

UNITED ARAB EMIRATES
MINISTRY OF JUSTICE



الإمارات العربية المتحدة
وزارة العدل

Guide to
The International Judicial Cooperation in Criminal Matters
(Surrender of Persons and Things – Judicial Assistance)
Ministry of Justice
1442 Hijri – 2020 A.D.



Index	
Subject	Page
Introduction	(5)
Definitions	(7-6)
(Part I) International Judicial Cooperation: General Framework and Departments	(8)
Chapter I: General Framework <ul style="list-style-type: none">- Objective of the Guide- Scope of Application- Competent Authorities- Responsibilities- References & Resources	(10-9)
Chapter II: International Cooperation <ul style="list-style-type: none">- What is International Cooperation- Forms of International Cooperation- Sources of International Cooperation- Sections and Functions of International Cooperation Department	(14-11)
Chapter III: International Judicial Cooperation Department <ul style="list-style-type: none">- Functions of International Judicial Cooperation Department- Priorities in Executing International Judicial Cooperation Requests- Confidentiality of International Judicial Cooperation Requests	(15-16)
(Part II) International Judicial Cooperation Requests	(17)



<p>Chapter I: International Judicial Cooperation Requests</p> <p>First. Surrender of Persons</p> <ul style="list-style-type: none">- What is Request for Surrender of Persons- Conditions for Surrender of Persons- Refusal of Surrender of Persons- How to submit Requests for Surrender of Persons and Information and Documents to be included in the Request- Procedures for Handling Requests for Surrender of Persons- Performance Indicators for Requests for Surrender of Persons- Stages of Processing Requests for Surrender of Persons	(18-25)
<p>Second. Extradition of Persons</p> <ul style="list-style-type: none">- What is Request for Extradition of Persons- How to submit Requests for Extradition of Persons and Information and Documents to be included in the Request- Procedures for Handling Requests for Extradition of Persons- Indicators for Following up the Execution of Requests for Extradition of Persons	(26-28)
<p>Chapter II: (Requests for Judicial Assistance in Criminal Matters)</p> <ul style="list-style-type: none">- What is Judicial Assistance- Forms of Judicial Assistance- Types of Judicial Assistance	(29)
<p>First. Requests for Judicial Assistance received from the Judicial Authorities of A Foreign State</p> <ul style="list-style-type: none">- What is Request for Judicial Assistance received from Foreign Judicial Authorities- How to submit Requests for Judicial Assistance and Information and Documents to be included in the Request- Refusal of Requests for Judicial Assistance received from Foreign Judicial Authorities;- Cases where Requests for Judicial Assistance are considered Complex- Performance Indicators for Execution of Requests for Judicial Assistance received from Judicial Authorities of Foreign States.	(29-34)



<ul style="list-style-type: none">- Procedures for Handling Requests for Judicial Assistance received from Judicial Authorities of A Foreign State- Stages of Processing Requests for Judicial Assistance received from Judicial Authorities of A Foreign State.	
<p>Second. Requests for Judicial Assistance addressed from the State Judicial Authorities</p> <ul style="list-style-type: none">- What is Request for Judicial Assistance addressed from the State Judicial Authorities- How to submit Requests for Judicial Assistance and Information and Documents to be included in the Request- Procedures for Handling Requests for Judicial Assistance addressed from the State Judicial Authorities- Indicators for following up the Execution of Requests for Judicial Assistance addressed from the State Judicial Authorities.	(35-37)
<p>Chapter III: Requests for Surrender & Extradition of Things</p> <p>First. Requests for Surrender of Things</p> <ul style="list-style-type: none">- What is Request for Surrender of Things- Conditions for Surrender of Things <p>Second. Requests for Extradition of Things</p> <ul style="list-style-type: none">- What is Request for Extradition of Things <p>Third. Requests for Controlled Delivery</p> <ul style="list-style-type: none">- What is Request for Controlled Delivery- Conditions for Controlled Delivery- Refusal of Controlled Delivery	(38-39)
<p style="text-align: center;">Appendices</p>	40
<p>[Appendix 1]</p> <p>Form of Requests for Surrender of Persons and Information to be included in the Request in accordance with the International Conventions or according to the Law on International Judicial Cooperation in the absence of a convention between the Requesting State and the Requested State.</p>	(41-42)



[Appendix 2] Form of Requests for Extradition of Persons and Information to be included in the Request in accordance with the International Conventions or according to the Law on International Judicial Cooperation in the absence of a convention between the Requesting State and the Requested State.	(43-44)
[Appendix 3] International Arrest Warrant Form	(45-46)
[Appendix 4] Form of Request for Judicial Assistance received from Foreign States and Information to be included in the Request in accordance with the International Conventions or according to the Law on International Judicial Cooperation in the absence of a convention between the Requesting State and the Requested State.	(47-48)
[Appendix 5] Form of Request for Judicial Assistance addressed from the State Judicial Authorities and Information to be included in the Request in accordance with the International Conventions or according to the Law on International Judicial Cooperation in the absence of a convention between the Requesting State and the Requested State.	(49-50)

Introduction...

The concept of crime has considerably evolved from being an individual, local and national crime to a collective, organized and cross-border crime that takes a variety of forms. Due to the easy mobility and movement among the countries because of the evolution of means of transport and communication, cross-border criminal activities have considerably grown. This has been reflected in certain types of organized crimes such as drug trafficking, women and children trafficking, money laundering, financing of terrorism and other transnational crimes which carry a foreign element like the perpetrator escaping to a foreign state, the victims or witnesses belonging to a foreign state, or the corpus delicti or the physical element of the crime being committed in a foreign state.

Domestic efforts to combat crimes and pursue perpetrators are no longer sufficient for eliminating or reducing crimes due to the technological progress over the world. There was thus need for every state to enter into mutual cooperative relations with other states, called (International Cooperation), and it became imperative to establish regulations for mutual cooperation in combating crimes of all forms and types and pursuing perpetrators. Several States have therefore resorted to international conventions to combat organized and trans-national crimes.

The present Guide deals with several topics on international judicial cooperation in criminal matters, including the international cooperation as a Central Authority and its departments, forms and sources, the effect of the international judicial conventions on international cooperation, the types of International Judicial Cooperation Requests, and the execution of International Judicial Cooperation Requests, particularly those connected with the organized and transnational crimes.



Definitions

State:	The United Arab Emirates.
Ministry or MOJ:	The Ministry of Justice.
Minister:	The Minister of Justice
Competent Court:	The Appellate Court competent to consider Requests for Surrender of Persons.
Competent Department:	The Competent Department at the Ministry.
Central Authority:	The Authority in charge of the management of International Judicial Cooperation Requests, including the receipt, transmission, follow-up and consideration of Requests for Surrender and Extradition of Persons and Requests for Judicial Assistance in Criminal Matters in accordance with the Federal Law No. 39 of 2006 on International Judicial Cooperation in Criminal Matters or the International Conventions to which the United Arab Emirates is a party.
Competent Judicial Authority:	The Court competent to consider any of the international judicial Cooperation procedures or the Public Prosecution.
Foreign Judicial Authority:	The Competent Judicial Authority of a Foreign State or the International Judicial Authority established in accordance with a convention in force to which the UAE is a party or according to a mandatory international resolution.
Requesting State:	The Foreign State which requests any judicial Cooperation from the State Authorities.
Requested State:	The State from which any form of judicial cooperation is sought.
Requested Person:	Any person whose surrender or temporary arrest is sought for any charge or criminal judgment laid down against him by a Foreign Judicial Authority.
Extradited Person:	Any person whose extradition is sought from abroad for a charge or criminal judgment laid down against him by the Courts of the State.



Request for Surrender of Persons / Extradition of Persons:	A legal collaborative process between two states by virtue of a convention, where a state requests the other the surrender of a person residing in its territory to investigate with him about a punishable criminal act committed within its jurisdiction or for trial or enforcement of a criminal judgment laid down against him by its competent courts.
Incoming/Outgoing Request for Judicial Assistance:	A written request for a specific form of judicial assistance addressed by a state to another via diplomatic channels.
Legal Basis for the Request:	The legal basis relied on by the Requesting State in making Requests for International Judicial Assistance.
Principle of Reciprocity:	A state's commitment vis-à-vis other states to a set of rights and obligations imposed by this Principle and which each of them is obligated to apply in future. This principle applies in the absence of a convention between the Requesting State and the Requested State. The wording Principle of Reciprocity shall read as follows: <i>“the Authority of the Requesting State undertakes to apply the Principle of Reciprocity in respect of surrender requests / judicial assistance requests made by the Judicial Authorities of the United Arab Emirates in similar cases and situations”</i> .



Part I

International Judicial Cooperation: General Framework and Departments

Chapter I General Framework

❖ Objective of the Guide

This Guide describes the legal framework for international judicial Cooperation in criminal matters to combat international and cross-border crimes, including the crimes of money laundering and financing of terrorism in the light of the international conventions and the Federal Law No. 39 of 2006 on International Judicial Cooperation in Criminal Matters. The main objective is subdivided into the following sub-objectives:

1. Description of the international cooperation as a Central Authority, its department, sources and forms.
2. Effect of international judicial conventions on judicial cooperation.
3. Setting out the Procedures for International Judicial Cooperation Requests.
4. Indicating the mechanism and procedures for preparing International Judicial Cooperation Requests and conditions for making requests in the absence of conventions between the Requesting State and the Requested State.

❖ Scope of Application

- **Domestic Requests:** requests made by the Federal or Local Judicial Authorities of the State.
- **International Requests:** Requests made by the Judicial Authorities or Central Authorities of Foreign States.

❖ Strategic Partners

- Ministry of Foreign Affairs & International Cooperation.
- Public Prosecutions (Federal or Local).
- Ministry of Interior (Interpol).

❖ Officers in charge at International Cooperation Department

- Director of International Cooperation Department.
- Judicial Members.
- Legal Researchers.
- Administrative Members.
- Legal Translator.



❖ References & Sources

- Federal Law No. (39) of 2006 on International Judicial Cooperation in Criminal Matters.
- Federal Decree-Law No. (20) Of 2018 on Anti-Money Laundering and Combating the Financing of Terrorism and Financing of Illegal Organizations.
- International Conventions (Bilateral, Multilateral and Regional) to which the UAE is a party.
- International customs which dictates that the Requested State and the Requesting State should commit to the Principle of Reciprocity in the absence of an international convention to which both States are parties.

Chapter II International Cooperation

❖ What is International Cooperation

International Cooperation in the area of combating crime is a set of means by which a state provides the assistance of its judicial institutions to investigation, conviction or enforcement authority of another state. Cooperation can be seen as the exchange of aid and assistance and the synergy of collective efforts of two or more states for mutual benefit or service at national, regional or international scale. Cooperation extends to the different types of relations and reflects, in the end, the emergence of shared international interests, alongside the national self-interests of each of the States parties to this cooperation. Therefore, the States are now committed within the organized international community to the direct mutual cooperation through the different international and regional organizations under many legal texts, which establish the principle of cooperation, as one of the fundamentals of the contemporary international organization. Thus, it can be said that the international cooperation principle is today a key principle on which the contemporary international organization is based. Enhancing inter-state cooperation will achieve several aspects of interests and benefits for all parties to the cooperation at national, regional and international levels, mainly the prevention of crimes and pursue of perpetrators. It consists also one of the strategic pillars of countering crime, particularly the transnational crimes. The UAE Legislator established special provisions and legislation that combat crimes of organized and transnational character and prescribe severe penalties for crimes committed by an organized criminal group. These include the Law against human trafficking, Law on Combatting Cybercrimes and Law on Anti-Money Laundering and Combating Crimes of Terrorism.

❖ Forms of International Cooperation

International Cooperation manifests in different forms according to the needs of States from such cooperation, and their willingness to adopt any of such forms. There is, for example, the mutual judicial cooperation which takes the form of mutual assistance in exchange of information and documents among the State Parties to Bilateral and Multilateral Treaties, in addition to the exchange of

information on Foreign Laws for State Parties to such conventions. Among the most important of these forms are the International Legal and Judicial Cooperation.

- 1. Inter-state Legal Cooperation:** is the exchange of legal information and applicable provisions in force, exchange of legal expertise, convening conferences and seminars, and the exchange of delegations.
- 2. Inter-state Judicial Cooperation:** consists in combating crimes, including cross-border crimes, and pursue of their perpetrators. Surrender of persons and mutual legal assistance in criminal matters are the most important means of international judicial cooperation. Inter-state Judicial Cooperation is based on international conventions or domestic laws.

❖ Sources of International Judicial Cooperation as Legal Basis for Grant of Requests

1. International Conventions:

International Conventions are among the most important ways that regulate the inter-state legal and judicial cooperation. A state bound by an international convention containing texts and provisions relevant to legal and judicial cooperation is committed to applying such provisions and texts with other state parties to such convention. International conventions are either bilateral, multilateral or regional.

- **Bilateral Judicial Conventions:** conventions made between two states to regulate the mutual legal and judicial cooperation especially in criminal matters. The UAE concluded 31 bilateral conventions on Surrender of Persons and Judicial Assistance in Criminal Matters and transfer of Sentenced Persons.
- **Collective Judicial Conventions:** conventions made among several states to regulate mutual legal and judicial cooperation in criminal matters. Collective conventions to which the UAE is a party are the United Nations Convention against Transnational Organized Crime, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, International Convention for the Suppression of the Financing of Terrorism, the United Nations Convention against Corruption, the International Convention for the Suppression of Acts of Nuclear Terrorism, the International Convention for the Suppression of Terrorist Bombing, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime

Navigation and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

- **Regional Judicial Conventions:** conventions made among states located in the same geographical region and united by common bonds. The State is a party to several regional conventions, including Riyadh Arab Agreement for Judicial Cooperation, Convention on Surrender of Persons among Governments of Arab States, Agreement on Enforcement of Judgments among Arab States, GCC Agreement, Arab Convention against Transnational Organized Crime, Arab Anti-corruption Convention, Arab Convention on Combating Information Technology Offences and the Arab Convention on Combating Money Laundering and Financing of Terrorism.
2. **Principle of Reciprocity:** A state's commitment vis-à-vis other states to a set of rights and obligations imposed by this Principle and which each of them is obligated to apply in future. This principle applies in the absence of any convention between the Requesting State and the Requested State. Absence of conventions on international judicial cooperation does not prevent a state from granting the request of another state for judicial assistance or surrender of persons. The Requested State may grant the request of the Requesting State on the basis of reciprocity. The UAE had adopted the wording of the Principle of Reciprocity which reads as follows: **“the Authority of the Requesting State undertakes to apply the Principle of Reciprocity in respect of surrender requests / judicial assistance requests made by the Judicial Authorities of the United Arab Emirates in similar cases and situations”**.

❖ Departments and Functions of the International Cooperation Department

1. International Judicial Cooperation Department

This Department is in charge of requests for international judicial and legal cooperation received from Foreign Judicial Authorities and the State Judicial Authorities for the Surrender and Extradition of Persons and mutual judicial assistance in criminal, civil, commercial and personal status matters.



2. International Conventions Department

This Department is in charge of the drafting of international conventions relevant to the legal and judicial matters which the State wishes to join in coordination with the concerned entities in addition to the drafting of MOUs which the Ministry wishes to conclude with its counterparts in other states.

3. Organizations and Conferences Department

This Department is in charge of the follow-up and organization of meetings, conferences, workshops and exchange of delegations in relation to the Ministry's work, which are held by the United Nations, the Gulf Cooperation Council, Arab League and other international and regional organizations.

Chapter III

International Judicial Cooperation Department

❖ Functions of the International Judicial Cooperation Department

International Judicial Cooperation Department is in charge of the management of International Judicial Cooperation Requests received from Foreign Judicial Authorities and the State Judicial Authorities for the surrender and extradition of persons and mutual judicial assistance in criminal, civil, commercial and personal status matters.

- Receive requests from the State Competent Authorities (Ministry of Foreign Affairs and International Cooperation, Federal and local Prosecutions, Ministry of Interior) for the surrender and extradition of Requested Persons, requests for judicial assistance in criminal matters, requests for transfer of Convicted Persons and consider whether they meet the conditions prescribed under the international conventions or the Law on International Judicial Cooperation in Criminal Matters and sending them on to the Competent Authorities.
- Following up on international judicial cooperation requests.
- Registering, archiving and organizing the files and documents relating to International Judicial Cooperation Requests.
- Preparing statistics relating to International Judicial Cooperation Requests.
- Following up on international judicial regulations, decisions and other instruments related to the international judicial cooperation.
- Promoting cooperation and the exchange of experience, and coordinating and following up with the Strategic Partners from among the State and Foreign Competent Authorities regarding International Judicial Cooperation.

❖ Priorities in Executing International Judicial Cooperation Requests

I. Type and Severity of the Crime

- Crimes of money laundering and financing of terrorism.
- Predicate offences identified as (high) to (medium) risk offences.
- Offences internationally identified as transnational offences
- Direct or indirect tax offences.

II. Urgent Requests

- Time-bound requests, i.e. the requests which need to be executed within a specific period of time stated in the request.
- Requests for Judicial Assistance involving attachment, freezing or confiscation of funds.

III. The Priority of the Requesting State.

IV. Existence of Judicial Convention between the Requesting State and Requested State.

❖ Confidentiality of International Judicial Cooperation Requests

Article (48) of the Federal Law No. 39 of 2006 on International Judicial Cooperation in Criminal Matters states that “it shall be permissible at the request of the Foreign Judicial Authority to maintain the secrecy of the request or the information included therein”. Bilateral, regional and multilateral conventions to which the State is a party have also stressed the need for protection of information and their confidentiality and the limitation on use of evidence and information.



Part II

(International Judicial Cooperation Requests)

Chapter I

International Judicial Cooperation Requests

First. Surrender of Persons

❖ What is Request for Surrender of Persons

An official request made by the Competent Central Authority of the Requesting State to the Competent Central Authority of the Requested State via diplomatic channels for the surrender of a person accused or convicted at the Requesting State of one or more acts constituting an offence according to the laws of the Requesting State for investigation, criminal trial or enforcement of criminal judgments laid down against him for the crime for which surrender is sought. Request for Surrender is made in accordance with the international judicial conventions (bilateral or multilateral) to which the State is a party or according to the Law on International Judicial Cooperation “Federal Law No. 39 of 2006 on International Judicial Cooperation in Criminal Matters” in the absence of a convention between the Requesting State and the Requested State.

❖ Conditions for Surrender of Persons

1. The offence for which the surrender is sought is punishable under the law of the Requesting State by a custodial penalty of at least (1) one year or a more severe penalty.
2. The act in respect of which the surrender is sought constitutes an offence punishable by a custodial penalty of at least (1) one year or a more severe penalty if it has been committed in the territory of the State.
3. Where the request for surrender relates to the service of a sentence handed down in any offences for which surrender is sought, the remaining term of sentence to be served must not be less than (6) six months in order for the surrender to be granted.
4. Determining whether or not the act in respect of which surrender is sought constitutes an offence punishable under the laws of both States shall in no way be affected by the fact that the offence is stated under a different name or description or that the elements differ in both of them.

❖ Refusal of Surrender of Persons

- 1- If the Requested Person is a citizen of the State.
- 2- If the Law of the State vests jurisdiction with the Competent Judicial Authorities regarding the offence for which surrender is sought.
- 3- If the offence for which surrender is sought is a political offence or connected with a political offence, provided that none of the following shall be considered as such: crimes of terrorism, 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 offence for which surrender is sought is limited to breach of military duties.
- 5- If there are serious grounds to believe that the request for surrender is made for the trial or punishment of a person based on his race, gender, religion, nationality, ethnic origin, political opinion or if the personal stand of any individual is encroached.
- 6- If the Requested Person was subjected to investigation or trial procedures in the State for the same offence for which the surrender is sought.
- 7- If the Requested Person has already been tried for the offence for which surrender is sought and a judgment of acquittal or conviction has been rendered and the rendered sentence has been fully served.
- 8- If an irrevocable judgment is rendered by the courts of the State regarding the offence for which the surrender is sought.
- 9- In case of lapse of the criminal case or the statute-barring of the sentence at the time of submission of the request for surrender.
- 10- If the Requested Person has been, or may be subjected to torture, inhuman or degrading treatment or a severe sentence not appropriate to the offence in the Requesting State or if the minimum guarantees prescribed by the Penal Procedures Code are not available.

❖ **How to submit Request for Surrender and Information and Documents to be included in the Request**

Request for surrender shall be made in writing via diplomatic channels from the Foreign Central or Competent Authority to the State Central Authority and shall include the following information and documents, provided that all of them are translated into Arabic and authenticated by the requesting Competent Judicial Authority:

- 1- Name and descriptions of the Requested Person and his photos, if any, together with any other information that might be useful for the establishment of his identity, nationality and place of domicile.
- 2- Copy of the legal text which applies to the offence and the relevant prescribed penalty in the Requesting State.
- 3- Where the request relates to a person under investigation, an official copy of the investigation reports and the arrest warrant issued by the Foreign Competent Judicial Authority, showing the type of offence, the acts attributed to the Requested Person and the date and place of commission of the offence.
- 4- Where the request relates to a Convicted Person, a copy of the judgment of conviction showing the type of offence, the acts attributed to the Requested Person, the penalty handed down and whatever indicates that the judgment is enforceable.

❖ **Procedures for Handling Requests for Surrender of Persons**

1. The Requesting State shall send Requests for Surrender via diplomatic channels through its Diplomatic Mission in the State, which shall in turn shall send it on to the Ministry of Foreign Affairs & International Cooperation for its transmission to the Central Authority of the State, i.e. the Ministry of Justice.
2. The International Cooperation Department at the Ministry of Justice, as the Central Authority, shall receive Requests for Surrender, shall register and

document them through the Competent Department and shall refer them to the Office of the Director of International Cooperation Department.

3. The Director of International Cooperation Department shall refer Requests for Surrender to the members of the Legal and Judicial Cooperation Department, each according to his competence.
4. Judicial Members and Legal Researchers shall consider whether or not the Requests for Surrender meet the formal conditions required accordance with the provisions of the Federal Law or the bilateral or multilateral conventions to which the State is a party.
5. If the Request for Surrender meets the formal conditions prescribed by the Federal Law or the international conventions to which the State is a party, an official letter shall be conveyed to the General Directorate of the Federal Criminal Police (Interpol) for communicating the whereabouts of the Requested Person to the International Cooperation Department – Ministry of Justice and indicating whether or not he has been arrested. On receipt of Interpol's reply, the International Cooperation Department – Ministry of Justice shall refer the Request to the Competent Judicial Authority in whose jurisdiction the arrest of the Requested Person took place.
6. If the competent member considers that the Request for surrender needs to meet certain formal conditions, in the sense that the Request has not been prepared in accordance with the conditions prescribed by the aforementioned Federal Law or the international conventions to which the State is a party, the International Cooperation Department – Ministry of Justice shall send an official letter to the Ministry of Foreign Affairs & International Cooperation, accompanied by a letter addressed to the Central Authority of the Requesting State to complete the missing parts of the Request and shall advise the State Competent Judicial Authority in whose jurisdiction the arrest of the Requested Person took place that a Request for Surrender has been received and returned to the Requesting Authorities to complete the missing parts. If the Requesting Party delays in completing the request, the International Cooperation Department – Ministry of Justice shall follow up on the Request and shall write to the Central Authority of the Requesting State to expedite the completion of any missing documents of the Request.

7. If the Requesting State completes the Request, the International Cooperation Department – Ministry of Justice shall refer the same to the Competent Judicial Authority of the State, i.e. the International Judicial Cooperation Unit or Department at the Attorney General Office to take the necessary actions accordingly.
8. If, following the consideration of the request, the Public Prosecution considers that certain information or documents are incomplete, the Public Prosecution shall communicate the incomplete parts to the International Cooperation Department – Ministry of Justice which shall in turn send on the same to the Central Authority of the Requesting State via diplomatic channels.
9. The Public Prosecution shall refer the Request for Surrender along with a written memorandum and all supporting documents to the Competent Appellate Court. The Court shall determine that the surrender is possible or impossible in the manner as follows:
 - a) **Court decision:** the Competent Appellate Court shall determine that the surrender to the Requesting State is either possible or impossible.
 - If the Competent Appellate Court determines that the surrender is possible, the Public Prosecution shall, after the lapse of the time limit for appeal (30 days) and the confirmation that the court decision becomes final, communicate the decision of the Appellate Court to the International Cooperation Department – Ministry of Justice. A ministerial decision of surrender shall be prepared accordingly, together with a memorandum on the information about the case which is the subject of request for surrender and shall be sent to the Office of Minister of Justice for acceptance of surrender and approval.
 - If the Appellate Court decides that the Surrender is impossible to the Requesting Party, the Public Prosecution shall, after the lapse of the time limit for appeal (30 days) and the confirmation that the court decision becomes final, communicate the decision of the Appellate Court to the International Cooperation Department – Ministry of Justice which shall convey the same to the Central Authority of the Requesting State through diplomatic means.

- b) **Expedited Surrender Decision:** the consent of the requested person to his surrender through a signed written declaration containing his personal details, the details of the case for which he is requested on its own will and with knowledge of the outcomes thereof. The consent of the requested person to his surrender to the Requesting State shall be made before the Public Prosecution during investigation procedures or before the competent court during trial, according to the following cases:
- If the requested decides during his interrogation before the Public Prosecution that he consents to be surrendered to the Requesting State even if no Request for Surrender is made by the Requesting State, the Public Prosecution shall submit an official memorandum containing the facts of the case, the offence for which surrender is requested, the details of the requested person and his declaration in which he consents to surrender to the Minister of Justice for approval of surrender.
 - If the requested person consents to his surrender to the Requesting State during his trial, the Competent Appellate Court shall send its decision that the requested person consented to his surrender to the Requesting State to the competent Public Prosecution to take the necessary actions and refer the court decision by official letter to the Minister of Justice for approval of surrender.
10. Upon its issuance, the ministerial decision to surrender the Requested Person shall be registered with the International Cooperation Department – Ministry of Justice in the Ministerial Decisions on Surrender of Persons and shall communicate the original copy of the decision to surrender the Requested Person together with the case papers to the Attorney General Office, which shall instruct the Interpol to implement the ministerial decision by surrendering the Requested Person to the Requesting State in coordination with the Requesting State’s Interpol. Following the implementation of the decision by the surrender of the Requested Person to the Requesting State, Interpol shall advise the Attorney General Office accordingly.
11. If Interpol fails to surrender the Requested Person to the Requesting State due to the existence of other cases filed against him in the State, the surrender shall be postponed until the investigation is complete or until the end of his trial in domestic cases with an issuance of a final judgment. In case of

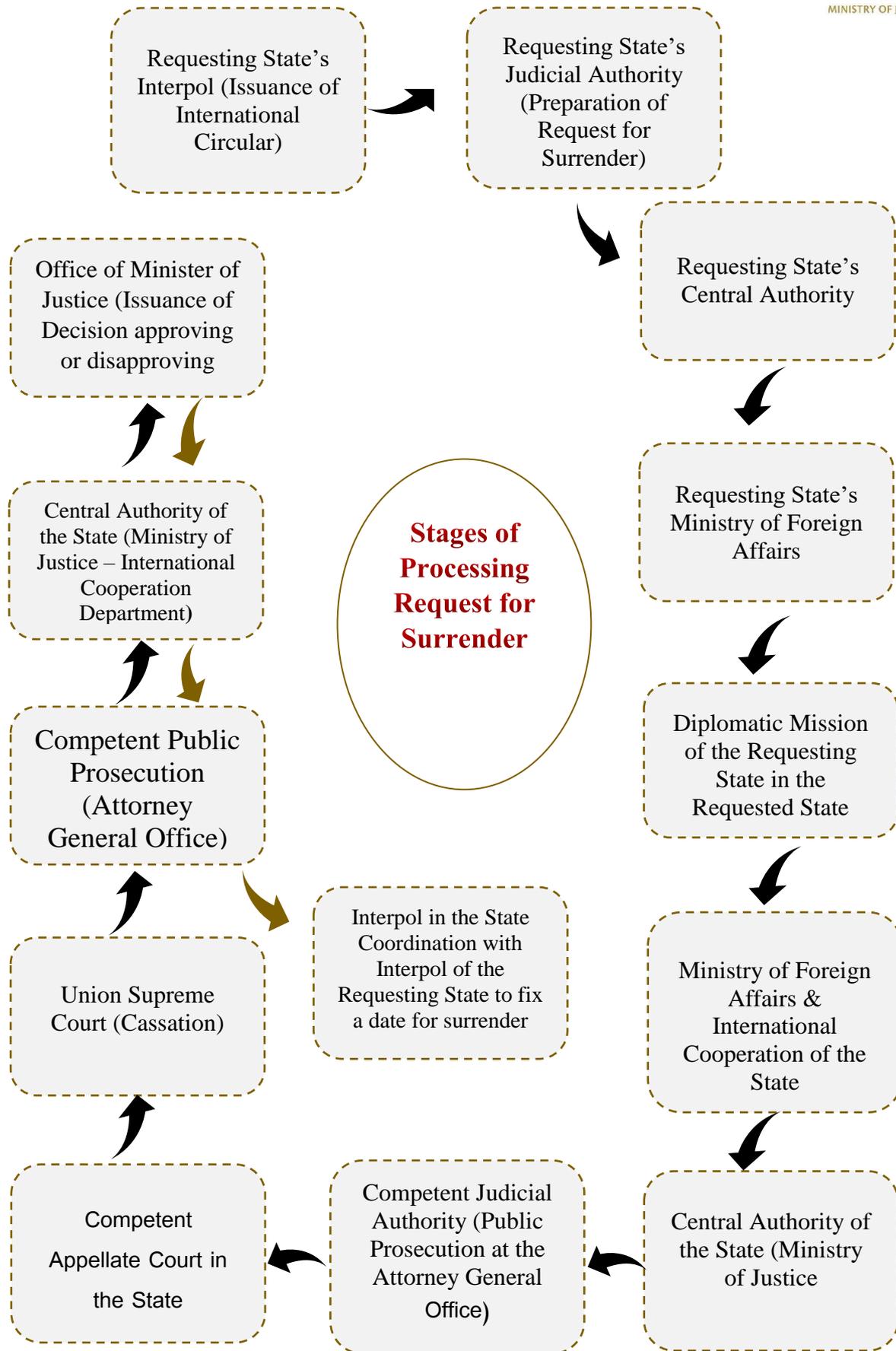


Convicted Person, the latter shall be surrendered after serving his sentence, and Interpol shall notify the Competent Public Prosecution which shall in turn communicate the actions taken on decision of surrender to the International Cooperation Department – Ministry of Justice. The International Cooperation Department – Ministry of Justice shall write to the Ministry of Foreign Affairs & International Cooperation to inform the Central Authority of the Requesting State of the actions taken in respect of the Request for Surrender.

12. If a decision to stop searching the Requested Person is issued by the Requesting State for the end of the case following the issuance of the ministerial decision of surrender to the Requesting State, the International Cooperation Department – Ministry of Justice shall issue a decision cancelling the previous decision on the ground of cessation of searching the Requested Person by the Requesting State along with a memorandum to the Minister of Justice about the reasons for cancellation. Following the issuance of the decision, the International Cooperation Department – Ministry of Justice shall communicate the decision cancelling the previous decision of surrender to the Competent Public Prosecution to take the necessary actions accordingly.

**Performance Indicators for Requests for Surrender of Persons
(Execution Indicator starts from the date the request is made)**

Type of offence	The Requesting State is followed up through the transmission of the Request for Surrender or the completion of incomplete parts of the Request according to the following indicator
All offences	Every two months
Money laundering	Every month
Financing of Terrorism	Every month



Second: Extradition of Persons

❖ What is Request for Extradition of Persons

A request made by the Judicial Authority of the State for the return of a person accused or convicted by courts of the State for commission of one or more acts constituting an offence in accordance with the Laws of the State to stand trial or serve a sentence in the State.

❖ How to submit Request for Extradition of Persons and Information and Documents to be included in the Request

The Attorney General, or his delegate, may request the Competent Department (International Cooperation Department – Ministry of Justice) to make a request to the Foreign Competent Authorities for the enforced return of persons convicted of a custodial penalty of at least six months or a more severe penalty or accused of offences punished by the law with custodial penalty of at least one year or a more severe penalty.

- Request for Extradition of the accused or the Convicted Person shall be made in writing and shall be dated, signed and sealed together with the other attached papers and shall contain the description and details of the Extradited Person.
- The facts for which extradition is sought.
- The legal characterization of the offence.
- Legal texts applicable thereto.
- Legal basis for the Request for Extradition.
- Translation of the Request and all its enclosures to the official language of the Foreign Judicial Authority or any other language acceptable to it, unless the conventions otherwise state.

❖ Procedures for Handling Requests for Extradition of Persons

- The Competent Public Prosecution of the State shall prepare the extradition file after receipt of the letter of Interpol in the State to the effect that the Requested Person has been arrested by the Foreign Authorities. The Request for Extradition shall be made according to the conditions prescribed by the international conventions to which the State is a party or the conditions prescribed by the Federal Law No. 39 of 2006 on International Judicial

Cooperation in Criminal Matters or, in the absence of a convention between the Requesting State and the Requested State, on the basis of reciprocity.

- The Competent Public Prosecution shall convey an official letter to the International Cooperation Department – Ministry of Justice, accompanied by the original Request for Extradition and all papers relating to the case for which the accused is sought.
- The competent member of the International Cooperation Department – Ministry of Justice shall consider whether the Request for Extradition meets the formal conditions in accordance with the provisions of the above Federal Law or the international conventions to which the UAE is a party.
- If the International Cooperation Department – Ministry of Justice considers that the Request for Extradition meets the required conditions, it shall endorse all the request papers with its signature and seal and shall send an official letter to the Ministry of Foreign Affairs & International Cooperation, accompanied by the letter addressed to the Central Authority of the Requested Foreign State, provided that the letter addressed to the Central Authority is translated into English if the Request is addressed to a state whose official language is English.
- If the Request for Extradition does not meet all the conditions prescribed by the above Federal Law or the international conventions to which the UAE is a party, such as the request not comprising the international arrest warrant or the papers being not translated into the language of the Requested State, then the International Cooperation Department – Ministry of Justice shall instruct the Competent Public Prosecution which made the Request to complete the required documents. Once completed, the request shall be send to the Ministry of Foreign Affairs & International Cooperation for its transmission
- If the Requested State delays in responding to the Request for Extradition, the International Cooperation Department – Ministry of Justice shall follow up with the Requested State by writing to the Central Authority of the Requested State to inquire about the actions taken in respect of the Request for Extradition.



❖ **Indicators for Following up the Execution of Requests for Extradition of Persons**

Type of offence	Execution of Request for Extradition of Persons is followed up with the Foreign States according to the following indicator
All offences	Every 3 months
Money laundering Crime	Every 2 months
Financing of Terrorism Crime	Every 2 months

(Chapter II)

Requests for Judicial Assistance in Criminal Matters

❖ What is Judicial Assistance

A delegation by a judicial authority of a state of another judicial authority of another state, requesting any forms of judicial assistance in carrying out any judicial action according to their respective laws.

❖ Forms of Judicial Assistance in Requests for International

- Establishment of the identity and location of persons.
- Hearing the testimonies of persons, which should include their names, domicile, and list of question to be addressed to them.
- Submission of the detained persons for testimony before the Foreign Judicial Authorities.
- Notification of judicial deeds.
- Seizure of things and search of persons and locations.
- Provision of information and evidence.
- Provision of original deeds and records or their certified copies.
- Freezing, attachment and confiscation proceedings

❖ Types of Requests for Judicial Assistance in Criminal Matters

- (1) Requests for Judicial Assistance addressed from A Foreign Judicial Authority To The State Authorities.
- (2) Requests for Judicial Assistance addressed from The State Authorities To A Foreign Judicial Authority.

First: Requests for Judicial Assistance addressed from A Foreign Judicial Authority To The State Authorities

Request for Judicial Assistance shall be conveyed in writing via the Central Authority to the Judicial Authority of the State from a Foreign Judicial, requesting any specific form of judicial assistance.



❖ **How to submit Request for Judicial Assistance addressed from A Foreign Judicial Authority and Information and Documents to be included in the Request**

- The request must comprise the type of the case.
- The entity issuing the request and the entity requested to execute the request must be indicated.
- The documents of the case which is subject of the request for judicial assistance.
- The legal texts applicable to the facts and relating to the crime, penalty and statute of limitation.
- Procedures to be taken and executed, in particular:
 1. Name and domicile of witnesses and questions to be addressed to them;
 2. Questions to be addressed to persons sought for interrogation.
 3. Statement of property, documents or papers to be examined.
 4. All papers and documents must be translated into Arabic and authenticated by the Foreign Judicial Authority unless the conventions to which the State is a party otherwise state.

❖ **Cases where denial of Request for Judicial Assistance is permitted**

1. If the act which is subject of the request does not constitute an offence if committed in the territory of the State.
2. If the grant of the request is against the State's sovereignty, security, public order, or other basic interests.
3. If the request relates to a political offence or an offence connected with a political offence.
4. If there are substantial grounds to believe that the request for assistance is made for the trial of a person based on his race, gender, religion, nationality, ethnic origin, political opinion or if the personal stand of any individual is encroached.
5. If the request is related to an offence which is subject of investigation or judicial prosecution in the State or if the judicial prosecution in the Foreign Judicial Authority is against the principle of a prohibition of conducting prosecution and judicial proceedings of the same offence more than once.
6. In case of lapse of the criminal action resulting from the act for any reasons provided for in the law of the State or the law of the Requesting State.

7. If the judicial assistance sought requires the execution of coercive measures that might be inconsistent with the laws in force in the State for the offence for which assistance is sought.
8. If the act which is subject of the request constitutes an offence only under the military law and is not considered as such under the other penal laws.

❖ **Cases where Requests for Judicial Assistance are considered Complex**

1. If the request relates to three or more legal persons in the State.
2. If the request comprises three or more sub-requests.
3. If the request concerns investigation or interrogation of persons.
4. Requests related to the identification of the beneficial owner.
5. Requests for the identification and the tracking of funds.
6. Requests for seizure, freezing or confiscation of funds.
7. Requests for the division of criminal proceeds.
8. If the request falls within the jurisdiction of two or more Judicial Authorities in the State.

❖ **Procedures for Handling Requests for Judicial Assistance addressed from Foreign Authorities to the Judicial Authorities of the State**

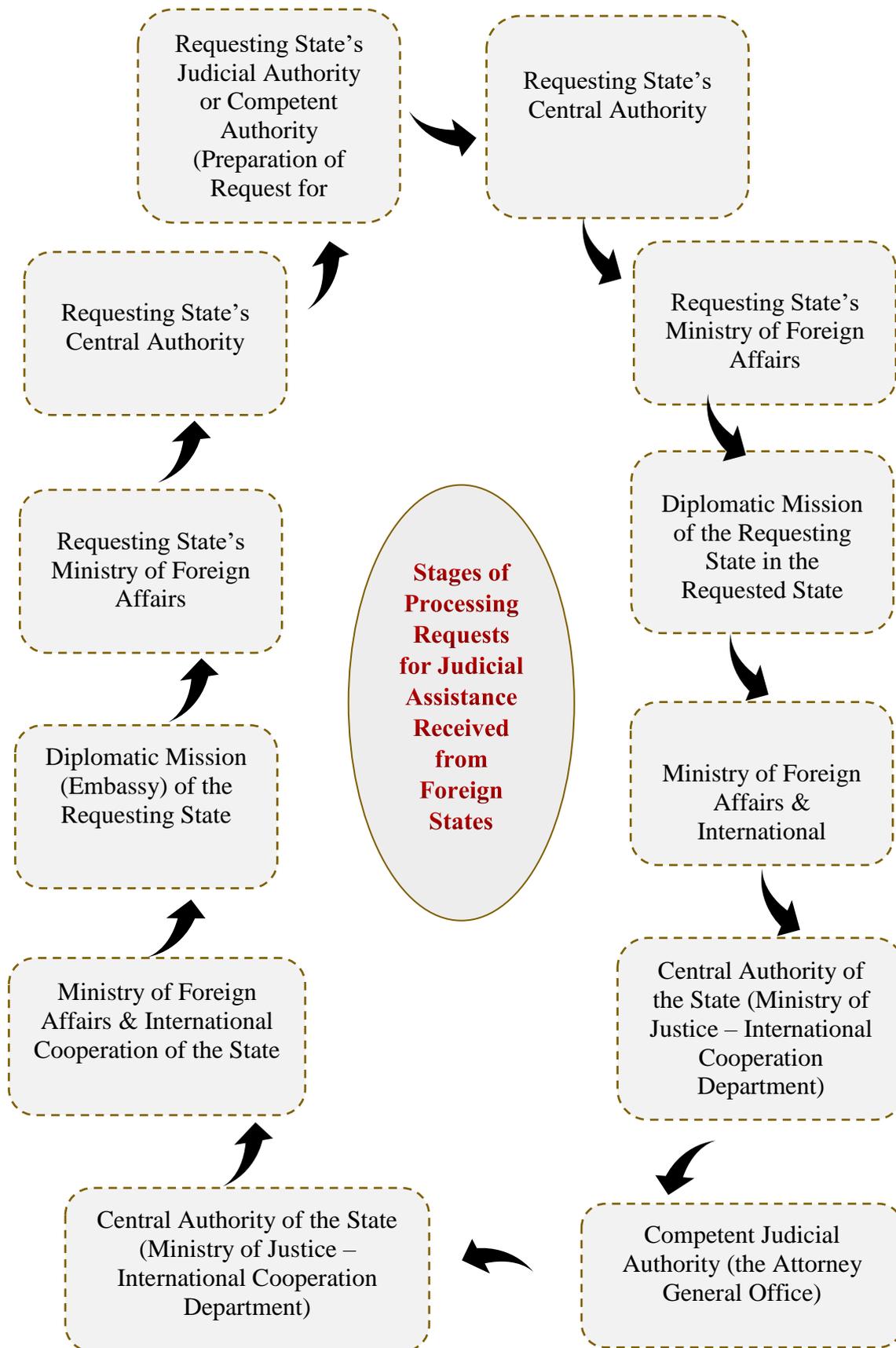
1. The Requesting State shall send Requests for Judicial Assistance via diplomatic channels through its Diplomatic Mission in the State, which shall in turn send it on to the Ministry of Foreign Affairs & International Cooperation for transmission to the Central Authority of the State, i.e. the Ministry of Justice – International Cooperation Department.
2. On receipt of Requests, the International Cooperation Department at the Ministry shall register and document the Requests through the Competent Division and shall refer the same to the Office of Director of International
3. The Director of International Cooperation Department shall refer the Request for Judicial Assistance to the members of the Department of Legal and Judicial Cooperation, each according to his competence.
4. The competent member shall consider whether the Request for Judicial Assistance meets the formal conditions in accordance with the provisions of the Federal Law or the bilateral or multilateral conventions to which the State is a party.

5. If the request for judicial assistance meets the required conditions prescribed by the above Federal Law or the international conventions to which the UAE is a party, the International Cooperation Department at the Ministry shall refer the Request directly to the Competent Judicial Authority (the International Judicial Cooperation Unit or Department at the Attorney General Office).
6. If the International Cooperation Department at the Ministry considers that the Request for Judicial Assistance needs to meet certain formal conditions, in the sense that the Request has not been prepared in accordance with the formal conditions prescribed by the aforementioned Federal Law or the international conventions to which the State is a party, the International Cooperation Department – Ministry of Justice shall send an official letter to the Ministry of Foreign Affairs & International Cooperation, accompanied by a letter to the Central Authority of the Requesting State to the that the Request is incomplete. If the Requesting State delays in completing the Request, the request shall be followed up on with its Central Authority to expedite their Judicial Authorities to take the necessary action.
7. Where the Requesting State completes the missing parts of the request for judicial assistance, the International Cooperation Department at the Ministry shall refer the request to the Competent Judicial Authority of the State (the International Judicial Cooperation Unit or Department at the Attorney General Office) to take the necessary actions.
8. If the Competent Judicial Authority considers that the request needs some clarification in terms of facts of the case or procedures to be taken, it shall communicate the same to the International Cooperation Department at the Ministry of Justice which shall convey such clarifications to the Central Authority of the Requesting State via diplomatic channels through an official letter addressed to the Ministry of Foreign Affairs and International Cooperation for transmission to the Requesting State.
9. Where the Competent Judicial Authority of the State executes the request, it shall provide the International Cooperation Department at the Ministry with papers regarding the execution of the request for judicial assistance. The International Cooperation Department at the Ministry shall convey an official letter accompanied by the papers regarding the execution of the request for judicial assistance to the Ministry of Foreign Affairs and International Cooperation for transmission to the Central Authority via diplomatic channels.



**Performance Indicators for Requests for Judicial Assistance
addressed from Foreign Judicial Authorities to the Judicial
Authorities of the State**

Non-priority Requests for Judicial Assistance		
Type of Offence	Complex Request	Non-complex Request
All offences	8 months	6 months
Medium Priority Requests for Judicial Assistance		
All offences	6 months	5 months
Money laundering	4 and ½ months	3 months
Financing of Terrorism	4 and ½ months	3 months
High Priority Requests for Judicial Assistance		
All offences	5 months	4 months
Money laundering	3 and ½ months	2 months
Financing of Terrorism	3 and ½ months	2 months



Second: Requests for Judicial Assistance addressed from the Judicial Authorities of the State

❖ What is Request for Judicial Assistance addressed from the Judicial Authorities of the State

A letter rogatory conveyed by a Judicial Authority of the State to a Foreign Judicial Authority, seeking any specific form of judicial assistance.

❖ How to submit requests for Judicial Assistance and Information and Documents to be included in the Request

- The Request for Judicial Assistance shall be made in writing by the Competent Judicial Authority and shall be dated, signed and sealed by the Requesting Authority together with the other attached papers, provided that they are translated into the language of the Foreign Judicial Authority or any other language acceptable to it.
- The request shall comprise the type of the case.
- The authority issuing the request and the authority requested to execute the request shall be indicated in the request.
- The facts of the case which is subject of the Request for Judicial Assistance.
- Legal texts applicable to the facts and related to the crime, penalty and statute of limitation.
- Procedures to be taken and implemented, in particular:
 - Names of witnesses, their domicile, and questions to be addressed to them.
 - Questions to be addressed to persons sought for interrogation.
 - Statement of property, documents or paper sought for perusal.
 - Any other data necessary to obtain evidence on the basis of oath, proof or any form to be used or as may be necessary for processing the request.

The Request shall determine whether the Request must be executed within a specific period of time.

❖ Procedures for Handling Requests for Judicial Assistance addressed from the Judicial Authorities of the State

- The International Cooperation Department – Ministry of Justice shall receive Requests for Judicial Assistance from the Judicial Authorities of the State (Public Prosecutions). Requests shall be registered and documented by the Department in charge of registration of requests and shall be forwarded to the Office of the Director of the International Cooperation Department – Ministry of Justice.
- The Director of the International Cooperation Department shall refer Requests for Judicial Assistance to the members of legal and judicial section, each according to his competence.
- The competent member shall consider whether the Request for Judicial Assistance meets the formal conditions prescribed by the provisions of the Federal Law or the bilateral or multilateral conventions to which the State is a party.
- If the International Cooperation Department – Ministry of Justice considers that the Request for Judicial Assistance meets the formal conditions specified under the aforementioned Federal Law or the International Conventions to which the UAE is a party, the International Cooperation Department – Ministry of Justice shall refer the Request through official letter to the Ministry of Foreign Affairs and International Cooperation for its transmission via diplomatic channels to the Requested State.
- If the International Cooperation Department – Ministry of Justice considers that the Request for Judicial Assistance is incomplete, in the sense that it has not been prepared in accordance with the conditions specified under the aforementioned Federal Law or the International Conventions to which the UAE is a party, it shall instruct the Judicial Authority of the State (the Competent Public Prosecution) to complete required conditions.
- In the event that the Requested State delays in executing the Request, the International Cooperation Department – Ministry of Justice shall follow up with the Central Authority of the Requested State via the Ministry of Foreign Affairs & International Cooperation by writing to the UAE Diplomatic Mission in the Requested State to follow up on the Request for Judicial Assistance with the Competent Authorities of the Requested State.



❖ **Indicators for following up the Execution of Requests for Judicial Assistance addressed from the State Judicial Authorities**

Type of offence	The execution of the request for judicial assistance addressed from the Judicial Authorities of the State to the Foreign Judicial Authorities is followed up according to the following indicator
All offences	Every 3 months
Money laundering offence	Every 2 months
Financing of Terrorism offence	Every two months

Chapter III

Requests for Surrender and Extradition of Things

First: Requests for Surrender of Things

❖ What is Request for Surrender of Things

It is an official request made via diplomatic channels by the Competent Central Authority of the Requesting State to the Competent Central Authority of the State for the return of all things in possession of the Requested Person at the time of his arrest or detected thereafter, which were obtained from the offence attributed to the Requested Person, or used in its commission or can be used as evidence thereof, unless their possession constitutes an offence in the State. Request for Surrender of Things shall be made in accordance with the international judicial conventions (bilateral or multilateral) to which the UAE is a party or according to the Law on International Judicial Cooperation “Federal Law No. 39 of 2006 on International Judicial Cooperation in Criminal Matters in the absence of a convention between the State and the Requesting State.

❖ Conditions for Surrender of Things

- Things sought for surrender shall be in the possession of the Requested Person at the time of his arrest or discovered thereafter.
- Things sought for surrender shall derive from an offence attributed to the Requested Person, used in its commission or can be used as evidence thereof.
- Things sought shall not be of things whose possession constitutes an offence in the State.
- There shall be no harm to bona fide third parties in relation to such things.

Second: Requests for Extradition of Things

❖ What is Request for Extradition of Things

It is a request made by the Judicial Authority of the state for the return of things in possession of the Requested Person that are obtained from the offence attributed

to him or otherwise used in its commission, or the proceeds thereof, or which may be taken as evidence thereof.

Third: (Requests for Controlled Delivery)

❖ What is Request for Controlled Delivery

It is an official request made via diplomatic channels by the Competent Central Authority of the Requesting State to the Competent Central Authority of the State for allowing things whose possession is an offence or obtained from an offence or used in its commission in accordance with the provisions of Law to pass out, or through the State without seizure, or to be substituted (in whole or in part), with the knowledge and under the supervision of the Competent Authorities, in accordance with the conditions as may be agreed upon, in order to determine their destination and identify persons involved in the commission of the offence. The Request for Controlled Delivery shall be made according to the international judicial conventions (bilateral or multilateral) to which the State is a party or according to the Law on International Judicial Cooperation “Federal Law No. 39 of 2006 on International Judicial Cooperation in Criminal Matters in the absence of a convention between the State and the Requesting State

❖ Conditions for Controlled Delivery

- Things requested to pass out of, through or into the State without seizure, or to be substituted, in whole or in part, shall be with the knowledge and under the supervision of the Competent Authorities.
- The Request aims to determine the destination of things allowed to pass through or identify the persons involved in commission of the offence.
- The Request shall meet the conditions as agreed upon between the State and the Requesting State.

❖ Refusal of Controlled Delivery

- If allowing controlled delivery would impair the State’s sovereignty, security, moral rules, public order or environment.
- If the request is not executed under the supervision of, or through the Competent Authorities of the State



APPENDICES



Appendix I

Form of (Request for Surrender of Persons) and Information which must be included in the Request in accordance with the International Conventions or according to the Law on International Judicial Cooperation in the absence of any convention between the Requesting State and Requested State



Date:

Request for Surrender of Accused

Case no. Criminal

From	Central Authorities of the Foreign Requesting State
To	Central Authority of the UAE (Ministry of Justice)

Details of the Requested Person

Name:	Personal Photo of the Accused
Nationality: Occupation:	
Date of birth: Place of birth:	
Passport no.: Date & Place of Issue:	

Other identifying marks or features:
.....

Any other information useful to identify him:

Address

In the State:

Outside the State:
.....

Facts of the Case

.....
.....
.....

Evidence

.....
.....
.....

Legal Description

.....
.....
.....

Maximum Penalty

.....
.....

Legal Provisions applicable to the Offence

.....
.....

Legal Basis for Request for Surrender

.....
.....

Content of the Request

.....
.....

Signature :

Seal :



Appendix II

Form of (Request for Extradition of Persons) and Information which must be included in the Request in accordance with the International Conventions or according to the Law on International Judicial Cooperation in the absence of any convention between the Requesting State and Requested State



Date:

Request for Extradition of Accused
Case no. Criminal

From	Central Authorities of the Foreign Requesting State
To	Central Authority of the UAE (Ministry of Justice)

Details of the Extradited Person

Name:	Personal Photo of the Accused	
Nationality:		Occupation:
Date of birth:		Place of birth:
Passport no.:		Date & Place of Issue:
Other identifying marks or features:		
Any other information useful to identify him:		

Address

In the State:

Outside the State:

Facts of the Case

.....
.....

Evidence

.....
.....

Legal Description

.....
.....

Maximum Penalty

.....

Legal Provisions applicable to the Offence

.....
...

Legal Basis for Request for Extradition

.....
.....

Content of the Request

.....
.....

Signature :

Seal :



Appendix III

Form of (International Arrest Warrant) and Information and Particulars to be included therein



International Arrest Warrant
Case no. Criminal

Prosecution	.....
Date	.....

Personal Photo of
the Accused

We,, Chief Prosecutor
order the arrest and transfer of the person indicated below and his tracking at national and international scale.

Name in Arabic	.....	
Name in English	.....	
Alias	.....	Gender	.....
Nationality	.....	Place of birth	.....
Date of birth	.....	Mother's name	.....
Occupation	.....	Identifying Marks	.....
Passport no.	.....	Date of Issue	.....
Place of issue	.....	Date of expiry	.....
Unified no.	.....	Any other information useful to identify the Requested Person	.....
Address			
Inside the State	.....	
Abroad	.....	
Particulars of the Case			
No. of Case for which he is sought	.....	
Requesting Entity	.....	
Offence	.....	
Time of offence	.....	
Place of offence	.....	
Summary of Facts	.....	
Legal Provisions applicable to the Offence	.....	
Status of the Case	.....	
Judgment	.....	
Issuing Court	.....	
Attachments	.....	
Name of Warrant Issuer	.....	
His status	.....	Seal	
Signature	.....	



Appendix IV

Form of Request for Judicial Assistance (addressed from the Foreign States) and Information which must be included in the Request in accordance with the International Conventions or according to the Law on International Judicial Cooperation in the absence of any convention between the Requesting State and Requested State



Date:

Request for Judicial Assistance
Case no.

From	Central Authorities of the Foreign Requesting State.
To	Central Authority of the UAE (Ministry of Justice).

Parties to the Case

Defendant :

Victim :

Facts of the Case

.....
.....

Offence and Legal Description

.....
.....

Legal Basis for Judicial Assistance

.....
.....

Legal Provisions applicable to the Offence and Statutes of Limitation

.....
.....

Content of the Assistance Sought

.....
.....

Signature :

Seal :



Appendix V

Form of Request for Judicial Assistance (addressed from the Judicial Authorities of the State) and Information which must be included in the Request in accordance with the International Conventions or according to the Law on International Judicial Cooperation in the absence of any convention between the Requesting State and Requested State



Date:

Request for Judicial Assistance

Case no.

From	Central Authorities of the Foreign Requesting State.
To	Central Authority of the UAE (Ministry of Justice).

Parties to the Case

Defendant :

Victim :

Facts of the Case

.....
.....

Offence and Legal Description

.....
.....

Legal Basis for Judicial Assistance

.....
.....

Legal Provisions applicable to the Offence and Statutes of Limitation

.....
.....

Content of the Assistance Sought

.....
.....

Signature :

Seal :