

Executive Resolution No. (13) Of 1977 on the Establishment of Disciplinary Councils and Trial Procedures

Having perused the Federal Law No. (12) Of 1976 concerning Police and Security Forces; and

Federal Law No. (1) Of 1972 concerning the capacities of ministries and the authorities vested in ministers and the laws in amendment thereof; and

The Ministry of Interior's Regulation No.(13) of 1974;

Chapter I

The Establishment of Disciplinary Councils

Article (1)

Disciplinary Councils shall be established for the consideration of violations of conduct and duties, and under a decision issued by the Undersecretary of the Ministry and followed by our approval.

Article (2)

The Disciplinary Council shall consist of three officers. The officer with the highest rank shall be designated as Chairman of the Council.

Article (3)

If the person referred to in the Disciplinary Council is an officer, the rank of the Chairman must be higher than the rank of the referred officer, and the ranks of the remaining members of the Council must not be lower than the rank of the referred officer.

Article (4)

If the person(s) referred to the Council are of different ranks; one body shall be constituted to prosecute them on the basis of the highest rank among the referred officers.

Article (5)

The Board of the Disciplinary Council shall not include:

- a. Any in-laws or relatives up to the fourth-degree.
- b. One of the complainants, or a person who participated in drafting the initial reports or expressed his opinions therein.
- c. A person who previously was a member in a body that was entrusted to look into the same case.

Article (6)

The established Disciplinary Councils shall make decisions within the limits set by the provisions of the Resolution herein. Each Council shall be considered as a dissolved body after rendering a decision in the case for which the Council was formed. A permanent Disciplinary Council may be formed if working conditions require thereof.

Article (7)

The prosecution shall be represented before the Council by an officer whose rank shall not be less than the rank of the referred officer. If the referred officers were of different ranks, the rank of the prosecution must be equal to the highest rank among them.

Article (8)

Each person referred to the Disciplinary Council upon an accusation of committing a violation, may designate a lawyer or officer to defend him before the Council.

Chapter II

Trial Proceedings Before the Disciplinary Councils

Article (9)

- a- Regular force officers shall be referred to the Disciplinary Council when they commit any violation of conduct should the penalty prescribed for the offence committed exceeds one (1) month salary deduction and simple detention for one week.

b- With exception to the foregoing, the Disciplinary Councils shall be competent in the consideration of all offences relating to the damage or loss of weapons.

Article (10)

Upon the issuance of the decision of establishing the Disciplinary Council; the Chairman of the Council shall determine the venue and date of the Council's meeting to consider the offence or offences referred to it.

Article (11)

The Council's quorum shall be deemed incomplete until the members and the representative of the prosecution are present.

Article (12)

a. The proceedings of the Disciplinary Council shall be public and the Chairman may choose private proceedings if he deems appropriate.

b. The referred person or the prosecutor may request to conduct the proceedings in private after providing corroborative reasoning. The Chairman shall be entitled to grant or deny such a request.

Article (13)

The prosecutor shall inform the referred person(s) with a statement of violations and a date of adjudicating at least fifteen (15) days prior to the date of the commencement for the proceedings, unless the notification procedures had been under the decision to refer to the disciplinary proceedings.

Article (14)

The prosecutor shall prepare the case file and summon the transferred person(s), witnesses and the guards to the venue of the Council in the time specified to consider the case.

Article (15)

Trials before the Disciplinary Councils are executed as described in the following articles:

Article (16)

The Chairman shall declare the opening of the session and order to bring the referred person(s) to the court room in the presence of the prosecution's representative(s) or defense if any thereof.

Article (17)

The prosecutor shall read the statement of violations and explain it in simple terms to the referred person(s).

Article (18)

The Chairman of the Council shall ask each referred person if he pleads guilty or not guilty.

Article (19)

Should the referred person plead guilty and the Council accepts his confession; the confession shall be noted using the same terms used by the referred person in his confession. The proceedings shall then be concluded, and the session shall be adjourned for a verdict. Should the confession be refused, a decision in this regard shall be rendered and the trial shall continue.

Article (20)

If the transferred person or his legal representative denied the accusations made against him, or if it was decided not to accept his confession, the Chairman of the Council shall entitle the prosecution's representative to submit evidence to substantiate the charge.

Article (21)

The Council shall successively and individually hear the testimony of the witness placed under oath. The prosecutor, followed by the referred person(s), defense, and Council members respectively, shall interrogate the witness wherein with questions relevant to the subject of the trial. All questions must be channeled through the Chairman of the Council.

Article (22)

- a. After the prosecution presents his evidence; the Council may amend the description of the violation if it appeared that there was a mistake in the description of the violation.
- b. Should the new description of the violation require a heavier penalty to be imposed, the referred person shall be given the opportunity to prepare his defense in light of the new description.

Article (23)

After hearing the prosecution's evidence, the referred person may submit new statements should he wish to or he may simply adhere to his previous statements given before the investigative body or prosecutor. The prosecutor shall be assigned to read such statements which will be added to the minutes of the session after being attested.

Article (24)

The evidence and the written reports must mention the person who drafted them. They shall be added to the minutes of the session after being read, reviewed and attested.

Article (25)

After submitting his remarks, the referred person shall be heard correspondingly to the way the evidence of the prosecutor was heard.

Article (26)

- a. The prosecutor shall submit his indictment based on the evidence that was available to him during the trial before the Council. He shall propose the necessary measures to the Council to be adopted against the referred person(s).
- b. The referred person shall present his remarks either by himself or his lawyer. The Chairman of the Council may assign the parties to submit their remarks in writing.

Article (27)

The Chairman shall declare the conclusion of the trial and adjourn the session to another date to announce the verdict.

Article (28)

- a. During the session specified for the verdict announcement, the Chairman of the Council shall read the decision in the presence of the referred person(s), the prosecutor and the defense, if any thereof.
- b. The decision wherein shall be recorded in writing and signed.

Article (29)

- a. The decision shall be issued either unanimously or by majority on behalf of the Ruler of the State and shall be signed by the Chairman and the members of the Council.
- b. In case of an opposing decision, the decision shall be put in writing and signed by the opposing members and added to the case file.
- c. The case file shall be referred to the legal counsel after signing the minutes of the proceedings before the board of the Council.
- d. The counsel shall verify the facts and the verdict, and write down his recommendations in order to refer the file to the Undersecretary of the Ministry of Interior.

Article (30)

The sentences of the Disciplinary Board become final only after being ratified by us.

Article (31)

Should the Undersecretary of the Ministry of Interior not be convinced as to the verdict or the procedures upon which the judgment was based appears to be contrary to the provisions of the Resolution herein, the case shall be retried by another Council formed for this purpose in accordance with the provisions set out for the establishment of councils. After taking our consent, the recommendations for penalty identified by the counsel may be adopted.

Article (32)

The Resolution ratifying a judgment, reducing it, cancelling it or calling for a retrial shall be final and not subject to an appeal of any aspect thereon.

Article (33)

The perpetrator of a violation for which a ratified judgment has been issued by Disciplinary Councils cannot be prosecuted a second time before any other judicial authority.

Article (34)

In order to complete these procedures, the forms prepared and designed to this end shall be used.

Article (35)

The present Resolution shall enter into force as of the date of its signature and publication in the Official Gazette.

Lieutenant General/

HH Sheikh Saif Bin Zayed Al Nahyan

Minister of Interior