

## **FEDERAL LAW NO . 10**

Issued on July 25,1973

Corresponding to 25 Jumada al - Thani 1393 H .

### **CONCERNING THE SUPREME FEDERAL COURT**

#### **Amended by**

**Federal Law no . 11/1977 dated 05/12/1977 , and**

**Federal Law no . 18/1980 dated 20/12/1980 , and**

**Federal Law no . 14/1985 dated 15/12/1985 , and**

**Federal Law no . 26/1992 dated 25/03/1992**

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

Pursuant to the perusal of the provisional 2 Constitution ; and

Acting upon the proposal of the Ministry of Justice and the approval of the Cabinet and the Federal National Council and the ratification of the Federal Supreme Council ,

Have promulgated the following Law :

#### **TITLE ONE**

#### **REGULATION AND CONSTITUTION OF THE COURT**

##### **Article 1 -**

It is established in the United Arab Emirates a Supreme Court denominated the federal Supreme Court , mentioned in this Law as the Supreme Court .

This Court shall be the Supreme Judicial body in the federation .

##### **Article 2 -**

The Supreme Court shall have its seat in the capital of the federation . It may hold its hearings when deemed necessary in any of the capitals of the Emirates , members of the Federation .

##### **Article 3 -**

##### **As amended by Federal Law no . 14 of December 15,1985 :**

The Supreme Court is constituted of a President ( Chief Justice ) and four judges . A sufficient number of alternate judges may be appointed in court provided that not more than one of them is seated in the circuit of constitutional matters . Excepting the specific provisions for alternate judges stipulated in this Law , they shall be subject to the same rules as those of the Supreme Court judges .

##### **Article 4 -**

The candidates appointed as judges in the Supreme Court should comply with the following conditions :

- 1 - To be a citizen of the United Arab Emirates State enjoying full civil capacity .
- 2 - Not to be less than thirty - five years of age .
- 3 - To be holder of a Bachelor's Degree in Islamic Law and in Law from one of the accredited universities or higher education institutions .
- 4 - To have previously worked for a period not less than fifteen years in judicial or legal activities in one of the courts or its corresponding occupations at the Public Prosecution , the Fatwa and legislation , or government litigation department , or in teaching law or Islamic Shari'a at accredited universities or higher institutions , in legal practice or in other legal activities that are considered as counterpart for the judiciary .
- 5 - To be of good conduct and reputation , not previously convicted by any of the courts or disciplinary councils for any matter relating to honor even if rehabilitated .

**Article 5 -**

As exception to the provisions of clause one of the preceding article , it is possible to appoint among the citizens of Arab countries the candidates having complied with the remaining conditions mentioned therein , thus by secondment from the governments to which they are dependent or by virtue of employment contracts and for a limited renewable period .

The candidates subject to secondment and the contractees shall be subject to all the provisions stipulated in this Law .

**Article 6 -**

The term specified in clause four of article four may be reduced to half and the age mentioned in clause two of Article 4 may be reduced to thirty as concerns the citizens of the Federation who fulfill the required conditions for appointment in the judiciary .

The provision of the former paragraph is effective during the first seven years from the date this Law comes into force .

**Article 7 -**

The President and judges of the Supreme Court are appointed by decree promulgated by the head of state upon approval of the Cabinet and ratification of the Federal Supreme Council . The seniority of judges shall be from the date of the appointment decree and in accordance with the order mentioned therein .

Their remunerations are determined in accordance with the schedule attached to this law .

The classification of alternate judges shall be , in all cases , and as concerning seniority , after the Supreme Court judges .

**Article 8 -**

Prior to the performance of their duties , the President of the Court and its judges shall take , before the Federation President and in presence of the Minister of Justice , the following oath :

( I swear by Almighty God to rule in justice without fear or favoritism and to be loyal to the Constitution and Laws of the United Arab Emirates State ).

A minutes of the oath shall be drawn up and entered in a special register set for this purpose and a copy thereof shall be deposited in the judge's file .

#### **Article 9 -**

**Amended by Federal Law no . 14 dated 15/12/1985 and by Federal Law no . 26 dated 25/03/1992 :**

The Supreme Court shall have a division for constitutional matters and other divisions for looking into the other matters provided in this Law as well as in the mentioned federal Law No . 17 of 1978 2 or any other law .

This division is presided by the President of the Court or the most senior judge .

Judgments are rendered by a division composed of five judges ; the number of alternate judges in it does not exceed one , in matters set forth in the first seven clauses of article 33 of this Law . In all other matters , judgments are rendered by a division composed of three judges . The majority of votes is required in both cases , and no judgment of capital punishment is pronounced except by unanimous voting .

#### **Article 10 -**

The Supreme Court shall have a general assembly from all its judges chaired by its president or whoever acts on his behalf .

It shall be competent in looking into the structure and constitution of divisions , the distribution of tasks in said court , setting the number of hearings as well as the days and hours of holding them in addition to all other matters relating to court regulation , its internal affairs and other competencies stipulated by law .

The general assembly may commission the President of the Court in some of its competences .

#### **Article 11 -**

**As amended by Federal Law no . 14 dated 15/12/1985 :**

The general assembly is held by convocation of the President of the Court or whoever may substitute him at the beginning of every year and whenever deemed necessary .

The public prosecution is convened to attend the meeting of the general assembly and its representative may express opinion relating to the acts of the public prosecution .

The meeting of the general assembly shall not be deemed valid except with the presence of three of the principal judges at least , including the President or whoever may substitute him . The resolutions of the general assembly shall be adopted by the absolute majority of the

participants . In case of a tie , the votes of the party to which the president belongs shall prevail and the minutes of the general assembly shall be written down in a special register signed by the chairman of the meeting .

**Article 12 -**

The Supreme Court shall have a judicial vacation starting every year from the first of July and ending at the end of August . The duration of this vacation with respect to those not commissioned to work during it , is considered a normal vacation .

The general assembly shall set for the court the leaves for judges and the court's system of work during the judicial vacation . Judges are not authorized to have periodic leaves outside the judicial vacation except in cases of necessity and within the limits permitted by work conditions . Authorization to this effect shall be given by the President of the Court for a maximum period of fifteen days .

**Article 13 -**

The Supreme Court shall have a technical bureau composed of a chairman and a sufficient number of members chosen from the judiciary , members of the public prosecution , members from the Division of Fatwa , Legislation and government litigation or others working in the legal activities considered as counterpart to work in the judiciary .

It is possible when deemed necessary to occupy these positions through secondment among the judges of the local judicial bodies in the Emirates , members of the Federation or from legal practitioners in Arab countries having the required expertise and qualification .

The head of the bureau and its technical members may be adjoined by delegation or secondment , as the cases may be , by decision from the Minister of Justice based on nomination by the President of the Court and upon approval of the concerned bodies of which the delegated or seconded member is dependent .

The technical bureau is staffed with a sufficient number of employees .

**Article 14 -**

The technical bureau shall perform the following duties :

- 1 - Extract the legal rules decided by the Supreme Court in its judgments , their classification and indexing for easy reference .
- 2 - Supervise the transcription of these judgments and printing in compendiums as well as their publication .
- 3 - Carry out the technical researches required by the President of the Court or by one of the court divisions .
- 4 - Supervision of the court rolls as well as recording cases , appeals and claims therein .
- 5 - All other matters referred by the President of the Court .

#### **Article 15 -**

The Supreme Court shall have a clerk's office and process servers office composed of a senior clerk or senior process server , as the case may be , along with a sufficient number of employees .

The sessions clerks and process servers shall , before starting their activities take oath before one of the court divisions , pledging to perform their occupational duties with honesty and diligence .

The oath is consigned in a special register , a copy of which is deposited in the employee's file .

Excepting what is laid out in the previous paragraphs , those workers shall be subject to the provisions stated in the Civil Service Law governing the employees of the Federal government .

#### **Article 16 -**

The President of the Court shall supervise its appointed judges and their activities . Moreover , he shall be entitled to admonish whoever may be violating the obligations or requirements of the occupation .

#### **Article 17 -**

The President of the Court shall have upon the court employees and workers the disciplinary powers given to the Minister and Vice - Minister as provided in the Civil Service Law enforce in the Federal government .

#### **Article 18 -**

The President of the Court and its judges are irrevocable , and their mandate shall expire only for one of the following reasons :

- 1 - Death .
- 2 - Resignation .
- 3 - Expiry of the contracting or secondment term for contractees .
- 4 - Reaching the age of retirement .
- 5 - Confirmation of their disability to perform their occupational duties for health reasons .
- 6 - Disciplinary dismissal pursuant to the reasons and procedures laid out in this Law .
- 7 - Assignment of other occupations for them with their approval .

#### **Article 19 -**

The age for referral to retirement shall be sixty - five concerning the Supreme Court President and its judges .

Nonetheless , in case they reach this age during the period from the first of October until the end of June , they shall stay in active duty until the latter date .

It is plausible , when deemed necessary , to extend their service period beyond reaching the age of retirement , for a term or terms not exceeding a total of three years so that each term is not less than one judicial year . Furthermore , the extension of the service period shall be carried out by the same manner fixed for appointment .

## **TITLE TWO**

### **PROSECUTION OF JUDGES AND THEIR DISCIPLINARY ACCOUNTABILITY**

#### **CHAPTER ONE**

##### **PROSECUTION AND INVESTIGATION OF JUDGES**

###### **Article 20 -**

Excepting the provisions of territorial jurisdiction , the disciplinary council for judges provided for in article 23 is constituted upon request of the Public Prosecutor for the Court<sup>2</sup> to look into the offences committed by the Supreme Court Judges even if not related to their occupations .

###### **Article 21 -**

In cases other than flagrant delict , the judge may not be arrested and placed in preventive detention unless authorization is obtained from the Judges Disciplinary Council .

In cases of flagrant delict , the public prosecutor should proceed upon arresting the judge and placing him in preventive detention to refer the matter to the aforementioned council within the next twenty - four hours , and the Council may decide to either continue with the detention or release with or without bail . At the outset , the judge may request to be heard before the Council upon submission of the matter to it .

The Council shall fix the preventive detention period in its decision . Moreover , the aforementioned measures are taken into consideration whenever the continuity of preventive detention is contemplated upon expiry of the term set by the Council .

Excepting the aforementioned , none of the investigation measures may be taken against members of the judiciary or instituting a penal action against them for any offense unless authorization is obtained from the aforesaid council and upon request of the public prosecutor .

Arrest of the judges and implementing the sanctions restricting their freedom shall be done in locations independent from the locations allocated for jailing the other detainees .

###### **Article 22 -**

The arrest of a judge or his imprisonment based on an order or verdict shall definitely entail suspending him from his occupational duties for the period of his arrest or imprisonment . The Judiciary Disciplinary Council may order the judge to stop practicing his occupational duties during the investigation procedures and the trial for an offence perpetrated by him , whether on his own initiative or pursuant to the request of the Minister of Justice , the public prosecutor or the President of the Court .

Suspension does not imply depriving the judge from his remuneration during the suspension period unless the disciplinary council decides to deprive him from all or some of his remunerations .

The Disciplinary Council may reconsider at any time the suspension order and the remuneration whether on its own initiative or pursuant to the judge's request .

## **CHAPTER TWO**

### **DISCIPLINARY ACCOUNTABILITY OF THE JUDGE**

#### **Article 23 -**

Disciplining judges shall be the competency of the disciplinary council constituted under the chairmanship of the Supreme Court President and membership of two of its most senior judges .

Upon vacancy of an occupation by any of the constituents of the disciplinary council or his absence for any reason whatsoever or because of an impediment , he shall be replaced by the most senior member .

In case the Supreme Court President or the Public Prosecutor is placed on trial , the general assembly of the court constituted by all its members excepting the court president subject to trial shall judge him on a disciplinary basis . In that case , if the votes result in a tie , the side to which the President belongs shall prevail .

It is not prohibited for one of the previously participating members of the council body who requested lifting the disciplinary action against the judge from sitting in the disciplinary council .

#### **Article 24 -**

The disciplinary action is filed before the disciplinary council by the public prosecutor upon the request of the Minister of Justice of his own will or pursuant to the request of the president of the Court . The disciplinary council is notified upon request of the Minister of Justice to this effect .

Such request is only submitted pursuant to a criminal or administrative investigation undertaken by one of the judges of the Supreme Court commissioned by the Minister of Justice to this effect . In case the Public Prosecutor does not file the disciplinary action within thirty days from the date of receiving the request , the Disciplinary Council itself may take action by its proper decision .

#### **Article 25 -**

The disciplinary action shall be filed by a pleading that includes the accusation and supporting evidence and it shall be submitted to the disciplinary council for making its decision of summoning the judge to appear before it .

#### **Article 26 -**

The Council may carry out the necessary inquiries and commission one of its members for such task . As such , the Council and commissioned member shall have for the sake of inquiry the competencies granted to courts relating to looking into actions and gathering evidence .

**Article 27 -**

If the Disciplinary Council deems appropriate to proceed with the trial procedures for all or some of the charges , then it shall summon the judge to appear before it within one week at least pursuant to an order from the council chairman .

The summons should include a sufficient statement on the action merits and the accusation evidence .

The Council may order upon deciding to go along with the trial proceedings to suspend the judge from his occupational duties .

The suspension does not deprive the judge from his remuneration unless the Council decides to deprive him from all or some of his remuneration .

The Council may reconsider the decision of suspension and remuneration deprivation at any time whether on its own or pursuant to the judge's request .

**Article 28 -**

The disciplinary action is extinguished by the judge's resignation .

The disciplinary action has no effect on the penal or civil action resulting from the same issue object of accountability .

**Article 29 -**

The disciplinary trial hearings shall be confidential and the public prosecution shall be represented in them .

The judge shall come in person before the Council and he may present his defense in writing as well as retain the services of a defense counsel from the judiciary or the public prosecution to be present with him . The Council is always entitled to summon the judge in person . In case the judge does not attend or delegates no one in his stead , then he may be sentenced in absentia after verifying the authenticity of his declaration . This judgment may not be subject to opposition .

The disciplinary council rules after hearing the claims of the public prosecution and the defense of the judge who shall be the last to speak .

**Article 30 -**

The judgment pronounced in the disciplinary action should include the reasons upon which it was founded and its justifying reasons should be recited upon its pronouncement in a secret session .

**Article 31 -**



The disciplinary sanctions to be imposed on judges are reprimand and revocation .

**Article 32 -**

The Court President shall inform the Minister of Justice of the decisions adopted by the disciplinary council within forty - eight hours from their pronouncement . The Minister shall notify the judge of the decision's content .

The judge's mandate shall cease from the date of being notified the revocation decision .

The Minister of Justice shall undertake the execution of the pronounced decisions of isolation . This shall be carried out by decree upon approval by the Cabinet and confirmation by the Supreme Council and it shall be published in the Official Gazette . The date of referral to retirement pursuant to such revocation shall be considered starting from the date of publishing the decree .

The pronounced decision of reprimand shall be deposited in the judge's file and it shall not be published in the Official Gazette .

**TITLE THREE**

**JURISDICTION OF THE SUPREME COURT**

**Article 33 -**

The Supreme Court has exclusive jurisdiction to look into the following matters :

1 - All litigations between the Emirates , members of the Federation , or between any Emirate or several Emirates and the Federal government , whenever such litigations are referred to court pursuant to the petition of any of the parties concerned .

2 - Examine the constitutionality of Federal Laws if challenged by an Emirate or several Emirates for violating the Federal Constitution .

3 - Examining the constitutionality of legislations promulgated by one of the Emirates members if challenged by one of the federal authorities for violating the Federal Constitution or Federal Laws .

4 - Examine the constitutionality of Laws , legislation , and regulations in general if such petition is referred to the Supreme Court by any court of the Federation or of any of the Emirate members during an action processed before said courts .

5 - Interpret the provisions of the Constitution pursuant to the petition of one of the federation authorities or government of the Emirates members .

6 - Interpret the international conventions and treaties pursuant to the petition of one of the federation authorities or the Emirates members or whether the interpretation is object of difference in an action lodged before one of the courts .

7 - Accountability of ministers and federation senior officials appointed by decrees for acts committed by them in performing their official duties , upon request of the Federal Supreme Council and in accordance with the special law to this effect .

8 - The offences directly affecting the interests of the federation such as the offences related to its internal and external security , the offences of forging written documents or official stamps of one of the federation authorities in addition to the offences of currency counterfeiting .

9 - Conflict of jurisdiction between the federal judiciary and the judicial bodies in the Emirates .

10 - Conflict of jurisdiction between a judicial body in an Emirate and another judicial body in another Emirate or between the judicial bodies in any Emirate between them .

11 - Any other competencies laid out by the Constitution or any other federal law .

**Article 34 -**

Neither the president nor the judges of the Supreme Court may be recused .

**TITLE FOUR**

**THE FEDERAL PUBLIC PROSECUTION**

**Article 35 -**

The Federation shall have a Public Prosecutor assisted by a sufficient number of Prosecution Attorneys , Principal Prosecutors , their deputies and assistants .

**Article 36 -**

The Public Prosecutor and other members of the Public Prosecution , up to the grade of Deputy State Council are appointed by a decree issued by the President of the State upon approval of the Cabinet , based on nomination by the Minister of Justice .

The Deputy State Council is appointed by decision of the Cabinet pursuant to the nomination by the Minister of Justice , for one year under probation . If he successfully completes the probation period , he is confirmed in his post by decision of the Cabinet .

**Article 37 -**

Whoever is appointed Public Prosecutor should comply with the conditions set forth for appointment in the position of judge at the Supreme Court .

The same conditions apply in the other public prosecution positions except the two conditions of age and period to be elapsed between the date of obtaining the academic qualification and the appointment . Moreover , the remunerations of the public prosecutor and the members of the Public Prosecution are determined in accordance with the schedule attached to this law .

**Article 38 -**

The jurisdiction of the Public Prosecutor shall include the territorial jurisdiction of the Federation .

The area of jurisdiction and place of residence of the public prosecution members , their transport and delegation shall be by decision of the Minister of Justice pursuant to the proposal of the Public Prosecutor .

**Article 39 -**

The public prosecution members shall proceed , before assuming their duties , to take the following oath :

" I solemnly swear by Almighty God to perform my duty with diligence and honesty and to seek justice without fear or favoritism as well as to be loyal to the Federal Constitution and laws " .

The Public Prosecutor shall take oath before the Head of State in presence of the Minister of Justice . The remaining members of the Public Prosecution shall take oath before the Minister of Justice in presence of the Public Prosecutor .

Minutes of taking oath shall be drawn up as stipulated in Article 8 .

**Article 40 -**

The Public Prosecutor is put on retirement fund upon reaching the age of sixty - five whereas the remaining members of the Public Prosecution are put on retirement upon reaching the age of sixty .

Regardless of their rank , they shall not be subject to the provisions of sections ( 2 and 3 ) of Article 19 .

**Article 41 -**

The members of the Public Prosecution shall be subject to revocation or transfer to another occupation . Otherwise , they shall be subject to the provisions applicable to judges which are not in contradiction with the provisions mentioned in this title .

In case the Public Prosecutor is subject to trial or disciplinary accountability , he may be replaced by his immediate successor from the Public Prosecution members in the exercise of his duties .

**Article 42 -**

**Amended by Federal Law no . 14 dated 15/12/1985 :**

Subject to the provisions of articles five and twenty of Federal Law no 17 of 1978 2 and its amending laws , the Public Prosecution must interfere in the actions , claims and challenges 2 filed before the Supreme Court excepting the appeals in cassation in civil matters where its intervention is optional .

represent the Public Prosecution before the Federal Supreme Court .

Any text in contradiction or incompatible with the provision of this article is hereby cancelled .

**Article 43 -**

The Public Prosecution shall practice its competencies given under this Law and the other laws .

The members of the Public Prosecution shall follow their superiors in the order of their rank and they shall substitute the Public Prosecutor in the performance of their duties , being all of them answerable to the Minister of Justice .

The Public Prosecution may solely activate and proceed with the penal action which may not be filed by others except in the cases stipulated by law .

**Article 44 -**

The Public Prosecution shall assume the investigation and indictment in the offences that are part of the federal judiciary's jurisdiction .

**Article 45 -**

By decision of the Minister of Justice , upon submission by the Public Prosecutor and approval of the competent authorities on investigation and indictment in the Emirates members of the Federation , Public Prosecution may exercise its jurisdictions in those Emirates .

**Article 46 -**

The judicial officers are subject to the supervision of the Public Prosecutor relating to their occupational duties in pointing out to offences and search for the perpetrators .

The Public Prosecutor may delegate some of his competencies to the judicial officers .

**Article 47 -**

In performing its competencies , the Public Prosecution may take all precautionary measures on the person of the accused and the effects of the incident object of investigation , as well as to gather evidence .

No one should be arrested , searched or placed in preventive detention unless for investigation purposes for an offence in which there is predominant evidence to impute the act to its perpetrator and which is punished by incarceration .

Neither the accused nor the witnesses or others should be subjected to torture or degrading treatment .

**Article 48 -**

Subsequent to his arrest , the accused should not be detained for more than 48 hours . Despite that , the Public Prosecution may , after interrogating the accused , order his preventive detention for the purpose of investigation during seven days extendable to another term not exceeding fourteen days .

In case it is deemed in interest of the investigation to continue the arrest of the accused after the elapse of the periods mentioned in the previous paragraph , the Public Prosecution must submit the documents to the competent court judge so that he can , upon examining the documents and taking the deposition of the accused issue his decision of arrest for a period not exceeding thirty days renewable or release the accused on bail or without bail .

The accused may file an aggrievement complain to the President of the Court against the order issued in his absence after his detention , within three days from the date of notifying him the matter or his being informed of it .

Any individual other than the accused should not be arrested except by order from the competent judge . Shall be followed in this respect , the conditions and measures stated in paragraphs one and two of this article .

#### **Article 49 -**

The Public Prosecution may order the search of an accused for a red - handed offence or an offence leading to incarceration . It may also order the search of his home for taking hold of items and papers that may ultimately lead to uncover the truth whenever there are strong indications that he may be hiding these things with him or in his home .

If it appears from the investigation that an individual other than the accused is related to the offence , he may not , him or his home , be searched unless after being authorized by the competent authorities in the concerned Emirate .

#### **Article 50 -**

Subject to the provisions of Article 48 , the Public Prosecution should not violate the privacy of postal , telegraphic or telephonic correspondence and other communication means unless the interest of the investigation so requires and only in one of the offences indicated in the previous article .

### **TITLE FIVE**

#### **PROCEDURES BEFORE THE SUPREME COURT**

#### **Article 51 -**

Until the legislations regulating the Civil and Penal Procedures are issued , the procedures provided for in this Title and the general proceedings that do not contradict them shall be applied before the Supreme Court .

#### **Article 52 -**

With the exception of the penal actions , actions and claims shall be brought before the Supreme Court by virtue of a petition that includes , in addition to the data related to the names , capacities and residences of the litigants , the subject matter of the action , the constitutional or legal texts that are the subject to litigation , or the request for interpretation , as the case may be , in addition to the aspects of difference in these texts or the vagueness therein , and all the elements of the action , the claims , its foundations and supporting documents .

The petition should be signed by the party that brought it . In the case of federal or local authorities in Emirates that are members in the federation , the petition should be signed by the legal proxy thereof . In the case of petitions submitted by individuals , it shall be signed by one of the lawyers who are accepted to plead before the Supreme Court .

The applicant shall deposit with the original petition a sufficient number of copies and the documents folder in proportion to the number of litigants and to the court panel .

The penal actions shall be brought by the public prosecutor by way of summoning the accused to appear before the Supreme Court .

The writ of summons shall mention the accusation and the law articles that stipulate the sanction . As concerns felonies a list of evidences submitted shall be attached to the writ of summons .

The writ of summons shall be notified to the summoned in person or served at his residence as mentioned in Article 53 .

Prisoners shall be notified through the warden or his deputy .

The military forces and the police shall be notified through their chiefs or the administration that has the competency to receive notifications in these two organizations .

### **Article 53 -**

The clerks' office of the court shall register the actions in the day in which their petitions were deposited in a specific record intended for this purpose in the order in which they arrived and submit them to the president of the court in order to determine the department that will examine them , and the person who submitted them shall receive a receipt indicating the submission date , registration number and the date of the session that is fixed for examination thereof .

The clerks' office shall notify the interested parties in the action of the petition . The action 2 shall be considered as brought as of its registration date .

The notification shall be effectuated through the bailiff office or through those delegated by the Minister of Justice for this purpose .

The notification should include , in addition to the data related to the date and time of notification , the names and domiciles of the plaintiffs and defendants , the name and position of the notifying party and the name and capacity of the recipient of the notification .

No writ shall be served before the sunrise or sunset or during the holidays unless in emergency cases and by virtue of a permission written on the original notification by the president of the court .

If the bailiff faced any opposition or serious difficulty during the notification , the bailiff shall suspend the procedures and have recourse to the president of the court in order for the latter to issue his order on what should follow .

The bailiff shall return the original notification to the clerks' office on which shall be indicated the action that took place .

### **Article 54 -**

The party prejudiced as a result of the crime may constitute himself a civil party in the criminal case , before the criminal chamber of the Supreme Court where the action is examined , regardless of its status . This should be done prior to the close of the pleading sessions and referral of the action for adjudication .

The claim shall be made through the notification of a petition to the public prosecution with a copy of the demands in order for it to initiate immediately the penal action before the Supreme Court . It may also be done through a demand in the session during which the action is examined if the accused party is present , otherwise the action shall be adjourned to notify the accused party of the demands of the civil party unless the penal action is set for adjudication .

The plaintiff in civil rights may sue the party that is responsible for these rights and may ask for the forced entry of such party in the lawsuit .

The party responsible for the civil rights may enter in the action on his own whatever phase of the litigation .

#### **Article 55 -**

Without prejudice to the provisions of the previous article , the party prejudiced by the crime may have recourse to the competent civil court to claim indemnification for the damage arising from the crime . Once this means is chosen , he may not have recourse to the criminal chamber of the Court .

If the action is filed before the civil court that has the jurisdiction to examine the offence object of the civil claim , and if the penal action is submitted before the Criminal Chamber of the Supreme Court , the civil court shall stay the civil action until judgment is rendered in the penal action .

#### **Article 56 -**

The penal action shall be extinguished by the death of the accused .

#### **Article 57 -**

The Testimony of adult witnesses may be heard after taking the oath to testify truthfully with integrity . Every witness who refrains from appearing although such witness has been notified or warned by the court in a previous session , or who refrains from witnessing without a legitimate reason , shall be sanctioned to a fine of no more than One Hundred Dirhams .

The witness who refrains from appearing for the second time despite the notification shall be sentenced to a fine of no more than Two Hundred Dirhams . In such case , the court may order that the witness be coercively brought by the police should his presence be necessary .

In all instances , the court may discharge the witness from the fine if he appears and presents an acceptable excuse .

#### **Article 58 -**

Requests for constitutionality examination raised while examining a case before the courts shall be referred to the Supreme Court by virtue of a justified decision from the court , signed by the

president of the competent court decision and including the texts to be examined , if reference is done upon a decision from the court on its own .

If the challenge of the constitutionality is raised through the plea of one the litigants in the lawsuit , accepted by the court it shall fix a term for the challenger to submit his challenge to the Supreme Court , and if the term expires without submitting a proof by the challenger that he has lodged his appeal in time , he shall be considered as having relinquished it .

If the court rejects the plea , the refusal shall be by a justified decision . The interested parties may appeal it with the decision that is issued on the merit of the case before the court that has jurisdiction to examine the appeal to such decision whenever the appeal thereto is allowed .

The court before which the action is examined shall order a stay of action until the Supreme Court decides on the constitutionality . The stay decision shall be issued with the decision to refer indicated in the first paragraph of this article or after the appeal has been lodged within the term fixed by the court as mentioned in the second paragraph .

#### **Article 59 -**

The requests for interpretation of the international treaties and agreements that are brought before the courts relating to an action examined before it shall be referred by virtue of a justified decision from the court as mentioned in the first paragraph of the previous article , whether such request is done by decision from the court on its own or by a serious plea from one of the litigants .

The provision of the last paragraph of the previous article shall apply in this case .

#### **Article 60 -**

In case of conflict of jurisdiction between two or more judicial authorities mentioned in clauses 9 and 10 of Article 33 whether all such authorities refused to desist themselves from the action or all desisted themselves therefrom or issued contradictory decisions thereon , the demand for designation of the competent court shall be submitted to the Supreme Court by virtue of a petition based on the demand of one of the litigants or the attorney general .

Official copies of the litigated actions pleadings or the contradictory decisions as the case may be , should be attached to the petition .

The deposition of the petition at the clerks' office of the Supreme Court shall entail the interruption of the litigated actions until the competent court is appointed .

The competent chamber at the Supreme Court shall order the stay of the execution of the contradictory decisions until it determines which of these decisions is to be executed . The President of the Court may order the stay of the execution of such decisions until the matter is submitted to the competent chamber in the court .

#### **Article 61 -**

The clerks' office of the Supreme Court shall submit the action file to the President of the Court who shall determine the competent division that will decide the case .



With the exception of criminal matters , the President of the Court shall appoint a judge amongst the members of the mentioned division to prepare the action for pleading .

The clerks' office shall notify the parties in the action and the public prosecution at the Supreme Court of the sessions that are fixed for completing the institution of the case to appear before the judge in charge thereof .

The said judge shall entrust to the public prosecution the fulfillment of the necessary procedures to prepare the action .

#### **Article 62 -**

After the action is ready for pleading , the judge in charge of preparing the case shall deposit a report that indicates the facts of the case and the legal points raised in the dispute without expressing his opinion thereon .

Upon depositing the above report , the clerks' office shall submit the case file to the president of the competent division to determine the session in which the case shall be examined .

The clerks' office shall notify the interested parties of the date of the session and they shall follow up the case developments thereafter .

The preparing judge shall act as reporter for the session and the President of the Court may delegate others for this purpose .

#### **Article 63 -**

The reporting judge shall recite his report in the session .

He shall issue his decision after hearing the demands of the public prosecution without pleadings unless the court wishes to interrogate the litigants themselves or their advocates who are officially delegated by them .

The criminal action shall only be adjudicated after hearing the defense of the accused .

#### **Article 64 -**

Except for the instances stated in this Law , the submission of the action to the Supreme Court does not entail a stay of execution of the judgment or decision that is the subject matter of the action .

#### **Article 65 -**

##### **As amended by Federal Law no . 14 dated 15/12/1985 :**

A commission shall be formed in the Federal Court consisting of the president of the court or his delegate and the four most senior judges , amongst whom the delegates shall not be more than two judges .

If one of the court departments , while examining a case or an objection , decides , in other than the constitutional matters , to depart from an established principle of the court or that there

exists contradictory legal principles formerly issued by the court , it shall order to refer the action or the objection to that commission for adjudication .

The commission shall issue its decision to depart therefrom by the majority of four judges at least .

**Article 66 -**

All the civil , administrative , and judicial courts in the federation and in the Emirates that are members therein shall submit to the Supreme Court the data and papers this court may require .

The court shall have the authority to issue any order to ensure the appearance of any person or the submission of any document that it deems necessary to settle the actions , demands and objections submitted to it .

All the mentioned authorities , each within its jurisdiction , shall execute any order issued by the court in order to enable it to perform its mission .

**TITLE SIX**

**GENERAL AND TRANSITORY PROVISIONS**

**Article 67 -**

The decisions of the Supreme Court shall be final and binding on all and shall not be challenged by any means of challenge , except for the decisions that are issued in absentia in the criminal matters which as concerns challenge by means of opposition , shall be governed by the provisions set forth in the laws that regulate the criminal procedures .

**Article 68 -**

The bases for assessing the actions , the due fees , and means of grievance from these fees shall be determined by decree .

The actions and the demands submitted by the federal authorities or the authorities of the Emirates that are members in the federation shall be exempted from the payment of fees .

**Article 69 -**

Expenses shall , whenever possible , be assessed by the Court otherwise or by the president of the department that issued the decision , by an unchallengeable order on a petition submitted by the successful party to the litigation .

**Article 70 -**

The president of the court or his delegate shall settle the demands for postponement of the fees , the judicial bails , or exemption therefrom , after having perused the papers and heard the declarations of the applicant whenever deemed appropriate .

The submission of the application for exemption from the fees will entail stay of the delays fixed for filing the action or the claim .

**Article 71 -**

Judgments shall be promulgated and implemented in the name of the president of the State .

**Article 72 -**

Until the establishment of the federal first instance courts , the Supreme Court shall have the jurisdiction to settle the civil , commercial , and administrative disputes between the federation and individuals whether the federation is a defendant or plaintiff therein .

These disputes shall be settled by one of the divisions of the Supreme Court , formed of three judges .

**Article 73 -**

The executory copy of the judgment by virtue of which execution is carried out shall be stamped with the stamp of the court and signed by the competent employee at the clerks' office after endorsing it with the following enforcement formula :

( The ministers , the presidents of departments and divisions and all the competent authorities in the federation and the Emirates that are members therein shall proceed with the enforcement of this judgment and implement its requirements .

The public prosecutor , his delegates and all the mentioned authorities shall assist in its implementation , even by force , whenever required to do so .)

**Article 74 -**

The decision part of the judgments of the Supreme Court issued in the constitutionality lawsuits , the requests for interpretation of the constitutional provisions and the international treaties and agreements shall be published in the Official Gazette of the federation free of charge .

**Article 75 -**

The Supreme Court shall apply the provisions of the Islamic Shari'a , the federal laws , and the other laws in force in the Emirates , that are members of the federation , and which are consistent with the provisions of the Islamic Shari'a . Usages , the principles of natural law and of comparative law shall be applied inasmuch as they do not contradict the provisions of this Shari'a .

**Article 76 -**

All the local authorities in the Emirates that are members in the federation shall transmit , on their own and without fees , the actions in their possession and which have become under the jurisdiction of the Supreme Court by virtue of the provisions of this law .

The clerks' office of the Supreme Court shall follow the procedures provided for in this Law and notify the litigants of the session fixed for their examination .

The provisions of the two previous paragraphs shall not apply to the adjudicated actions or for which pleadings took place and were set for adjudication .

**Article 77 -**

The Minister of Justice shall issue the necessary decisions to execute the provisions of this law , and the ministers , each within his competence , shall execute its provisions .

**Article 78 -**

This law shall be published in the Official Gazette and shall come into force one month after its publication date .

Promulgated by Us at the Presidential Palace

On 25 Jumada al - Thani 1393 H .

Corresponding to July 25,1973

**Zayed Bin Sultan Al Nahyan**

**President of the United Arab Emirates**

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