulgated the following Decree by Law:

Article (1)

Definitions

In the application of the provisions of this Federal Decree by Law, the following words and expressions shall have the meanings ascribed to each of them, except where the context otherwise requires:

State	: United Arab Emirates.
The Supreme Council	: The Federal Supreme Council.
Council of Ministers	: The Council of Ministers of the Federation.
Federal Government	: The Federal Government of the State.
Competent Minister	: Minister of Presidential Affairs.
Court	: Federal Supreme Court
Public Prosecution	: Federal Public Prosecution
Attorney General	: The Attorney General of the Federation
Senior Officials	: Ministers and Senior Federal Officials appointed by Federal Decrees
Minister	: The Minister is a member of the Council of Ministers, the Minister of State, and those appointed at the rank of Minister
Official	: A Non-Ministerial Senior Federal Government employee, appointed by Federal Decrees
Accountability Case	: A criminal accountability case for Senior Officials, or a disciplinary case for Senior Federal Government Officials appointed by Federal Decrees

Article (2)

Scope of Application

1. The provisions of this Decree by Law shall apply to Senior Officials in the Federal Government, in respect of what they do in the performance of their official jobs.
2. Permission from the Supreme Council may not change the filing of accountability case

by the Public Prosecution, for the acts stipulated in Clause (1) of this Article.

3. The Supreme Council may authorise the President of the State to issue the permission stipulated in Clause (2) of this Article. In this case, the President of the State shall have the same powers resolved for the Supreme Council as stipulated in this Decree by Law.

Article (3)

Receiving complaints and notices against Senior Officials

1. The Public Prosecution receives complaints, notices and Audit Bureau reports submitted against any of the Senior Officials.
2. If the complaint or notice is related to an Official, the Attorney General shall notify the Council of Ministers and the Competent Minister, and the Public Prosecution shall initiate the investigation.
3. If the complaint or notice is submitted against a Minister, it shall be referred on a confidential basis to the Competent Minister before investigating it. If the Competent Minister assesses their seriousness and they involve facts that require accountability, or there are serious indications of the validity of the facts attributed to the Minister that constitute criminal offenses, he shall refer them, after the approval of the Prime Minister, to the Public Prosecution to undertake the investigation.
4. The Prime Minister may assign whoever replaces the Minister to perform his duties and exercise his powers until the investigation is completed.

Article (4)

Investigation and Filing an Accountability Case by the Public Prosecution

1. The investigation with Senior Officials shall be initiated by a member of the Public Prosecution with the rank of at least a Solicitor General.
2. If the investigation concludes that the facts are attributed to the minister or one of the officials are correct, and the Public Prosecution assesses that the facts constitute acts in the performance of his job that require criminal or disciplinary accountability, the Public Prosecutor shall submit to the competent minister a report that includes the accusation and the evidence supporting it, in accordance with the conclusions of the investigation,

in order to obtain the approval of the Chairman of the Board Ministers to submit the matter to the President of State, to authorise the filing of the case by the Supreme Council.

3. If the Public Prosecution decides to close the investigation, the Public Prosecutor shall notify the Competent Minister of the decision to close the investigation and reasons thereof, so that he will present the matter to the Prime Minister to take what he deems appropriate in this regard if the matter is related to one of the ministers, or he shall inform the Council of Ministers and the Competent Minister of the closure decision if the matter is related to an official.

Article (5)

Precautionary orders and grievance against resolutions thereof

1. The Public Prosecutor may issue a resolution prohibited the minister or official from traveling, freezing his funds or the funds of his spouse and minor children, or preventing him from disposing of all or some of the funds, if the public interest requires this procedure.
2. The grievance against the Public Prosecutor resolution to prohibit travel, freeze funds, or prevent disposing thereof shall be based on a report submitted to the court to decide on the grievance within two weeks from the date of submission thereof. If the court rejects the grievance, it is not permissible to appeal against its resolution by any means, and it is not permissible to submit a new grievance before the lapse of three months from the date of the court rejection, unless something necessitates after the issuance of the rejection resolution.

Article (6)

Adjudication of Accountability Case

1. If the investigations of the Public Prosecution concluded to a criminal or disciplinary punishment of the minister or official, as the case may be, and if the Supreme Council has authorised the filing of a case for accountability, the Public Prosecution will file the case before the court.

2. As an exception to what is stated in any other law, the court shall consider a case of accountability against the minister or official and any other actors with him, or his accomplices in the crimes stipulated in this Decree by Law, subject to applicable laws before it.
3. Court rulings at this stage are final.

Article (7)

Laws applied by the court to the subject matter of the criminal case

1. Subject to the provision of Article (10) of the Decree by Law, the court shall decide the accountability case in accordance with the provisions of the penal laws and other relevant laws.
2. After hearing the judgements of the Public Prosecution, the court may rule, at the request of the minister, official or any of the concerned parties, to cancel or amend the order issued for the travel ban, freezing of funds, or prevention of disposing thereof.

Article (8)

Penalties to be imposed by the court in the case of disciplinary accountability for financial and administrative violations

The court shall impose on the official any of the following penalties, if he is convicted of committing any of the financial or administrative violations:

1. Blame;
2. Retiring;
3. Dismissal from the job;
4. Dismissal from a job with deprivation of a pension or bonus within the limits of a quarter; and
5. The provisions of this article do not prejudice the authority of the head of state to terminate the service of the official by a federal decree, and the decrees issued for the termination of service are not subject to appeal in any way.

Article (9)

Appeal against court rulings

1. Appeals against rulings issued by the court in accordance with the provisions of this Decree by Law shall be made by the Public Prosecution, the minister or official and the concerned parties.
2. The appeal shall be submitted with a report to the case management at the court, for that purpose together with supporting documents and memoranda, within thirty days from the date of the issuance of the ruling or its announcement. The appeal file shall be submitted to the president of the court to form a circuit headed by him, and the membership of six court judges who did not participate in issuing the contested judgment, and the judgment issued by the court in this appellate body shall be final.
3. Rulings in the presence of death sentences are considered challenged before the Appellate Body, as soon as they are issued, and the case department at the court shall present the case file including the ruling to the president of the court within fifteen days from the date of the ruling issuance within 15 days from the date of its issuance, and to appoint a lawyer for the convicted person who is accepted before the court if he has not appointed a lawyer to defend him.
4. The Public Prosecutor may appeal rulings issued by the Court of First instance in the interest of the law.
5. Rulings issued by the Court of First instance may be appealed, with a petition for reconsideration, in accordance with the provisions and in the cases stipulated in the aforementioned Code of Criminal Procedure.

Article (10)

Provisions of Disciplinary Case

1. Without prejudice to the rulings of criminal and civil responsibilities, the disciplinary accountability of the Official shall be in the cases in which he is accused of committing an administrative violation as a result of negligence, failure, or breach of job duties.
2. The same guarantees, procedures and rules related to the criminal case shall be followed in the investigation and judgment of the disciplinary case, except for arrest, search,

pretrial detention and temporary release.

3. The disciplinary case is filed by a referral order signed by the Public Prosecutor and submitted to the court, including the violations attributed to the official and the evidence supporting them, subject to the conclusions of the investigation.
4. The court shall decide the disciplinary case after hearing the requests of the Public Prosecution and the lawyer of the official who is the last to speak, and rulings are issued in all cases by a majority of judgements.
5. The disciplinary case shall be extinguished after five years from the date of its occurrence, and this period shall be interrupted by the investigation, accusation or trial procedures, and the period shall run again starting from the date of the last procedure. If there are several violators, the interruption of the period for one of them entails the interruption of the period for the rest, even if no procedures have been taken against them interrupting the period.
6. The disciplinary case against the Official shall expire with his death.

Article (11)

The authority of the Supreme Council to amend or revoke the permission

1. The Supreme Council, on its own or at the request of the Competent Minister, after coordination with the Prime Minister, has the power to amend or revoke any permission issued by him subject to the provisions of this Decree by Law. The Competent Minister shall notify the Attorney General of any resolutions or directives issued by the Supreme Council subject to the provisions of this Decree by Law to implement thereof.
2. If the case is being considered before the court, and the Supreme Council revokes the permission to file a case for accountability before the court decides on it, the court will rule to dismiss the case.

Article (12)

The authorities of the president of state to pardon, commutes, or suspend a penalty

1. The Provisions of this Decree by Law do not prejudice the authority of the President of the State to pardon, commute, or suspend the implementation of the penalty.
2. As an exception to the provisions of Law No. (36) of 1992 on rehabilitation, the president of state, in the event of a pardon for the penalty imposed, may order the rehabilitation of the convicted person.

Article (13)

The effect of termination of service and the implementation of freedom-restricting penalties

1. The termination of the service of a minister or official or acceptance of his resignation shall not preclude the investigation and initiation of a criminal case against him or the continuation thereof, in accordance with the provisions of this Decree by Law.
2. The execution of the freedom-restricting penalties imposed in accordance with the provisions of this Decree by Law shall take place in places independent of the places designated for other convicts.

Article (14)

Examining accounts and implementing resolutions to freeze funds and prevent them from being disposed of

1. The Public Prosecutor may directly order access to the accounts or obtain information, documents or data of the Minister, Official, or Shareholders associated with him and that are related to any of the crimes in which the investigation is being conducted, with the Central Bank or any other financial, commercial or economic institution, when required to disclose truth.
2. The Public Prosecutor may, on his own or at the request of the concerned parties, amend the decision to freeze or prevent disposal or management in accordance with the

investigation procedures.

3. The resolutions to freeze funds and prevent them from disposing of funds issued in accordance with the provisions of this Decree by Law shall be implemented through the Central Bank.

Article (15)

Confidentiality of procedures, sessions and publication bans

1. Without prejudice to the rights of the defence, the procedures of investigation, gathering of information, inference, investigation, and sessions conducted subject to the provisions of this Decree by Law shall be considered confidential.
2. The Public Prosecutor on his own and the court, as the case may be, may order prohibiting the publication of any information related to the accountability case whenever he deems that the interest so requires.

Article (16)

Validity and repeal of the violating rulings

1. Every provision that contradicts with the provisions of this Decree by Law shall be repealed, and as long as there is no special provision in this Decree by Law, the provisions of the Code of Criminal Procedure, penal laws and other relevant laws shall apply to the extent that they do not conflict with provisions thereof.
2. The provisions of this Decree by Law do not apply to the disciplinary accountability of Officials when there are special laws or resolutions regulating their disciplinary accountability.

Article (17)

Publication and Enforcement of the Decree by Law

This Decree by Law shall be published in the Official Gazette and shall come into force from the day following publication thereof.

Khalifah Bin Zayed Al Nahyn

UAE President

Issued by us at the Presidential Palace in Abu Dhabi:

On 23 / Muharram / 1443 AH

Corresponding to 01 / September / 2021 AD