

Cabinet Resolution No. (47) of 2023
on the Executive Regulations of Federal Law No. (14) of 2020
on the Protection of Witnesses and the Like

The Cabinet,

Having reviewed:

- The Constitution;
- Federal Law No. (1) of 1972 on the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (14) of 2020 on the Protection of Witnesses and the Like; and
- Based on the Proposal submitted by the Minister of Interior, and the Cabinet approval thereof,

Hereby resolves as follows:

Article (1)

Definitions

The definitions set forth in Federal Law No. (14) of 2020, referred to hereinabove, shall apply to this Resolution; otherwise, the following words and expressions shall have the meanings assigned thereto respectively, unless the context requires otherwise:

Ministry : The Ministry of Interior.

Minister : The Minister of Interior.

Law : Federal Law No. (14) of 2020 on the Protection of Witnesses and the Like.

Security Guard : A guard appointed pursuant to the Law of Private Security Companies.

Article (2)

Functions of the Protection Unit

The Protection Unit shall exercise the following functions:

1. To participate in developing a comprehensive policy to protect witnesses, including developing criteria for the assessment of risks to which they are exposed and the methods and means for protecting the Protected Persons, in coordination with the relevant authorities in the State;
2. To carry out ongoing assessments of risks pertaining to the Protected Person;
3. To draw up a report on risks to which the Protect Person may be exposed;
4. To design a personal protection program for the Protected Person and identify protection levels that will be provided;
5. To set procedures for cooperation and coordination with police commands on the Protection Program, and the responsibilities determined between the police and the Protection Unit to implement the Protection Program;
6. To coordinate efforts of cooperation between the competent government authorities to define their roles in implementing the Protection Program;
7. To enhance cooperation with foreign states and authorities in the area of implementing the Protection Programs; and
8. To perform any other functions or competences identified under a resolution by the Minister or the chairman of the competent authority.

Article (3)

Obligations of the Protection Unit

Within the framework of practicing its functions, the Protection Unit shall:

1. Provide the required protection to the Protected Person according to the Protection Program;

2. Prepare appropriate sites and places inside or outside the State for the purpose of implementing the Protection Programs, in coordination with the Competent Authority and the relevant authorities;
3. Set appropriate work procedures to secure the Protection Programs and protect data; and
4. Coordinate with the management of private security companies and private security companies, as per the geographical scope, to select Security Guards charged with implementing the Protection Programs according to the controls set forth in this Resolution.

Article (4)

Phases of the Protection Program

The Protection Unit shall set the Protection Program according to the following procedures:

1. To design the Protection Program in detail for every Protected Person, so that it commensurate with the risks, circumstances and facts requiring his protection;
2. To approve the Protection Program in coordination with the authorities in charge of financial affairs;
3. The Protection Unit shall implement the Protection Program in coordination with the relevant authorities inside or outside the State; and
4. To review the Protection Program on a regular basis and submit necessary amendment proposals.

Article (5)

Determination of Protective Measures

Subject to the criteria set forth in Article (8) of the Law, the Protection Unit or the Judicial Authority shall propose protective measures according to the following criteria:

1. The public interest arising from the criminal proceedings;

2. Means that may be provided by the police to protect a person required to be protected;
3. Budget placed at the disposal of the Protection Unit; and
4. Appropriateness of a person required to be protected for the Protection Program through the following sub-criteria:
 - a. Criminal record;
 - b. Marital status;
 - c. Psychological state;
 - d. Physical fitness; and
 - e. Any other criteria the Competent Authority deems necessary.

Article (6)

Classification of Risks

A risk that a person required to be protected may be exposed to shall be classified according to the classification of risks set out in Table (1) annexed to this Resolution.

Article (7)

Applications for Enrollment in the Protection Program

1. Where there is a need to enroll a person in the Protection Program, an enrollment application shall be submitted by the Competent Authority or the Judicial Authority to the Competent Court, accompanied by the following documents:
 - a. Evidence collection reports of which the person required to be protected is part and the nature and significance of his cooperation with the police in this regard, along with mentioning the possibility for obtaining similar evidence from other sources;
 - b. Nature of potential risk to the person required to be protected and the overall circumstances and data justifying his enrollment in the Protection Program;
 - c. Details on the type of crime committed and suspected persons;

- d. Details on the nature of existing threats, foreseeable risks and available security information thereon;
 - e. Details of actions, if any, taken by the police for the person required to be protected;
 - f. Proposals for the required Protection Program;
 - g. An acknowledgment by the person required to be protected that he agrees to be enrolled in the Protection Program;
 - h. Family members proposed to be enrolled in the Protection Program; and
 - i. Names of persons whose life and safety are at risk due to their close relationship with the Protected Person and persons required to be enrolled in the Protection Program.
2. The Competent Court shall decide on the application referred to in Clause (1) above within (15) fifteen business days from the date on which the application is submitted thereto. The Competent Court's decision in this regard shall be final and unchallengeable by any means of challenge.
 3. A decision issued by the Competent Court on the rejection of the application, pursuant to the provisions of Clause (2) of this Article shall not preclude the submission of a new application should serious reasons have arisen revealing a serious risk.

Article (8)

Temporary Measures Until the Issuance of the Decision on Admission to the Protection Program

Subject to Article (10) of the Law, the Protection Unit may take any of the measures set forth in the Law and the present Resolution to protect any person required to be enrolled in the Protection Program, until the decision of his admission to the Protection Program is issued by the Competent Court for a period up to (15) fifteen days.

Article (9)

Details of the Protection Instrument

Subject to Article (13) of the Law, the Protection Instrument shall include the following details and information:

1. An acknowledgment that the details submitted by the Protected Person are accurate;
2. An undertaking that the Protected Person shall cooperate with police and security and judicial authorities in all matters related to investigation procedures and giving his testimony before the court;
3. Obligations of the Protected Person in connection with implementing the Protection Program, including settlement of his financial affairs, assets and rights to his property, and settlement of legal proceedings to which he is a party, including signing documents necessary for settlement of all such matters, including the appointment of an advocate as necessary;
4. An undertaking to refrain from committing any crime or any action threatening the security of the Protected Person, any of his family member or any other person, or hindering the Protection Program's effectiveness;
5. An undertaking to keep the confidentiality of the details of the Protection Program, the identity of the Protection Unit's employees and any other person involved in the application of the Protection Program, as well as keeping the confidentiality of any other fact the Protected Person is required to keep confidential, and informing him that the disclosure of such details shall be deemed a criminal offence;
6. An acknowledgment by the Protected Person that the failure to fulfill his obligations or the submission of false information may be a reason for disenrollment from the Protection Program, and that he is aware of the consequences of disenrollment from the Protection Program; and
7. Any condition, acknowledgement or undertaking the Protection Unit deems necessary for the purpose of implementing the Protection Program.

Article (10)

Results of the Protection Instrument

Signing the Protection Instrument shall lead to the following results:

1. All details of the Protection Program that will be provided to the Protected Person shall be introduced to him.
2. Signing the Protection Instrument shall result in actual enrollment of the Protected Person in the Protection Program.

In all cases, the Protected Person may request to discontinue in or change the Protection Program.

Article (11)

Means for Implementing the Protection Program

The Protection Program shall be implemented through the measures prescribed by virtue of the Law according to the means shown in Table (2) annexed to the present Resolution.

Article (12)

Convicts or Remand Prisoners Covered by the Protection Program

If the Protected Person is a convict or remand prisoner, the place of his detention shall be determined, whether inside or outside the penal institution. The Protection Program period shall be counted as part of the execution period of the sentence imposed.

Article (13)

Minor or Incapacitated Person Covered by the Protection Program

1. A minor, incapacitated or disable person may be enrolled in the Protection Program only after obtaining a written consent from his legal representative, as the case may be, unless the Competent Court decides that he shall be covered by the Protection Program.

2. If a minor, incapacitated or disable person is approved to be covered by the Protection Program, the Competent Court may issue any directives to the legal representative of the Protected Person for the purpose of implementing the Protection Program and preserving his interest, including a minor’s custody and place of residence.

Article (14)

Right of the Protected Person to Receive Funds

1. The Protected Person may receive any funds during the implementation of the Protection Program according to the procedures identified by the Protection Unit.
2. The funds referred to in Clause (1) of this Article shall be subject to control; in terms of their sources and how they relate to the parties to the crime under investigation or trial, and how their sources are related to persons involved in criminal activities inside or outside the State.

Article (15)

Controls for Issuing New Identity for the Protected Person

If the Protected Person is subject to the identity change measures, the following controls shall be followed:

1. The Competent Court shall issue its decision obligating the authority in charge of issuing identities to register, issue and document the new identity of the Protected Person. Such authority may amend or revoke the new identity of the Protected Person and issue necessary directives where amendments are introduced to the Protection Program or is revoked.
2. A decision issued by the Competent Court pursuant to the provisions of Clause (1) of this Article shall be limited to the issuance of a new identity, and may not be extended to other issues pertaining to the Protected Person’s capacity, qualifications, education, personal status, religion, health condition, employment status or other documents or data granting him a right or creating an obligation.

3. The issuance of a new identity to the Protected Person may not prejudice any legal status of the latter or any of his prescribed rights and obligations, legal status, personal status or financial affairs.
4. The Protected Person's new identity data, new address or any other details related to his previous identity or address may be disclosed if it turns out that the need for disclosing such information is necessary for investigation procedures or criminal procedures or for protecting persons' lives, or that the public interest requires the disclosure of his own information.
5. If the Competent Court approves to issue a new identity for the Protected Person, the Protected Person shall:
 - a. Introduce himself using his new identity;
 - b. Use his original identity or the document for which he gives testimony only for giving testimony during criminal proceedings in the course of the Protection Program or by virtue of the prior written approval of the Protection Unit; and
 - c. Use the new identity that has been amended or revoked or any document proving it only according to the directives issued by the Competent Court. The Protected Person may also provide any details on any amendments introduced to his new identity only subject to the Protection Unit's prior approval.

Article (16)

Appointment of an Attorney for the Protected Person

1. When a decision requiring the Protected Person to be subject to the measure of changing the identity is taken, he may appoint an attorney to act on his behalf pursuant to the legislation in force in this regard.
2. The attorney shall be granted, to the extent necessary, the power to legally represent the Protected Person in all proceedings, including the management of his assets, implementation of the procedures related to him and transfer of the title of such assets

if the Protected Person fails to carry out such procedures for being enrolled in the Protection Program.

3. The attorney shall seek the Protected Person's consent to carry out the procedures on his behalf to the extent necessary under the circumstances of the Protection Program.
4. If the Protected Person fails to appoint an attorney or a power of attorney expires without appointing a new attorney, the Protection Unit shall request the Competent Court to appoint an attorney for the Protected Person.
5. The Protected Person shall incur the costs of management of his assets and the costs related to the procedures carried out on his own behalf.

Article (17)

Follow Up on the Implementation of the Protection Program

The Protection Unit shall, in coordination with the Competent Authority or the Judicial Authority throughout the Protection Program period, follow up on the following subjects:

1. All updates on the details and information related to the Protected Person, particularly those related to the crime and its perpetrators for which the Protected Person had enrolled in the Protection Program;
2. Information on the risks to the Protected Person;
3. Findings reached in connection with the criminal procedures for which the Protected Person had been enrolled in the Protection Program; and
4. Information on matters that may affect the investigation or criminal procedures for which the Protected Person had been enrolled in the Protection Program.

Article (18)

Regular Risk Assessment

The Protection Unit shall, in coordination with the Competent Authority or the Judicial Authority throughout the Protection Program period, regularly reassess the risk to which the Protected Person may be exposed.

Article (19)

Termination of the Protection Program

Subject to the provisions of Article (18) of the Law, the Protection Program shall be terminated if the Protected Person is convicted of any of the following crimes during the implementation of the Program:

1. Crimes against the State's security and interests;
2. Dishonesty crimes;
3. Embezzlement;
4. Theft,
5. Bribery;
6. Forgery and counterfeiting crimes;
7. Fraud;
8. Rape, indecent assault or pederasty;
9. Inciting debauchery and prostitution;
10. Human trafficking crimes;
11. Money laundering crimes;
12. Crimes affecting national economy;
13. Crimes related to the abuse of office and the abuse of power;
14. Crimes related to perverting the course of justice;
15. Crimes related to narcotics or psychotropic substances;
16. Crimes related to weapons, munitions or military equipment;
17. Crimes against persons;
18. Crimes of public risk; and
19. Committing a felony set forth in any penal code.

Article (20)

Effects of Termination of the Protection Program

1. The termination of the Protection Program for a Protected Person shall not terminate it for the rest of Protected Persons enrolled in the Protection Program.
2. If the Protection Program is terminated by a decision issued by the Competent Court, the Protected Person shall be served with a written notice signed by the Protection Unit showing the effects of terminating the Protection Program, and a copy thereof shall be submitted to the Competent Authority or the Judicial Authority, as the case may be.
3. The decision terminating the Protection Program shall take effect after at least (10) ten days from the date of its issuance, unless the Protection Unit decides that the above time limit is not sufficient and a longer time limit shall be set; consequently, the time limit shall be extended up to (30) thirty days.

Article (21)

Register of Protected Persons

1. A register of Protected Persons shall be created in the Protection Unit and shall contain the following information:
 - a. Details on the Protection Programs;
 - b. Details on the Protected Persons;
 - c. Any changes introduced to the personal data and information related to the Protected Person throughout the period of his enrollment in the Protection Program;
 - d. The extent to which the Protected Person complies with the Protection Program to which he is subject; and
 - e. Any other information necessary for managing and implementing the Protection Programs.

2. The register shall be fed by the Protection Units with the necessary data, so as to contribute to coordinating efforts between the relevant authorities and enhancing the effectiveness of the Protection Programs.
3. The powers of using and feeding the register shall be granted according to the use policy approved by the Ministry.

Article (22)

Closed or Private Hearings

The Competent Court's hearings in actions related to the Protected Person or the Protection Program shall be held *in camera*, unless otherwise ordered by the court.

All confidential materials submitted by the Protection Unit in the abovementioned actions shall be kept according to the applicable information security policy.

Article (23)

Cooperation with the Relevant Authorities

1. The Protection Programs shall be implemented with the relevant authorities according to the following controls:
 - a. Maintaining the confidentiality of the data of the Protected Persons and procedures taken between the two parties;
 - b. Ensuring that entities are competent in the security field before entering into a contract with them on the Protection Program; and
 - c. Setting a term for cooperating with such entities; provided that the required term does not exceed one renewable year.
2. If such entity is a foreign country or a government or non-government international or regional organization, the approval of the Ministry of Foreign Affairs and International Cooperation shall be obtained before proceeding with the procedures of cooperation therewith on implementing the Protection Program.

Article (24)

Contracting with Private Security Companies

The Competent Authority may enter into a contract with private security companies for implementing the Protection Program. A Security Guard charged with implementing a Protection Program shall fulfill the following requirements:

1. He shall be a citizen of the State.
2. He shall be at least (21) twenty one calendar years of age.
3. He shall be medically fit.
4. He shall obtain the necessary security clearance.
5. He has never been convicted of a crime involving moral turpitude or dishonesty.
6. He shall hold a firearm proficiency certificate issued by a shooting club licensed in the State for non-military personnel.
7. He shall hold a firearm license.
8. He shall have completed the national service or submit a certificate of exemption therefrom.
9. He shall hold the certificates of education, training and expertise, as identified by the Protection Unit according to the nature of functions that will be entrusted to them.
10. He shall successfully pass the professional internship approved by the Protection Unit, pertaining to the protection of witnesses and security powers granted to a Security Guard.

Article (25)

Duties and Powers of the Security Guard

In order to implement the Protection Programs and prevent any harm to the Protected Person, the Security Guard shall, while performing his job, carry out the following duties and functions:

1. Securing persons, transport vehicles, luggage or other goods;

2. Retaining materials found during the security, which would inflict damage on the safety and security of the Protected Person or the security, and the Security Guard shall deliver such materials to the Protection Unit;
3. The Security Guard may use force to the extent necessary and appropriate to carry out his duties whenever necessary or required;
4. The Security Guard may take a person into custody who illegally carries or is about to carry a firearm, or commits or is about to commit a crime that would endanger the safety of the Protected Person or inflict damage on the Protection Program;
5. When practicing his functions and duties, the Security Guard shall introduce himself mentioning his name, official title and position, and shall show his job card except where the same would compromise his safety or the safety of any other person or be at risk or hinder the implementation of the Protection Program;
6. For the purpose of implementing the provisions of the present Resolution, the Security Guard shall be granted the following powers:
 - a. To take into custody persons who endanger the lives of the Protected Persons;
 - b. To accompany the Protected Person outside a penal institution, so that the Protected Person accompanied by the Security Guard shall be considered to be placed under legal guardianship;
 - c. To take into custody the Protected Person if there is sufficient evidence that the Protected Person has escaped from the legal protection; and
 - d. To access to public premises to carry out security measures necessary to accompany the Protected Person or protect the site in which the Protected Person exists.

Article (26)

Funding Budget

The annual budget of the Protection Unit shall be set in coordination between the Ministry and the Ministry of Finance.

Article (27)

Publication and Entry into Force of the Resolution

This Resolution shall be published in the Official Gazette, and shall enter into force as of the day following the date of its publication.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by Us

Dated: Shawwal 11th, 1444 H.

Corresponding to: May 11th, 2023 AD.

Table (1)

Classification of Risks to which the Protected Person may be Exposed

S.N	Risk Level	Risk Description	Protection Measures Taken by the Competent Authority
1	1 st level	High; threatening his life or the lives of his family members or persons having a relationship with him.	<ul style="list-style-type: none"> – Physical protection. – Change of residence. – Change of workplace. – Change of identity.
2	2 nd level	Moderate; threatening his physical safety and security or property, or the safety or security of family members or persons having a relationship with him or their property.	<ul style="list-style-type: none"> – Using technological means for remote communication. – Any other measures approved by the Competent Court required for ensuring the safety of the Protected Person.
3	3 rd level	Low; threatening his reputation or the reputation of his family members or persons having a relationship with him.	<ul style="list-style-type: none"> – Using technological means for remote communication. – Any other measures approved by the Competent Court required for ensuring the safety of the Protected Person.

Table (2)
Means for Implementing the Protection Program

S.N	Protective Measures	Means of Protection	Protection Objectives
1	Physical Protection	Protection by Security Guards or by other appropriate means.	Preserving life of the Protected Person, the lives of his relatives or his property.
2	Change of residence	Change of residence either inside or outside the State.	Helping the Protected Person to find a job or receive education.
3	Change of workplace	Providing a new appropriate job to the Protected Person.	Financial arrangements to ensure a reasonable standard of living for the Protected Person throughout the Protection Program period.
4	Change of identity	Issuing a new identity.	Anonymization of of the Protected Person.
5	Using means of technology for remote communication.	<ul style="list-style-type: none"> – Hearing of witnesses via appropriate electronic means. – Change the Protected Person’s voice on the trial day. 	Anonymization of the Protected Person and preventing his appearance in public.