

FEDERAL LAW NO. 39

Issued on 31/10/2006

Corresponding to 8 Shawwal 1427 H.

ON INTERNATIONAL JUDICIAL CO-OPERATION IN CRIMINAL MATTERS

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

Pursuant to the perusal of the Constitution; and

Federal Law no. 1 of 1972 regarding the Jurisdiction of the Ministries and the Powers of the Ministers and the amending Laws thereof; and

Federal Law no. 10 of 1973 regarding the Supreme Federal Court and the amending Laws thereof; and

Federal Law no. 11 of 1973 regarding the Regulation of Judicial Relations between the Emirates members of the Union; and

Federal Law no. 6 of 1978 regarding the Establishment of Federal Courts and the Transferal of the Jurisdiction of Local Judicial Authorities in some Emirates to them and the amending Laws thereof; and

Federal Law no. 3 of 1983 regarding the Judicial Authority and the amending Laws thereof; and

The Penal Code issued by Federal Law no. 3 of 1987 and the amending Laws thereof; and

The Penal Procedures Code issued by Federal Law no. 35 of 1992 and the amending Laws thereof; and

Federal Law no. 43 of 1992 regarding the Regulation of Punitive Facilities and the amending Laws thereof; and

Federal Law no. 4 of 2000 regarding the Crimination of Money Laundering; and

Federal Law no. 1 of 2004 regarding the Combating of Terrorist Crimes; and

Acting upon the Proposal of the Minister of Justice and the approval of the Council of Ministers and the ratification of the Federal Supreme Council;

Have promulgated the following Law:

PART ONE

DEFINITIONS AND GENERAL PROVISIONS

Article 1 -

In implementing the provisions of this Law, the following terms and phrases shall have the meanings assigned opposite to each unless the context indicates otherwise:

The State: The United Arab Emirates State.

The Ministry: The Ministry of Justice.

The Minister: The Minister of Justice.

The competent Court: The competent Court of Appeal.

The competent Department: The competent Department in the Ministry.

The competent Judicial Authority: The competent court in examining any of the international judicial co-operative procedures or the Public Prosecution.

The Foreign judicial authority: The competent judicial authority associated to a foreign State or the international judicial party established pursuant to an applicable convention to which the State is a party or according to an obligatory international decision.

The Requesting State: The foreign State requesting any of the judicial co-operation aspects from the State authorities.

The Requested State: The State requested to execute any of the judicial co-operation aspects.

The requested persons: Every person sought for surrender or provisional arrest for an accusation or criminal judgment rendered against him from any of the foreign judicial parties.

The extradited person: Every person sought to be extradited from abroad as a result of an accusation or criminal judgment rendered against him from the State courts.

The convict requested for transfer: Every person who is sentenced to imprisonment by an irrevocable and enforceable judgment rendered by the State Courts or the courts of a foreign judicial authority.

State of Conviction: The State which has rendered the sentence and from which the convicted person is requested to be transferred.

State of Enforcement: The State to which the convicted person is transferred for the execution of the rendered sentence or any remaining period.

Article 2 -

Without prejudice to the provisions of international conventions to which the State is a party, and on the basis of reciprocity, the judicial parties in the State shall cooperate with the foreign judicial parties in criminal matters in compliance with the provisions of this Law.

Article 3 -

This Law shall not entitle any State to directly request any of the procedures of the international judicial co-operation in criminal matters.

Article 4 -

The provisions mentioned in the Penal Procedures Code and the relevant Laws shall apply to any matter not governed by a text in this Law.

Article 5 -

Without prejudice to the provisions of Article 2 of this Law, the Laws in force in the State shall be applicable when initiating the procedures of international judicial co-operation in criminal matters.

PART TWO

SURRENDER OF PERSONS AND THINGS

CHAPTER ONE

SURRENDER OF PERSONS TO A FOREIGN STATE

Article 6 -

Surrender of accused or convicted persons to the foreign judicial authority for investigation or partial trial or for the enforcement of criminal judgments rendered against them shall be in compliance with the provisions mentioned in this Part.

Article 7 -

The surrender of requested persons is conditional upon:

1- The crime for which the surrender is requested must be penalized by the Law of the requesting State to an imprisonment of at least one year or any other greater penalty.

2- The act for which the surrender is requested must constitute; in the territories of the State, a crime penalized by an imprisonment of at least one year or any other greater penalty.

3- If the request for surrender is related to the service of a sentence of imprisonment rendered in any of the crimes for which the surrender is requested, the remaining period of the sentence to be served must not be less than six months in order for the surrender to be performed.

4- Shall have no effect on the determination whether the act for which the surrender of a person is requested constitutes a penalized crime in the Laws of the two States, that the crime be mentioned under a different name or description or should their elements differ from each other.

Article 8 -

If the request for surrender of persons includes several crimes penalized by the Laws of both States, the request for surrender for all crimes may be approved even if any of them does not satisfy the conditions provided for in subparagraphs 1 and 3 of the preceding Article should these conditions are satisfied in at least one of the crimes for which the surrender is requested.

Article 9 -

Surrender of persons is not allowed in any of the following instances:

- 1- If the requested person is a State citizen.
- 2- If the Law in the State specify for the jurisdiction of the competent judicial authorities regarding the crime for which the surrender of persons is requested.
- 3- If the crime object of the request is a political crime or correlated to a political crime, shall not be deemed of this type the terrorist crimes, war crimes, genocides, crimes of aggression against the President of the State or any of his family members, deputy, or any of the Supreme Council members or his family members, or the Prime Minister or other persons enjoying international protection in addition to crimes of aggression against the State facilities and its basic interests.
- 4- If the crime object of the request is limited to offenses against military obligations.
- 5- If significant grounds contributed to believe that the request for surrender aim for the prosecution or penalizing of a person for reasons related to his ethnic or religious affiliation, or his nationality or political opinions or if the existence of any of these grounds shall damage the position of this person.
- 6- If the requested person was subjected to investigation or trial procedures in the State for the same crime for which the crime is requested.
- 7- If the requested person was previously tried for the crime for which the surrender is requested and a judgment of acquittal or conviction is rendered and that he has fully served the adjudged sentence.
- 8- If an irrevocable judgment is rendered by the courts of the State regarding the crime for which the surrender is requested.
- 9- If the criminal lawsuit is terminated or if the sentence is forfeited by time limitation when submitting the request for surrender.
- 10- If the requested person was subjected or may be subjected within the requesting State to torture, inhuman or insulting treatment or a severe sentence not appropriate to the crime or if the minimum standard of guarantees determined in the Penal Procedures Code are not available.

Article 10 -

If the requested person is subject of an ongoing investigation or trial inside the State concerning different crime, his surrender shall be postponed until the termination of investigation or until his trial is terminated by an irrevocable judgment; if he is convicted, his surrender shall be carried out after the service of the adjudged penalty.

The State may temporarily surrender the requested person if the requesting State commits itself to return him as soon as possible promptly after the issuance of a decision in his regard or during the period determined by the State provided that it shall not exceed six months from the date of surrender.

Article 11 -

Request for surrender shall be submitted in writing through diplomatic channel and referred to the competent Department, associated with the following information and deeds translated to Arabic language and officially ratified by the competent authorities:

1- Name and descriptions of the requested person, his photos; if exist, with any other information of use in the specification of his identity, nationality and place of domicile.

2- Copy of the legal text which applies to the crime and the prescribed penalty in the requesting State.

3- An official copy of the investigation statement of offense and the warrant of arrest issued from the competent foreign judicial authority in which is indicated the type of crime, the acts attributed to the requested person, date and place of its commitment if the request concerning a person subject of an ongoing investigation.

4- An official copy of the judgment of conviction in which is indicated the type of crime, the acts attributed to the requested person and the rendered penalty and whatever indicates that the judgment is enforceable if the request is related to a convicted person.

Article 12 -

The competent Department must refer the request for surrender to the Public Prosecutor after verification from the fulfillment of its requirements in form. If it deems that the submitted information and documents supporting the request are insufficient for determination, it may request from the requesting State any complementary clarifications or additional information of documents within a fixed period.

Article 13 -

It is not allowed to surrender the requested person unless after the issuance of a decision for his possible surrender from the competent court; nevertheless, the surrender may be carried out by a decision from the Minister upon the proposal of the public prosecutor if the surrender is for one State and if the requested person consent to surrender in writing.

Article 14 -

The written consent of the requested person must include all his personal information and the information of the case for which the surrender is requested and that the surrender has been performed with his complete choice and knowledge of its results.

Article 15 -

The Public Prosecutor or his delegate in case of urgency, and upon a warrant of arrest issued from a foreign judicial authority, may order the provisional arrest of the requested person pending receiving the request for surrender.

In this instance, the imprisonment of the person shall not preclude from his release for personal or financial guarantee.

The release of the requested person shall not preclude from re-arresting him or his imprisonment for another time when receiving the request for surrender.

Article 16 -

The Public Prosecutor or his delegate immediately after receiving the request for surrender may order the arrest of the requested person for fear of his escape unless he is imprisoned pursuant to the procedures in Article 15 of this Law.

The Public Prosecutor or his delegate whether spontaneously or at the request of the requested person may order his release for a personal or financial guarantee.

Article 17 -

The requested person shall be submitted to the competent Public Prosecution within forty eight hours from the date of his arrest, and the Public prosecution must inform him of the reason for arrest, the content of the request for surrender, the existing evidences, documents related to the request. His statements shall be proven in a statement of offense; and he shall have the right to attend with an attorney when hearing his statements.

Article 18 -

The Public Prosecutor shall refer the request for surrender to the competent court within fifteen days from date of its examination associated with a written memorandum to be deposited at the clerks' office of the competent court with all the documents supporting the request.

The public prosecution shall commission the person requested to be extradited to attend the session set for the examination of the application

Article 19 -

The competent court shall examine the request for surrender in a closed session in the presence of the Public Prosecution, the requested person and his attorney; if exists. It shall decide on the request after hearing the public prosecution and the defense.

If the requested person acknowledges to appearing before the court by his consent to surrender, the court must ascertain from his capacity and awareness of the results of his consent to surrender provided that his consent is explicit and written, then it shall return the papers to the Public Prosecutor in implementing the provision of Article 13 of this Law.

Article 20 -

The competent Court shall determine the possibility of the surrender in compliance with Law; its decision shall be justified.

Article 21 -

Denial of surrender shall lead to immediate release of the requested person even if there is no indication in this regard in the decision.

Article 22 -

The Public Prosecutor and the requested person may challenge the decision issued from the competent Court before the competent Court of appeal.

Term of challenge shall be thirty days from the date of the issuance of the court's decision if it is rendered in the presence of its parties and from the date of notification of the requested person if the decision is rendered in his absence.

Article 23 -

Challenge to the decision mentioned in the preceding Article shall be carried out by a report to be deposited at the clerks' office of the competent court of appeal, and a session shall be decided for its examination at time of its submission provided that it shall not be more than ten days from the deposit

date of the report; this shall be considered a notification of the date of session even if the report is submitted by his proxy.

Article 24 -

It is not allowed to execute the decision of possible surrender unless after it becomes irrevocable.

Article 25 -

The decision of denial of surrender shall not preclude from the issuance of another decision of possible surrender upon another request from the same State and regarding the same crimes in case of appearance of new grounds which were not previously brought up before the competent court.

Article 26 -

The decision of possible surrender must not be executed unless after the approval of the Minister.

In the instance of denial of surrender, the Public Prosecutor shall issue an order for the release of the requested person if he has been arrested.

Article 27 -

In the instance of multiple requests concerning the same person, the Minister may determine the State to which the surrender shall be performed, considering the obligations emanating from bilateral or multilateral conventions and taking into account the circumstances related to each case in separate and in specific:

- 1- Seriousness of crime and the extent of damage to the interests or security of a certain State.
- 2- Date and Place of crime.
- 3- The nationality of the requested person.

If all or some of these conditions afflict several countries, surrender shall be to the State which has first submitted the request for surrender, taking into account the extent of co-operation of the requesting State in same instances.

Article 28 -

If the requesting State has not received the person subject to decision of surrender within thirty days from its notification, he shall be released and it is not allowed to surrender him to it unless after the issuance of a new decision.

If exceptional circumstances preclude from the surrender or receipt of the requested person within the previously mentioned period, the requesting State shall be notified for the determination of a final date of surrender to be decided by the competent judicial authority. The person shall be released after the elapse of this period, and it shall not be allowed to request his surrender for the same act or acts for which the surrender is requested.

In all instances, the period of detention of the requested person may be increased to sixty days.

Article 29 -

The execution of surrender is conditional upon the commitment of requesting State not to surrender the requested person to a third State, or to address any accusation to him, try him or impose any penalty or imprison him for a crime and correlated crimes previous to the date of request for surrender other than those for which he is requested except for the following instances:

- 1- If the requested person remains voluntarily in the territories of the State to which he is surrendered for more than thirty days from the date of his notification of the termination of procedures which required his presence in this State or if he returns to it voluntarily after having left it.

2- If the Minister approves so, on condition that the requesting State submits a new request in the manner provided for in Article 11 of this Law and provided that it shall be supported with a judicial verbal process including the testimonies and defense of the requested person.

Article 30 -

The competent Court shall examine the request submitted from the requesting State to surrender the person who has been surrendered to a third State, the Court shall issue its decision pursuant to the provisions mentioned in this Law and the bilateral and multilateral conventions in force and not contradicting the constitutional principles of the State.

Article 31 -

The Public Prosecutor may approve on the transit through the territories of the State of the person subject to the regulation of extradition of criminals from a State which has authorized his surrender to another State at the request of the latter State should this transit not cause damage to the State's sovereignty, security or basic interests.

Article 32 -

The expenses of any procedures emanating from the request for surrender within the scope of its territorial jurisdiction shall be borne by that State. Expenses for the travel of the requested person and any extraordinary expenses that may emanate from the request for surrender shall be borne by the requesting State.

CHAPTER TWO EXTRADITION OF PERSONS

Article 33 -

The Public Prosecutor or his delegate may request from the competent Department to address to the authorities in a Foreign State for the extradition of persons sentenced to imprisonment of at least six months or any greater penalty or the persons accused of the commitment of crimes penalized by the Law to imprisonment of at least one year or a greater penalty.

The request for extradition of the accused or convicted person shall be drawn up in writing by the Public Prosecution and must be dated; signed and sealed as shall be all the other supporting papers.

Shall be indicated in the request the description and information of the person to be extradited in full, and the incidents for which the surrender is requested, the legal characterization of the crime object of surrender and the applicable legal texts- and the legal grounds of the request for surrender.

The request associated with the supporting documents and papers must be notified through the competent Department to the requesting State by diplomatic channel, provided that they are translated to the language of the foreign judicial authority or any other recognized language unless the conventions indicate otherwise.

Article 34 -

The Public Prosecutor or his delegate in urgent cases must notify the competent authorities in the requesting State of the judicial warrant of arrest issued pursuant to the conditions decided by Law to arrest and temporarily detain the requested person; the warrant of arrest shall be notified through the communication section in the Ministry of Interior.

The Public Prosecution must complete the documents and papers supporting the request of extradition and send them to the requesting State on expedited basis through the competent Department and through the diplomatic channel.

Article 35 -

Term of detention served abroad shall be considered as a term of protective detention concerning the implementation of the rules of the service of penalty.

Article 36 -

If the legal characterization of the act object of crime has been amended during the proceedings against the extradited person, it is not allowed to address any accusation to him or subject him to trial or adopt any other procedure against him which may affect his freedom unless if the elements constituting the crime in its new characterization is based on the same incidents for which the extradition is carried out and constitutes a crime penalized with the same penalty determined for the crime for which he is surrendered or by a greater penalty.

Article 37 -

Except for border crimes, it is allowed to submit a commitment for the requested State pursuant to the provisions of an applicable convention agreed upon by the State of non service of death penalty on the requested person.

Non submission of this commitment in crimes of retaliation is conditional upon waiver of the Shari'a right in this retaliation by the legal tutors.

The commitment shall be submitted by the Minister and in this instance the procedures shall be adopted to change the penalty.

CHAPTER THREE SURRENDER AND EXTRADITION OF THINGS

Article 38 -

Without prejudice to the rights of third parties of good faith, the Public Prosecutor or his delegate may surrender to the requesting State whatever is existing in the possession of the person subject to decision of surrender regarding things derived from the crime attributed to him or used in its commitment or taken as an evidence which are in the possession of the requested person at time of arrest or which shall be discovered later on unless such possession constitutes a crime in the State.

The Public prosecutor or his delegate may postpone the surrender of these things whenever they are requested for judicial or administrative procedures to be adopted in the State.

Article 39 -

Any concerned person may submit a grievance against the decision mentioned in Article 38 before the competent court within fifteen days from the date of its issuance.

The court shall render its decision on grievance after hearing the Public Prosecution and the statements of the complainant.

Article 40 -

The Public Prosecutor or his delegate may request from the competent Department to address to the authorities of a foreign State to expatriate things in the possession of the persons subject to an extradition decision such as things derived from the crime attributed to him or used in its commitment or its revenues or which may be taken as an evidence.

Article 41 -

Without prejudice to jurisdictional rules determined by Law, the Public Prosecutor may authorize the transit of things which their possession constitutes a crime or resultant from a crime or used in its commitment in compliance with the provisions of the Law to inside or outside the State without their

seizure or replacement in whole or in part under the control of the competent authorities and at the request of a foreign judicial authority pursuant to the conditions agreed upon if this shall contribute to the identification of its destination or the arrest of its perpetrator.

The authorization mentioned in the preceding paragraph is not allowed to be given if its execution shall cause damage to State sovereignty, public order, public ethics or environment.

Article 42 -

The competent parties in the State; each within his concern, shall be entrusted with the execution of the authorization mentioned in the preceding Article; a report of the performed procedures shall be drawn up.

The Public Prosecutor shall determine the manner of the controlled surrender of things to the requesting party and the method of its reclamation or compensation.

PART THREE

MUTUAL JUDICIAL ASSISTANCE IN CRIMINAL MATTERS

CHAPTER ONE

**REQUESTS OF JUDICIAL ASSISTANCE ADDRESSED FROM A FOREIGN
JUDICIAL AUTHORITY TO THE STATE AUTHORITIES**

Article 43 -

In the event of receiving a request from a foreign judicial authority for assistance in carrying out a judicial procedure in the State regarding a penalized crime in the requesting State which is included within the jurisdiction of its judicial authorities, the competent judicial authority may render the requested assistance if essential for initiating judicial procedures in a criminal lawsuit examined before the foreign judicial authority.

The judicial assistance comprises in specific what follows:

- 1- Determination of the identities and locations of persons.
- 2- Hearing the testimonies of persons.
- 3- Submission of the detained persons for testimony before the foreign judicial parties.
- 4- Notification of judicial deeds.
- 5- Seizure of things and search of persons and locations.
- 6- Provision of information and evidences.
- 7- Provision of original deeds and records or their certified copies.

Article 44 -

The request of judicial assistance shall be submitted by the competent authority of the foreign judicial authority to the competent Department at the Ministry through diplomatic channel.

The competent Department after studying the request of judicial assistance and ascertainment from the fulfillment of its conditions in form shall refer it to the competent judicial authority to adopt the necessary decision in this regard.

Article 45 -

The competent authority in the event of urgency and at a written request from a foreign judicial authority and before satisfying the conditions of the request of judicial assistance may order the adoption of precautionary procedures essential to protect threatened legal interests or to maintain evidentiary proofs or documents for fear of their loss or destruction.

The implementation of these procedures shall cease if the foreign judicial authority fails to satisfy the conditions for the enforcement of the request within the time limit fixed by the competent judicial party unless the foreign judicial authority requesting the assistance submits an acceptable reason.

Article 46 -

The request of judicial assistance shall be drawn up in writing by the foreign judicial authority; it must be dated, signed, and sealed with the seal of the requesting party with other attached documents.

It must comprise the type of the case, the requesting party and the requested party of enforcement and all the detailed information related to the incidents of the case, the enforceable legal texts and the procedures to be adopted and in specific:

1- Names of witnesses, their places of domicile and the questions requested to be addressed to them.

2- The questions requested to be addressed to the persons requested to be interrogated.

3- Statement of properties, documents or papers requested to be inspected.

The request shall be supported with all the necessary papers and documents provided that they are translated to Arabic language and certified by the foreign judicial authority unless the conventions to which the State is a party indicate otherwise.

Article 47 -

The competent Department must request from the foreign judicial authority any additional information it deems necessary for the execution of the request.

Article 48 -

It is allowed at the request of the foreign judicial authority to maintain the secrecy of the request or the information included therein.

Article 49 -

Hearing the testimonies of witnesses or obtaining evidences from them shall be carried out with the knowledge of the competent judicial authorities in the State as a preliminary step for its forwarding to the foreign judicial authority.

Article 50 -

The witnesses requested to be heard in the State territory for the submission of certain evidences may abstain from this whenever the Law of the foreign judicial authority allows so in same instances.

Article 51 -

If the object of the judicial assistance is to request a witness, expert or defendant to attend before any of the foreign judicial authorities, this authority shall commit itself not to sue or detain him or limit his personal freedom regarding criminal acts or convictions previous to his depart from the State territory, also not to sue, detain or penalize him for his testimony or the expertise report submitted by him or for his default to attend before these authorities.

Article 52 -

Without prejudice to the provisions of Article 63 of this Law, and in the event of receiving a request from a foreign judicial authority for the attendance of a person imprisoned in the State to hear his testimony or statements before its judicial authorities as a witness or expert on condition of his prior consent to this matter, the foreign judicial authority must be obligated to detain him and return him as soon as possible or in the time limit decided by the State.

The State may refuse to transfer the imprisoned person in any of the following instances:

- 1- If response to this request is against the State sovereignty, security or the public order.
- 2- If his presence is essential in the State for subsequent penal procedures to be adopted.
- 3- If his transfer to the foreign judicial authority shall contribute to the extension of his term of imprisonment.
- 4- If his transfer shall threaten his life or the life of his family members.

Article 53 -

The request of the judicial assistance may be denied in the following instances:

- 1- If the act on which the request is based does not constitute a crime if it is committed in the State territory.
- 2- If the enforcement of the request is against the State sovereignty, security or public order or any of its basic interests.
- 3- If the request is related to a political crime or correlates to a political crime.
- 4- If the request is related to an absolute financial crime (such as taxation and customs crimes).
- 5- If significant grounds call to believe that the request of assistance is submitted for the purpose of subjecting the person for trial for his race, gender, religion, nationality, ethnic origin or his political opinions or if the situation of this person is at risk of harm for any of these reasons.
- 6- If the request is related to a crime object of an ongoing investigation or judicial proceedings in the State or should the judicial proceedings in his regard in the foreign judicial authority be inconsistent with the principle of non-permissibility of the trial of a person in the same crime more than once.
- 7- If the criminal lawsuit emanating from the act is terminated by any of the reasons provided for in the State Law or the Law of the requesting State.
- 8- If the requested judicial assistance requires the enforcement of severe compulsory measures which are inconsistent with the Laws in force in the State regarding the crime for which the assistance is requested.
- 9- If the act on which the request is based is considered a crime in accordance with the Military Law only and not deemed so pursuant to other punitive laws.

Article 54 -

The request of judicial assistance shall be enforced pursuant to the procedures in force in the State Laws.

It is allowed upon a clear request from the foreign judicial authority to enforce the request of judicial assistance in a certain form unless contradicting the Laws in effect.

Article 55 -

If the enforcement of the request of judicial assistance requires the payment of a consignment to the account of expenses, expert fees and the fees decided on the papers submitted for its enforcement, the requesting State shall be so informed for the deposit of the consignment before the competent judicial authority.

Article 56 -

The witness or expert is entitled to recuperate travel and accommodation expenses and the loss of reasonable wage or profit from the requesting State. The expert is also entitled to claim his fees for rendering his opinion.

The amounts payable to the witness or expert shall be indicated in the papers of the request or notification; the requesting State may pay these amounts in advance at his request.

Article 57 -

The State authorities may request the extradition of any properties, documents, records or deeds delivered to the foreign judicial authority in enforcement of the request of judicial assistance.

Article 58 -

The revenues of crimes for which a judicial assistance is rendered may be divided with a foreign judicial authority.

The Minister, in coordination with the concerned parties shall determine the conditions and procedures to be adopted.

CHAPTER TWO

**REQUESTS OF JUDICIAL ASSISTANCE ADDRESSED FROM THE STATE
AUTHORITIES TO A FOREIGN JUDICIAL AUTHORITY**

Article 59 -

The competent judicial authority may request the judicial assistance mentioned in paragraph two of Article 43 of this Law from the foreign judicial authority through diplomatic channel.

The competent Department after studying the request of judicial assistance and verification of its fulfillment to the conditions in form may refer it to the competent judicial authority to adopt the necessary decision.

Article 60 -

The request of judicial assistance shall be set down by the foreign judicial authority; it must be dated, signed, and sealed with the seal of the requesting party with other attached documents, provided that they are translated to the language of the foreign judicial authority or any other language recognized by it.

The request must comprise the type of case, the requesting party, the requested party of enforcement, all the detailed information related to the incidents of the case, the applicable legal texts and the procedures to be adopted and in specific:

- 1- Names of witnesses, their places of domicile and the questions requested to be addressed to them.
- 2- The questions requested to be addressed to the persons requested to be interrogated.
- 3- Statement of properties, documents or papers requested to be inspected or reviewed.
- 4- Any other information necessary for obtaining evidences upon an oath or proof or any form required to be used or essential for the enforcement of the request.

Shall be indicated in the request whether there is a certain time limit for its enforcement.

Article 61 -

The procedure carried out upon the enforcement of the request of judicial assistance shall be valid if it is performed pursuant to the Law of the foreign judicial authority which its authorities have initiated such procedure unless the competent judicial authority in the State has requested its enforcement in a certain form.

Article 62 -

The procedure carried out through judicial assistance pursuant to the provisions of this Law shall have the same legal effect which it may have if it is performed before the competent judicial authority.

Article 63 -

If the object of the judicial assistance is to request a witness, expert or defendant to attend before any of the judicial parties, it is not allowed to prosecute or detain him or limit his personal freedom regarding criminal acts or convictions previous to his departure from the territory of the requesting State.

It is also not allowed to litigate, detain or penalize him for his testimony or the expertise report submitted by him.

It is not allowed to subject the witness or expert who failed to attend despite of his notification of the obligation of attendance to any penalty or compulsory procedure even if this obligation includes a condition of penalty.

The immunity granted to the witness or expert provided for in the preceding two paragraphs shall terminate after the elapse of consecutive thirty days starting from the date of his notification in writing from the party which required his attendance of that his presence is no more required and he had the opportunity to leave the State territory, but remained therein or if he has returned to it voluntarily; the period in which the witness or expert was unable to depart from the State territory for reasons beyond his will shall not be included.

PART FOUR
TRANSFER OF CONVICTS
CHAPTER ONE
TRANSFER OF CONVICTS TO A FOREIGN STATE

Article 64 -

The Public Prosecutor in implementing the provisions of a convention to which the State is a party, may approve on the request submitted from the foreign judicial authority to transfer a convict detained at any of the State punitive facilities for the enforcement of a penal judgment rendered by the courts of the State, if the following conditions are satisfied:

- 1- The crime for which the judgment is rendered must be penalized by the Law of the State of enforcement to an imprisonment penalty.
- 2- The judgment of conviction must be irrevocable and enforceable.
- 3- The convicted must be a citizen of the State of enforcement.
- 4- The convicted must consent to the transfer, in the event of his non-capability to express his will in writing; the consent shall be given by his legal representative, spouse or any of his relatives up to the fourth degree.
- 5- The remaining period of the imprisonment penalty to be served must not be less than six months when submitting the request of transfer. Nevertheless, it is also allowed in exceptional instances at the discretion of the Minister in coordination with the Minister of Interior.
- 6- Cost of transfer of the convicted shall be borne by the State of enforcement.

Article 65 -

The request of transfer of the convicted must be denied in the following instances:

- 1- If the response to the request is against the State sovereignty, security or public order.
- 2- If the crime for which he is convicted is a military crime.

3- If the regulation for the service of penalty at the requesting State differs from its counterpart in the State.

4- If the requesting State does not commit itself to the non-enforcement of its provisions of private amnesty on the convicted.

Article 66 -

The request for transfer of convicts may be denied in the following instances:

1- If the convicted does not pay the amounts, fines, judicial expenses or indemnities or any other financial judgments rendered against him.

2- If a judicial Lawsuit is filed before the courts of the State against the convicted to demand him of financial amounts.

3- If the maximum limit of the imprisonment penalty provided for in the Law of the requesting State is inadequately less than the adjudged imprisonment penalty.

Article 67 -

The request of transfer of the convicted shall be submitted in writing from the State of enforcement in Arabic language or a translation to it, provided that shall be specified therein the personal information of the convicted, evidentiary documents of nationality, place of domicile in the requesting State, place of imprisonment therein and a commitment not to apply of the provisions of private amnesty on him.

The request may be submitted by the State authorities to transfer a convict imprisoned therein to the State whose citizenship he carries.

The convicted or his legal representative is entitled to demonstrate his will to be transferred for the enforcement of the judgment rendered against him from the courts of the State in the State of citizenship.

Article 68 -

The request of transfer must be supported with the following information and documents translated to the language of enforcement, and officially ratified by the competent parties:

1- A copy of the judgment of conviction ratified by the competent authority.

2- Statement of the essential information on the remaining period to be served including the period of provisional custody served before the sentence was rendered, and any information on the personality of the convicted and his conduct before and after delivering the judgment of conviction.

3- A written consent of the convicted on the request of transfer in the manner provided for in Article 64 of this Law.

Article 69 -

The convicted shall be referred to the public prosecution for the ascertainment that his consent to the transfer is given by a free will and awareness of the results of the consent to the request of transfer.

Article 70 -

Expenses of transfer and provision of guardianship to the convicted inside the State shall be borne by the State authorities.

Article 71 -

The Public Prosecution shall inform the State of enforcement through the competent Department of the provisions of the private or general amnesty issued regarding the convicted in addition to any

decisions or procedures carried out in the State territory which may terminate the service of some or all the penalty.

CHAPTER TWO

TRANSFER OF CONVICTED PERSONS FROM A FOREIGN STATE

Article 72 -

Without prejudice to the provisions of Article 2 of this Law, the State authorities are entitled to request from the competent authorities in a foreign State to transfer any person holder of the nationality of the State who is sentenced and detained in any of its punitive facilities for the enforcement of a penal judgment issued by the courts of this State.

Article 73 -

Request of transfer must be in writing wherein shall be specified the personal information of the convicted and evidentiary documents of nationality, place of imprisonment translated to the language of the convicting State or any other recognized language and officially ratified by the competent parties.

Article 74 -

The convict who shall be transferred to the State territory shall be detained in the punitive facility upon a written order issued from the Public Prosecutor or his delegate.

Article 75 -

The enforcement of penalty shall be carried out in compliance with the enforcement regulations in force in the State provided that the term of provisional custody and the served period of sentence shall be deducted. The State shall solely be competent to adopt all the decisions related to enforcement, and it is required to notify the convicting State; at its request, whatever is carried out regarding the enforcement of the judgment of conviction.

Article 76 -

The public prosecution must notify the convicting State through the competent Department of all the performed procedures and the relevant documents submitted in the instance of medical release of the convicted.

Article 77 -

All penal procedures initiated by the judicial authorities of the State regarding the same crime against the convicted requested to be transferred, must be ceased immediately after the acceptance of request of transfer. It is not allowed to initiate the penal lawsuit or to subject him to re-trial regarding the same incidents object of the judgment of conviction.

Article 78 -

The provisions of general amnesty shall apply to the convicted; the provisions of the private amnesty or the conditional release or any other amnesty shall not apply to him unless after obtaining the approval of the convicting State.

General and private amnesty issued from the convicting State shall apply to him.

PART FIVE

GENERAL PROVISIONS

Article 79 -

Without prejudice to the provisions of Article 2 of this Law, any inconsistent text or contradicting with its provisions shall be abrogated.

Article 80 -

This Law shall be published in the Official Gazette, and be put into force as of the publication date.

Promulgated by Us at the Presidential
Palace in Abu Dhabi

On 8 Shawwal 1427 H.

Corresponding to 31 October 2006

Khalifah Bin Zayed Al Nahyan

President of the United Arab Emirates State

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