

**Federal Law No. (11) of 2009**

**concerning Martial Law**

**We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates;**

Having perused the Constitution; 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

Federal Law No. (6) of 1973 concerning Immigration and Residence and the laws in amendment thereof; and

Federal Law No. (10) of 1973 concerning the Federal Supreme Court and the laws in amendment thereof; and

Federal Law No. (11) of 1976 concerning firearms, ammunitions and explosives and the laws in amendment thereof; and

The Penal Code promulgated by Federal Law No. (3) of 1987, and the laws in amendment thereof; and

The Criminal Procedure Code issued under Federal Law No. (35) of 1992, and the laws in amendment thereof; and

Federal Law No. (1) of 2004 concerning combating terrorism-related offences; and

Federal Law No. (8) of 2006 concerning the Armed Forces; and

Federal Law No. (17) of 2006 concerning the Supreme Council for National Security; and

Acting upon the submission of the Minister of Defense, the approval of the Deputy Supreme Commander of the Armed Forces, the Cabinet, the Federal National Council, and the Federal Supreme Council;

Have issued the following law:

Chapter I

Definitions

Article (1)

The following words and phrases shall bear the meanings assigned to them as stated below wherever they occur in this Order unless the context otherwise denotes

**Legal Affairs Department**

State: United Arab Emirates

President: President of the United Arab Emirates

Armed Forces: the State's Armed Forces

Martial Law: a set of exceptional rules and procedures taken by the State in emergency circumstances; and allows the State to temporarily suspend all or some of the applicable laws in order to ward off the dangers affecting the State.

Executive Authority: the body responsible for overseeing the legislative, judicial and executive affairs in the State upon announcing the implementation of Martial Law; which shall be defined by a federal decree required for declaring Martial Law.

Courts-Martial: temporary courts established by orders of the Executive Authority to look into the crimes committed under Martial Law; it is of two types (General Court-Martial, and Special Court-Martial).

Chapter Two

Declaration of Martial Law and Procedures

Article (2)

Martial Law may be declared in the following cases:

- 1- If security or public order in the State or any part of it is compromised due to war or armed aggression or any other situation that represents a threat thereof, or in cases of occupation of a part of the State's lands
- 2- Any internal or external turmoil that may spread inside the State, or significantly undermine its security or political or economic conditions.
- 3- In cases of disasters or pandemics.
- 4- The need to secure the safety of the State's Armed Forces, ensuring its supplies, protecting its transportation routes, or any other matter related to its movement or military actions in the State or abroad.

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### Article (3)

1- In order for Martial Law to be declared, a federal decree is required upon the approval of the Federal Supreme Council, upon the proposal made by the President and the approval of the Cabinet, in the cases referred to in the previous Article. The decree is submitted to the Federal National Council at the first meeting convened. The decree shall include the following:

- A. The reasons that called for declaring Martial Law.
- B. The area or areas are subject to Martial Law
- C. The date upon which Martial Law enters into force.
- D. The Executive Authority that will be responsible for implementing the exceptional powers stipulated by the decree; be it military or civil authority.

2. Everything that might facilitate the State's affairs is at the discretion of the Executive Authority; including suspending all or certain laws and regulations, civil, federal or local authorities; however, the Executive Authority may not suspend the Federal National Council or compromise the immunity of its members during Martial Law, according to the provisions of the Constitution.

3- Martial Law is lifted upon a decree issued by the President, under the same procedures used to declare it and when the reasons that warrant it no longer exist. In all cases, Martial Law may be imposed for a period not exceeding six (6) months, and may be lifted earlier upon the end of the conditions that warrant it. Martial Law may be extended for similar periods, should the conditions remain unchanged; extension is issued under a federal decree.

### Chapter III

#### Measures and Orders of the Martial Law Executive Authority

### Article (4)

The Executive Authority responsible for enforcing Martial Law may take some or all the following measures, via a declaration or written orders:

1- Restrict the freedom of assembly, movement, residence, and prohibit passage of persons at specific places or at certain times; in addition to arrest suspects or detain persons that pose a threat to security and public order; authorize inspection of people, venues, and transportation means at any time, day or night, regardless of any provisions or measures, except for those specified by the orders of the Executive Authority.

2- Prohibit assemblies, protests, sit-ins, meetings, or general strikes; and shall use the necessary force to disperse such activities if necessary.

3- Suspend or restrict the activities of any club, association, entity, organization, center, or group that may have an adverse effect on security or public order.

4- Censor newspapers, publications, newsletters, graphics, and all means of expression, advertisement, and media, close publication houses, seize and confiscate materials that encourage sedition or breach of security and public order.

5- Censoring mail, packages, telegrams, telecommunications; including Internet, Intranet, or any other means of communication.

6- Define opening and closing hours of public establishments, and order closing of all or some shops.

7- Define prices of goods and prohibit monopolies.

8- Cancel import and export licenses of weapons, ammunitions, and explosives in addition to suspending licenses to carry, keep or possess firearms; and seize firearms and close warehouses.

9- Deport expatriates who pose a threat to the State's security, or detain them at a safe location, should they disturb security and public order.

10- Evacuate or isolate certain areas; organize, restrict, or limit transportation means.

11- Temporarily take over transportation means, or a facility, institution, company, shop, residence, property or moveable asset; taking into account the right to a fair compensation for the owners.

12- Prohibit persons from carrying out certain activities, or assigning them to carry out specific activities while maintaining their right to fair compensation or remuneration.

13- Enforce any measures that the Executive Authority deems suitable to maintain security and public order.

#### Article (5)

1- The Armed Forces, Police and Security Forces, or any other authority designated by the Executive Authority shall carry out the orders issued by the Executive Authority.

2- Persons tasked with carrying out the orders of the Executive Authority act as legal officers.

3- Persons tasked with carrying out the orders of the Executive Authority may use suitable force if necessary.

4- Within their powers, each employee or person should assist the implementation of these orders.

#### Chapter IV

#### Courts-Martial

#### Article (6)

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1- The Executive Authority may establish Courts-Martial to look into crimes committed under Martial Law as follows:

A. General Court-Martial: presided by a judge of the Court of Appeal, and two jurists. The Court has the jurisdiction to look into all crimes; settle grievances filed by persons who were arrested with arrest warrants; and extend the duration of custody.

B. Special Court-Martial: presided by a judge of the Federal Supreme Court, and four members; two judges of the Appeal Court, and two jurists. The court has the jurisdiction to look into crimes related to State security and other crimes specified in the orders of the Executive Authority.

2- All judges shall be assigned by the Executive Authority.

3- Sessions of both the above mentioned Courts will not be considered valid unless a representative of the Public Prosecution; selected from the Public Prosecution by the Executive Authority and a court clerk.

#### Article (7)

The Executive Authority may order referring a case to the Martial Courts in Common Law crimes, given that the crimes are described in detail in the referral decision issued by the Executive Authority.

#### Article (8)

If necessary, the Executive Authority may order the establishment of Courts-Martial, to be formed of Armed Forces jurists. This Court shall apply the procedures set forth by the Executive Authority in the establishment order. The Public Prosecution shall be represented by one of the Armed Forces officers. The mandate of such courts shall come to an end with the end of the purpose for which they were convened

#### Chapter V

##### Arrest Provisions

#### Article (9)

1- Any person may be arrested immediately if he violated the instructions issued by the Executive Authority or committed one of the crimes stipulated in its orders.

2- The detainee shall be immediately informed of the reasons for the arrest, and shall be treated like a detainee.

3- The detainee or his legal representative may file a complaint for the action taken against him pursuant to the provisions of Martial Law.

4- Grievances shall be filed with the Special Court-Martial. Upon hearing the statements of the applicant and Public Prosecution, the Court must make its decision within seven (7) days after filing of the application.

#### Article (10)

The detainee shall be referred to the Court-Martial within fifteen (15) days of the arrest date. The Court may release him on bail, or extend detention for no more than ninety (90) days extendable to a similar period.

#### Article (11)

1- The Executive Authority may dismiss the case before referring it to the Court.

2- The Executive Authority may order temporary release of detained suspects before referring the case to the Court-Martial.

#### Chapter VI

##### Investigation and Trial Proceedings

#### Article (12)

1- With the exception of the procedures provided for in this Law, or in the orders issued by the Executive Authority, the provisions of the Code of Criminal Procedure shall apply upon investigating cases that fall under the jurisdiction of Courts-Martial, which is responsible for looking into these cases, issuing a verdict and executing the penalties. These procedures may be limited to an order from the Executive Authority.

2- During investigations, the Public Prosecution representative has full legal authorities and powers conferred upon him by law.

#### Article (13)

While looking into cases, the Court-Martial may temporarily release the detained person.

#### Article (14)

1- Subject to the provisions of Article (6) of the Law herein, a judge of the Court of Appeal, or an Attorney-General, may be assigned by the Executive Authority; and shall be assisted by a sufficient number of judges and employees. The judge shall ensure sound proceedings, look into grievances, and issue a verdict. The judge or the Attorney-General may issue a memo stating the reason behind his verdict for each case to the Executive Authority, before finalizing the verdict.

2- In cases of urgency, the judge or authorized Attorney-General may put his opinion in writing on the sidelines of the verdict.

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#### Article (15)

Courts-Martial shall not prosecute or defend a civil suit.

#### Article (16)

1- Judgments of Courts-Martial cannot be appealed in any way.

2- In criminal and State security cases, verdicts are not finalized until approved by the Executive Authority.

3- In case the final ruling is the death sentence, it shall not be implemented until approval by the President.

4- The President has the right to pardon a convict, or impose a lighter penalty to replace a death sentence, in accordance with the provisions of the Constitution.

#### Article (17)

The Executive Authority is entitled to repeal verdicts of acquittal in criminal or state security cases; or order retrial by another Court-Martial composed of different judges. If the second Court renders a not-guilty verdict, the Executive Authority must approve the verdict.

#### Article (18)

The Executive Authority, after approving a guilty verdict, may order to repeal the verdict and dismiss the case or to reduce the penalty, change it, or suspend it by providing a reasoned decision.

#### Article (19)

1- When Martial Law is lifted, the Courts-Martial shall continue looking into cases referred to it during Martial Law, according to its procedures.

2- Cases not referred to the Courts-Martial shall be referred to ordinary courts that follow the applicable procedures thereto.

#### Article (20)

1- The provision of the First Paragraph in the previous Article applies to cases that the Executive Authority decides to retry, according to the provisions of this Law.

2- The Executive Authority shall maintain all the powers vested in it according to the provisions of this Law, regarding the verdicts of Courts-Martial that have not been approved before lifting Martial Law, or the verdicts issued after retrial.

#### Chapter VII

#### Sanctions

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Article (21)

Any violation of the orders issued by the Executive Authority is punishable with penalties provided for in the orders. The penalties shall not exceed two (2) years imprisonment and no more than one hundred thousand dirhams (AED 100,000), or either one.

Article (22)

Any violation of the orders issued by the Executive Authority is punishable with no more than six (6) months imprisonment and no more than fifty thousand dirhams (AED 500,000), or either one, if the Executive Authority's orders did not stipulate penalty for such violations.

Chapter VIII

Concluding Provisions

Article (23)

The implementation of the Law herein shall not prejudice the rights and powers of the Commander-in-Chief of the Armed Forces during times of war in military operation zones.

Article (24)

Competent Authorities shall execute this Law; each within their own jurisdiction.

Article (25)

This Law shall be published in the Official Gazette, effective the day following its publication.

**HH Sheikh Khalifa bin Zayed Al Nahyan,**

**President of the United Arab Emirates**

**Issued by us in Abu Dhabi:**

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