

Date: 1 December 2011  
Corresponding to:  
6 Mohram 1432 H

*Emirate Of Abu Dhabi*  
General Secretariat Of The Executive Council

# The Official Gazette

**The Year Forty - The Ninth Edition**



## The Contents

### Law:

**Page**

- Law No. (3) of 2011 concerning the amendment of certain provisions of Law No. (23) of 2006 concerning the Judicial Department in the Emirate of Abu Dhabi 2
- Appendix of Law No. (3) of 2011 concerning the amendment of certain provisions of Law No. (23) of 2006 concerning the Judicial Department in the Emirate of Abu Dhabi 14

### Circulars:

- Circular No. (27) of 2011 concerning the study of job training in the Emirate of Abu Dhabi 16
- Circular No. (28) of 2011 concerning the provision of a single effective point of contact for all Abu Dhabi Government clients 18



# Laws

Laws





**Law No. (3) of 2011**  
**concerning the amendment of certain provisions**  
**of Law No. (23) of 2006 concerning the**  
**Judicial Department in the Emirate of Abu Dhabi**

We, Khalifa bin Zayed Al Nahyan, Ruler of Abu Dhabi;

Having reviewed:

- Law No. (1) of 1974 concerning the reorganisation of the Governmental Body in the Emirate of Abu Dhabi and its amendments;
- Law No. (2) of 1971 concerning the National Advisory Council and its amendments;
- Law No. (23) of 2006 concerning the Judicial Department in the Emirate of Abu Dhabi as amended by Law No. (11) of 2008; and
- Based on what was presented to and approved by the Executive Council;

Issued the following Law:

### **Article (1)**

The provisions of Articles (10), (21), (23), (27) and (30) of the aforesaid Law No. (23) of 2006 shall be replaced by the following provisions:

### **Article (10)**

The seat of the Cassation Court shall be in the city of Abu Dhabi, its rulings shall be issued by five judges, and it has the jurisdiction to adjudicate on the following matters:

- 1.Challenges against rulings issued by courts of appeal and other cases in which the law allows objection by cassation.
- 2.Conflict of Jurisdiction between the courts of the Emirate.
- 3.Accountability of the Executive Council members and the Emirate's senior staff appointed by Amiri Decrees, upon the proposal of the Chairman of the Executive Council and the Ruler's approval thereof, for whatever they may commit in performing their official duties.

## **Article (21)**

1. Judges shall be appointed by an Amiri Decree upon the recommendation of the Council.
2. Prior to undertaking their duties, the judges and prosecutors shall swear the following oath: "I swear by Almighty Allah to judge fairly, without fear or bias, and to respect the constitution and the laws."
3. Swearing the oath by the Head of the Cassation Court and the Attorney General shall be before the Ruler or the Crown Prince whenever necessary, and in the presence of the Chairman. Other judges and prosecutors shall swear the oath before the Chairman in the presence of the Head of the Cassation Court or the Attorney General as circumstances may dictate.
4. Swearing the oath shall not be repeated in case of promotion or relocation between judiciary and public prosecution.

## **Article (23)**

Immunity rules as stipulated in this Law shall be applicable to the judges. Judges' terms of office may not be terminated except for one of the following reasons:

1. Demise.
2. Resignation.
3. Expiration of the contractual period for those contracted or the secondment period of those seconded. The department termination of the contract or secondment before the end of the period shall be in accordance with the applicable regulations, pursuant to a resolution by the Chairman.
4. Proved age of retirement, or compelled retirement before legal age pursuant to an Amiri Decree and upon a proposal by the council and the recommendation of the Chairman. In all cases, the retiree is entitled to retirement pension regardless of service duration.
5. Proved disability to carry out their duties for medical reasons. Disability must be proved by the competent medical authority.
6. Disciplinary dismissal for the reasons stipulated in this law and according to the procedures therein.
7. Assignment to non-judicial positions with their consent, or transfer to non-judicial duties based on a ruling issued by the disciplinary board.



## **Article (27)**

1. Judges are held accountable before a department named "Judges Affairs Department". This department shall be formed by the head of the cassation court, or his deputy and shall be comprised of five judges of such court who are not council members.
2. The accountability case may be filed by the attorney general, or whomsoever represents him, at the request of the council, through a petition stating the alleged violation by the judge and evidences supporting the same. The request for filing the case must be preceded by an investigation to be handled by a cassation court judge as assigned by the council for such purpose.

## **Article (30)**

1. The department shall have an administration named "Judicial Inspection Administration". This administration shall be affiliated to the chairman and shall consist of a director of a rank of a cassation judge and a number of judges and prosecutors to work as inspectors therein. A resolution delegating the director and members shall be issued by the chairman upon the proposal of the council.



2. upon the council's proposal, a chairman's resolution shall be issued to set the technical regulations for the work, specifying the rules of delegation to the administration, the elements and components of inspecting judges and prosecutors, and the degree of competence necessary for promotion.

### **Article (2)**

New Articles numbered (21 bis 1), (21 bis 2), (27 bis 1), (27 bis 2), (27 bis 3) (27 bis 4), (27 bis 5), (27 bis 6) and (36 bis ) shall be added to the aforesaid Law No. (23) of 2006, the provisions of which are as follows:

### **Article (21 bis 1)**

1. The judge and prosecutor may be promoted to a higher rank through choice upon fulfillment of the minimum of seniority in each rank, and upon getting a competence assessment of no less than 'very good' on the total period spent in such rank. The minimum of seniority for each rank shall be four years. In cases of equality of competence, seniority shall be considered between the candidates.

2. The order of seniority of judges and prosecutors nominated for promotion shall be by the date of the decree appointing each or the resolution promoting the same. If more than one judge is appointed or promoted in a single decree or resolution, then seniority shall be arranged as per their mentioned order in such decree or resolution, unless otherwise specified by such decree or resolution.
3. A resolution concerning the promotion shall be issued by the chairman upon the recommendation of the council.

### **Article (21 bis 2)**

Pursuant to the chairman's resolution and upon the recommendation of the council, a judge or prosecutor may be assigned to a job of higher rank or any job of any rank whenever common interest requires, without prejudice to his financial allowances. The assigned for a higher job shall receive the same financial allowances allocated to such job, and ending of such assignment shall be in the same manner.

### **Article (27 bis 1)**

1. The Judges Affairs Department may conduct whatever it deems necessary of investigations and it may assign one

of its members to do so. Should the department find a sound reason to conduct accountability measures, it shall instruct the judge to attend before it within a week. The judge shall attend in person and may submit his defense in writing, he may also seek an advocate from judges, prosecutors or lawyers. If he does neither attend nor deputise one of the aforesaid parties, the ruling may be issued in absentia after verifying that he was duly notified.

2. Accountability sessions shall be confidential and the public prosecution shall be represented by whoso job is no less than public attorney. The ruling shall be issued after hearing the prosecution's requests and the judge's defense. The ruling that is issued in presence shall be final and unappealable.
3. The accountability case expires with the judge's resignation and such expiration does not affect the criminal or civil case arising from the action which is the subject matter of the accountability case.

### **Article (27 bis 2)**

The Judges Affairs Department may order the suspension of the judge's duties without depriving him of his salary. The department may review the suspension decision at any time whether by its own initiative or upon the judge's request.

### **Article (27 bis 3)**

The judge may oppose an in absentia ruling within ten days of being personally notified of such an in absentia ruling ; this opposition shall re-open the accountability case and the said judge shall not be prejudiced in any way as a result of submitting his objection.

Should the opposee not attend the session specified to examine the opposition without an acceptable reason, such opposition shall be deemed as never filed and the ruling on the subject of the opposition, or deeming the same as never filed, shall be final and unappealable.

### **Article (27 bis 4)**

Disciplinary penalties that may be imposed on judges are:

1. Blame.
2. Deprivation of annual salary increment for two consecutive years.
3. Deprivation of the earliest promotion.
4. Transfer to a non-judicial job.
5. Dismissal from job.



### **Article (27 bis 5)**

The head of the Judges Affairs Department shall notify the council of the ruling immediately upon its issuance; The council's chairman shall also inform the chairman and the judge of the content of the ruling within three days from the date of its issuance. The judge's mandate shall be terminated from the date of his notification of the dismissal ruling or transfer to a non-judicial job.

### **Article (27 bis 6)**

1. An Amiri Decree concerning the implementation of the dismissal from the job penalty shall be issued upon the chairman's recommendation. The dismissal shall be considered effective in all cases from the date of notifying the judge of the decree or the date of its publication in the Official Gazette, whichever occurs first. The dismissal ruling does not affect the judge's rights to pension or bonus.
2. In case of transference to a non-judicial job, the judge shall be transferred, by a chairman's resolution, to a job of no less rank and salary than that of the judicial job from which he was transferred.



3. A chairman resolution concerning the implementation of other penalties shall be issued and lodged in the judge's file.

### **Article (36 bis)**

1. The ranks and jobs of judges, prosecutors and members of Fatwa and Government Cases Department shall be in accordance with tables (A) and (B) attached to this Law. The financial allocations for each rank shall be determined by a chairman's resolution upon the recommendations of the council for the judges and prosecutors, and upon the recommendation of the department undersecretary for the members of Fatwa and Government Cases Department provided that this does not prejudice any right acquired under the previous position.

2. Accountability and immunity provisions applicable to judges and prosecutors do not apply to members of Fatwa and Government Cases Department.

### **Article (3)**

This Law shall be published in the Official Gazette and effective from the date following its issuance.

**Khalifa bin Zayed Al Nahyan**  
**Ruler of Abu Dhabi**

Issued by us in Abu Dhabi  
in the Presidential Palace  
Date: 9 October 2011  
Corresponding to:  
11 Thu Alqidah 1430 Hijri

**Appendix of Law No. (3) of 2011**  
**concerning the amendment of certain provisions**  
**of Law No. (23) of 2006 concerning the**  
**Judicial Department in the Emirate of Abu Dhabi**

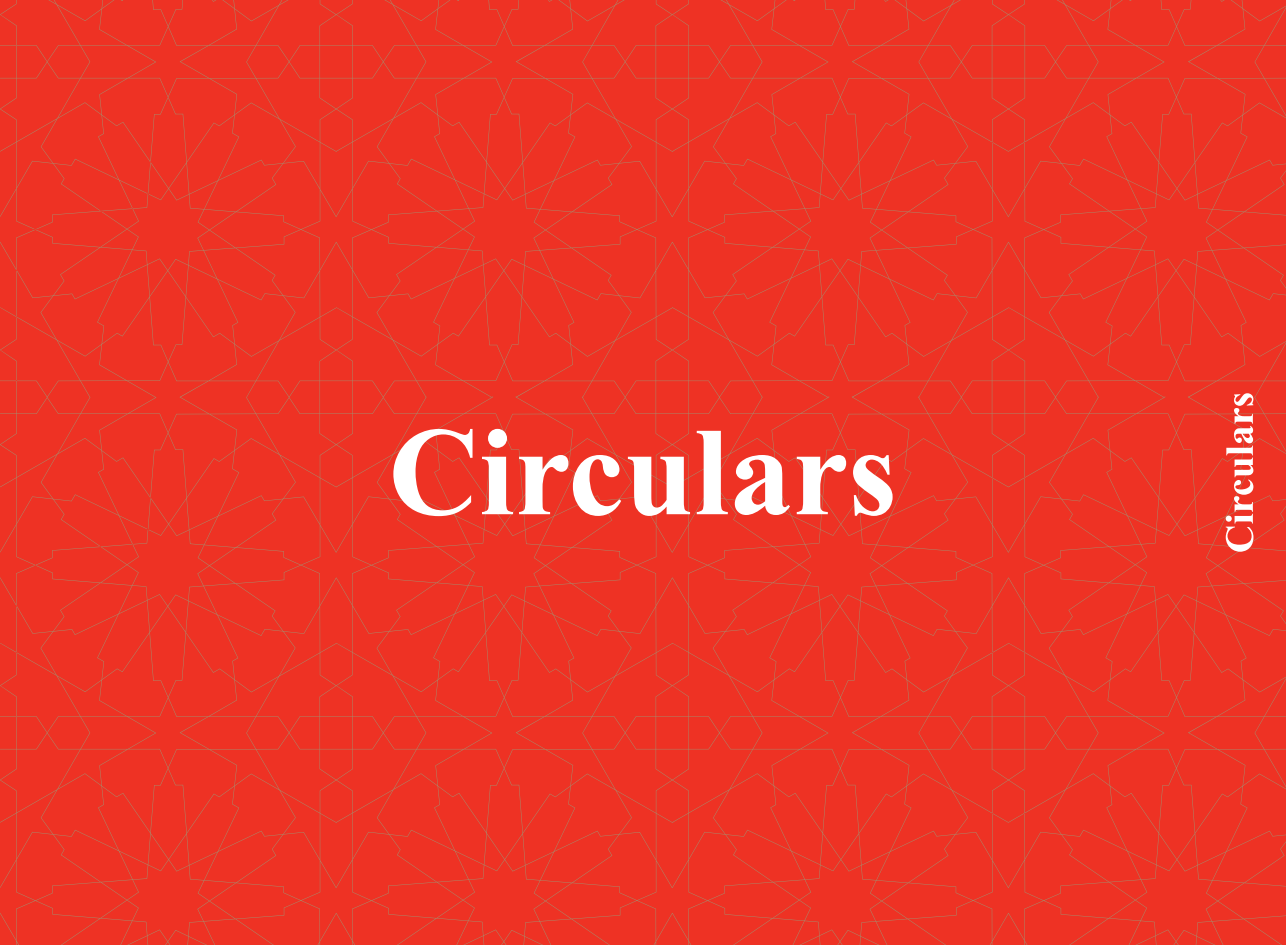
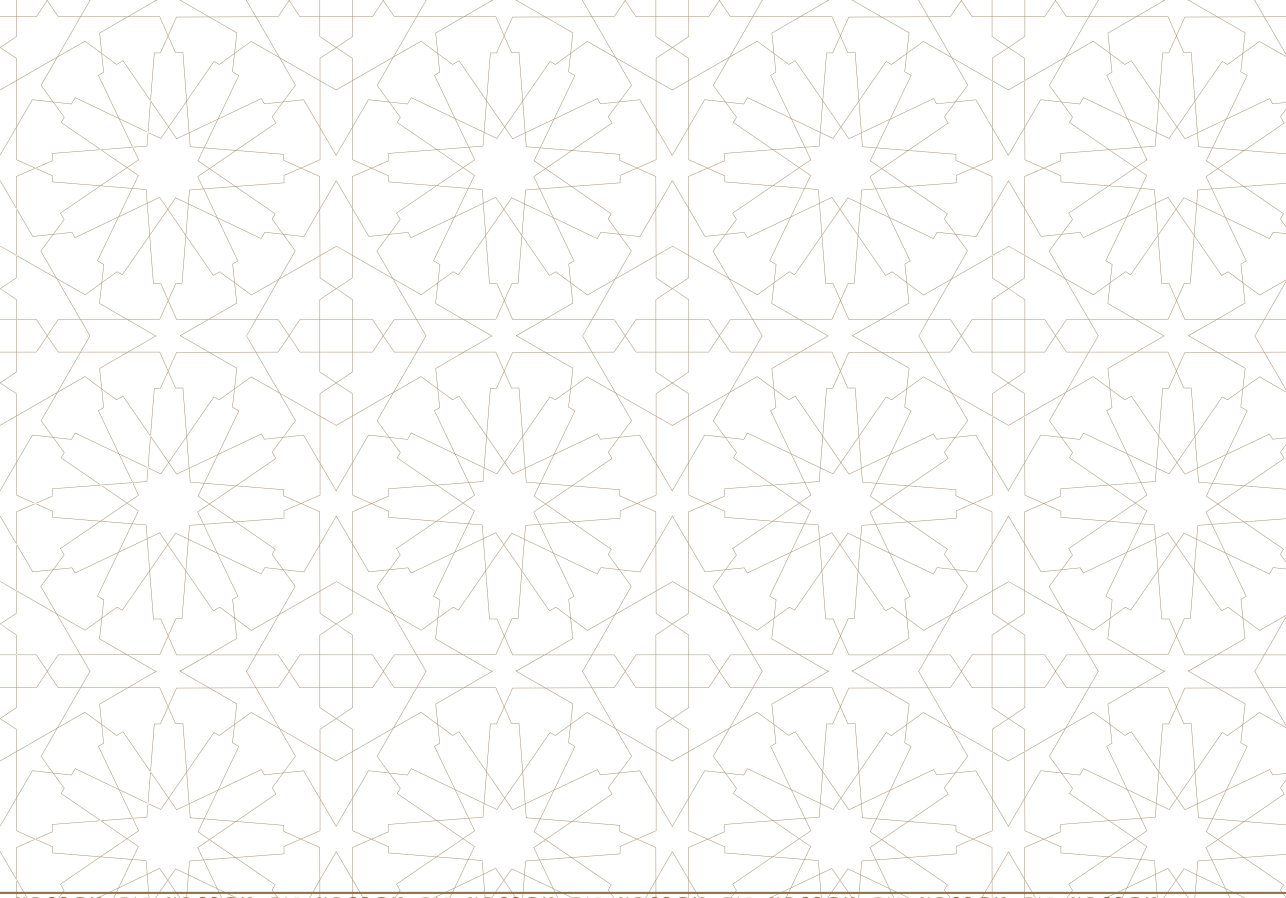
**Table (A)**  
**judiciary and public prosecution ranks and jobs**

| <b>Rank</b> | <b>Role Title</b>  |
|-------------|--|
| Special     | Head of the Cassation Court - Judicial Department Undersecretary - Attorney General  |
| First       | Judges of the Cassation Court - Director of the Judicial Inspection - Heads of the Courts of Appeal - Director of Technical Office - Chief Public Attorney |
| Second      | Senior Judges of Courts of Appeal - Public Attorneys   |
| Third       | Judges of Courts of Appeal - Heads of Courts of First Instance - Director of Execution Department- Senior Chief Prosecutors                                |
| Fourth      | Senior Judges of Courts of First Instance- Senior Chief Prosecutors  |
| Fifth       | Judges of Courts of First Instance (Class A)- Senior Public Prosecutors  |
| Sixth       | Assistant Judges - Judges of Courts of First Instance (Class B) -Public Prosecutors  |

**Table (B)**  
**members of Fatwa and Government Cases Department**  
**ranks and jobs**

| Rank   | Job Title  |
|--------|--|
| First  | Head of Fatwa Department - Head of Government Cases Department         |
| Second | Senior Chancellors of Fatwa and Government Cases Department            |
| Third  | Chancellors and section heads of Fatwa and Government Cases Department |
| Fourth | Assistant Chancellors of Fatwa and Government Cases Department         |
| Fifth  | Researchers at Fatwa and Government Cases Department                   |
| Sixth  | Assistant researchers at Fatwa and Government Cases Department         |





# Circulars

Circulars





**Circular No. (27) of 2011 concerning  
the study of job training in the Emirate of Abu Dhabi**

**To all governmental departments and entities in the Emirate of  
Abu Dhabi**

Peace and Allah's mercy and blessings be upon you;

Within the frame of the efforts of Abu Dhabi Government to support coordination and communication between governmental departments and entities, we extend our thanks and gratitude for your active support in establishing the objectives of Emirate of Abu Dhabi Strategic Vision.

With reference to the General Secretariat Circular No. (4) of 2011 concerning the study of job training in the Emirate of Abu Dhabi and the requirement thereof to fill the required data in questionnaire attached to such circular.

Please be advised that upon reviewing the received information, it appeared that it is necessary to obtain additional information which is considered the cornerstone for the analytical process of the training needs in order to take the right decisions towards building and developing human capital in Abu Dhabi Government.

You are, therefore, kindly requested to instruct those concerned in your entity to complete the required information and data no later than 31/10/2011, and to provide the General Secretariat with the name, telephone number and email of the concerned person in your entity no later than 17/11/2011.

If you have already sent the required information in accordance with aforesaid Circular No. (4) of 2011, there is no need to resend such information unless any of this information has changed.

Please find below the link to access the questionnaire:

<https://entityservices.ecouncil.ae/trainingsurvey>

For more information please contact Dr. Mansour Kamel Mansour, telephone 02 668 8213, email: [mansour.kamel@ecouncil.ae](mailto:mansour.kamel@ecouncil.ae)

Thank you for your cooperation.

For your necessary action.

May Allah guide you,

**Mohammad Ahmad Al Bawardi**

**Secretary-General**

Date: 24/10/2011

**Circular No. (28) of 2011 concerning the provision  
of a single effective point of contact  
for all Abu Dhabi Government clients**

**To all governmental departments and entities in the Emirate of  
Abu Dhabi**

Peace and Allah's mercy and blessings be upon you;

For the achievement of the key objectives of Abu Dhabi Government in providing a single effective point of contact for all clients, and as a desire to provide them with a consistent experience through a unified centre which adheres to unified performance indicators and service standards to achieve such objectives, the following was decided:

1. To develop a mechanism to cancel all toll-free numbers used by governmental departments and entities to communicate with clients, and to alternatively adopt the number of Abu Dhabi Government Contact Centre (800555), and to coordinate with Abu Dhabi Systems and Information Centre to implement the same through joint planning and developing a transition mechanism between the concerned entities and the centre within the agreed service levels.



2.To appoint an official representative for each governmental department or entity to be called the "Head of Communication Channel" to act as a link with Abu Dhabi Government Contact Centre.

3.To grant the Head of Communication Channel the authorities to consider and follow up the transferred cases from Abu Dhabi Government Contact Centre.

For your necessary action.

May Allah guide you,

**Mohammad Ahmad Al Bawardi**  
**Secretary-General**

Date: 25/10/2011





**United Arab Emirates  
The Emirate Of Abu Dhabi  
Issued By The General Secretariat  
of the Executive Council  
of the Emirate Of Abu Dhabi  
The Legal Affairs Division  
The Official Gazette Section  
Abu Dhabi - P.o.box :19  
Tel :+ 97126688446 Fax : + 97126688940  
Email.: [gazette@ecouncil.ae](mailto:gazette@ecouncil.ae)**