



Arrest, Detention and Criminal Proceedings in the UAE

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Overview

Criminal matters in the United Arab Emirates (UAE) are governed by two core statutes: Federal Decree-Law No. 31/2021 On the Issuance of the Crimes and Penalties Law, and Federal Decree-Law No. 38/2022 On the Issuance of the Criminal Procedure Law. Above both sits a constitutional guarantee, i.e., the accused is presumed innocent until proven guilty in a lawful and fair trial with full defence rights.

This Practice Note follows the criminal file chronologically from a practitioner's perspective, including:

- the grounds for arrest and the safeguards of the first 48 hours;
- the Public Prosecution stage, including interrogation, remand detention, release on bail and the penal order;
- the classification of offences into violations, misdemeanours and felonies and its consequences for the competent court, detention powers and deportation;
- the conduct of the trial and the range of penalties;
- the particular treatment of serious traffic accidents; and
- the avenues of appeal, together with practical guidance on detention conditions, consular assistance, and release and deportation.

Definitions

- *AED*: United Arab Emirates Dirham.
- *Diya*: Blood money; the statutory compensation payable in cases of wrongful death.
- *Flagrante delicto*: Being caught during, or immediately after, the commission of a crime.
- *Penal order*: An order issued by the Public Prosecution in certain minor offences imposing the penalty, typically a fine, without a trial.
- *Public Prosecution*: The authority that receives police reports, conducts the investigation and interrogation, and decides whether to close the file, release the accused, order remand detention, or refer the case to court.
- *Remand detention*: Precautionary detention of an accused pending investigation, ordered by the Public Prosecution and thereafter controlled by the courts.

Practical Guidance

Classification of offences: The decision that shapes the file

Federal Decree-Law No. 31/2021 divides offences into three categories, and on that division rest the competent court, detention powers, the availability of settlement, and even the fate of a foreign defendant's UAE residency. The categories include:

- **Violations**: The lightest offences, punishable principally by limited fines.
- **Misdemeanours**: Punishable by imprisonment (as a rule between one month and three years) and/or a fine.
- **Felonies**: The gravest offences, punishable by temporary or life imprisonment or the death penalty, the last of which is rarely applied and subject to stringent safeguards and review.

The legal characterisation of the incident is drawn early in the file and is hard to change late; counsel should therefore identify and, where appropriate, contest it from the first hearing.

Arrest and the first 48 hours

Arrest is never arbitrary, i.e., it occurs either by order of the Public Prosecution or in cases the law grants to authorised police officers (e.g., caught red-handed *flagrante delicto*). Upon arrest, officers should identify themselves, state the reason for the arrest, and take the arrested person to a police station. Personal belongings, phone and passport may be held for the investigation.

The police must hear the arrested person's statements immediately and refer him/her to the Public Prosecution within 48 hours. The Public Prosecution must interrogate him/her within 24 hours of referral, then order either his/her release or remand detention for a period of up to seven days, which may be renewed.

Rights and conduct from minute one:

- **Silence is a right, not evidence of guilt**: The accused is not obliged to answer and take an oath. A confession is the strongest evidence; retracting it later is far harder than never making it. The accused should never confess to something that they did not do, whether out of pressure, confusion, or the hope of "getting it over with".
- **Language and interpretation**: Arabic is the official language of all proceedings, and the accused is entitled to an interpreter. A statement or document that has not been translated and understood should never be signed, as a

signature will give the statement/document evidentiary weight that is hard to dismantle. At the police station, the accused should ask for the statement to be read (or read back in translation) and any wording corrected before signing, as the report is the first thing the prosecutor and the judge will read.

- **Communication:** The accused must calmly request contact with a lawyer and, for foreign nationals, with the embassy or consulate; the authorities must notify the mission once a request is made. The embassy can visit the accused, check their welfare and inform their family with their consent, but it cannot secure release, influence the courts, or pay fines.
- **Do not resist:** Resisting or insulting the authorities is a separate offence added to the file. The accused must cooperate with the procedure and reserve the defence for the record and the investigation.
- **Document everything:** Make a note of the police station's name, the report/case number and, if possible, investigators' names.

The Public Prosecution stage: Interrogation and remand detention

The Public Prosecution is the custodian of the criminal case. It receives police reports, conducts the investigation and interrogation, and decides whether to close the file, release the accused, order remand detention, or refer the case to court. An arrested accused must be interrogated within 24 hours of referral (Federal Decree-Law No. 38/2022).

The accused may request his/her lawyer's presence at the investigation. In practice, the lawyer attends without interfering in the interrogation itself; at this stage the role is supervisory and documentary, i.e., verifying the soundness of procedures, spotting the grounds for future nullity pleas, and building the release application from minute one. Many winning defences are born in an interrogation record.

The Public Prosecution can order remand detention for an initial period of up to seven days, renewable for a further period of up to 14 days. If the investigation requires detention beyond those periods, the file must be referred to a criminal court judge, who may extend detention in renewable periods of up to 30 days, or order release with or without bail.

Release on bail

Temporary release may be sought from the Public Prosecution during the investigation, or from the court after referral. Release may be conditioned on guarantees assessed by the investigator or judge, most commonly:

- a financial guarantee (cash bail) set according to the gravity of the incident and the accused's circumstances;
- a travel ban to ensure the accused does not leave the country; and/or
- a guarantor undertaking to ensure the accused's attendance.

Bail is an obligation before it is a favour, and missing any hearing or procedure exposes the accused to revocation of release, rearrest, and forfeiture of the guarantee. A release application should be built on tangible elements, i.e., stable residence and employment, absence of escape risk, no ability to interfere with evidence, health and family circumstances, not on generic pleas.

The penal order

In minor offences (certain misdemeanours and violations), the Public Prosecution may issue a penal order imposing the penalty, typically a fine, without a trial. The person against whom it is issued may object within the statutory period (a matter of days from notification), whereupon the order lapses and the case goes before the court. Failing to object in time renders the order final and enforceable; a notification should never be ignored on the assumption that it is "just a fine".

The trial

There are no juries in the UAE; professional judges alone decide the case. Hearings are conducted in Arabic, with interpretation for those who need it. The court hears the Public Prosecution then the defence; the accused may present evidence, call witnesses and challenge the Public Prosecution's evidence, and the court may adjourn to allow the defence to prepare. Court-appointed counsel at State expense is mandatory in grave felonies (punishable by death or life imprisonment) where the accused has not retained a lawyer; for a felony punishable by a fixed (temporary) prison term, the accused may ask the court to appoint a lawyer upon showing inability to afford one. The case ends with a written, reasoned judgment: conviction with sentence, or acquittal.

Penalties and deportation

Depending on the facts, the court may impose:

- a fine, noting that non-payment may expose the convicted person to imprisonment in lieu of payment, within the statutory limits;
- short- or long-term imprisonment;
- community-based penalties and measures (such as community service) for minor offences (a modern penal philosophy adopted by Federal Decree-Law No. 31/2021 as an alternative to short custodial terms); and

- suspension of sentence where its conditions are met, a critically important defence tool for first-time, good-character defendants in non-grave offences.

Foreigners face an additional calculus, i.e., the law makes deportation mandatory upon conviction of a felony with a custodial sentence, and discretionary for the court in misdemeanours (mandatory in certain categories, such as offences against honour). In residents' cases, the real defence effort may focus as much on avoiding deportation, or excluding the graver legal characterisation, as on the sentence itself.

Serious traffic accidents

Where an accident causes injury or death, the driver is typically detained immediately, blood and urine samples are taken to test for alcohol and drugs, and custody may continue until the injured person is out of danger or investigations conclude. In fatal accidents, the statutory blood money (diya) of AED 200,000 for wrongful death arises alongside the criminal penalty, and detention or settlement may be prolonged until the diya is arranged. Even purely material-damage accidents can end in detention where the damage is severe or fault is disputed. The practical rules include:

- never leave the scene;
- never admit fault before the police attend; and
- obtain a copy of the traffic report.

It is the cornerstone of the criminal, civil and insurance tracks alike.

Appeals, clemency and early release

A conviction or sentence may be appealed within 15 days to the Court of Appeal and, on a point of law, within 30 days to the Court of Cassation. A successful appeal may result in the conviction being set aside or the sentence reduced. The authorities may also grant clemency or pardons on national occasions and sentence reductions for good behaviour, applied for through counsel or the prison administration; foreign prisoners may request transfer to serve their sentence in their home country where a prisoner-transfer agreement with the UAE exists.

Detention conditions, communication and complaints

Detainees are first held at a police station before transfer to a central prison; men and women are always separated, and remand prisoners are kept apart from convicted prisoners.

A health check is conducted on admission, and any ongoing medical needs should be reported to the prison doctor immediately.

Phone calls are available through the prison system, and visits by family, friends or embassy staff are generally permitted once or twice a week subject to approval and monitoring; letters and parcels are checked.

If anyone experiences mistreatment or denial of medical care, their lawyer or embassy should be informed, medical records should be requested, and a written complaint with the Public Prosecution or the Ministry of Interior should be filed. Officers are required to report and investigate such complaints.

Upon completion of the sentence or closure of the case, release follows once fines and court orders are cleared; where deportation is ordered, the foreign national is transferred to immigration custody pending departure and may not return without permission while the deportation order stands.

Practical takeaways

- In the first hours: The accused must be reminded to stay calm, and never confess to what they did not do, never sign what they do not understand, ask for an interpreter, a lawyer and (for foreigners) the embassy, and remember that the law caps police custody at 48 hours before referral to the Public Prosecution.
- Before the Public Prosecution, the whole case takes shape: A precisely documented interrogation, a disciplined challenge to detention, and a release application built on facts rather than rhetoric can cut weeks off remand detention.
- From the first hearing, ask three questions:
 - What is the legal characterisation of the incident (violation/misdemeanour/felony)?
 - Is deportation mandatory or discretionary in this situation?
 - Do the conditions for a suspended sentence or a community penalty apply?

The answers are the defence roadmap.

Related Content

Legislation

- Federal Decree-Law No. 31/2021 On the Issuance of the Crimes and Penalties Law
- Federal Decree-Law No. 38/2022 On the Issuance of the Criminal Procedure Law

- United Arab Emirates Constitution, 1971

Authors



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Biography

Ahmed is a seconded lawyer recognised as a leading practitioner in the UAE and Egypt, with experience across local, regional and international law firms and in-house at a multinational group. His practice covers complex contentious and transactional matters, including cross-border disputes, litigation and arbitration, corporate transactions, restructurings, governance and commercial agreements. He advises clients across the banking, insurance, construction, hospitality and oil and gas sectors and represents clients before courts and arbitral tribunals.

He also advises on trusts, foundations, tax structures and Islamic finance. With extensive cross-border experience, he has provided expert evidence to foreign courts on UAE and Egyptian law and contributed to legal and regulatory developments in Egypt and the DIFC. Fluent in Arabic and English, he is known for his practical, commercial approach and sound judgment.



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Jaber Al Ameer is a Partner and Head of Customs & Criminal at ADG Legal and an Emirati lawyer licensed to plead before all courts in the UAE. He has over 20 years of experience in customs, regulatory, civil, commercial, construction, labour and criminal matters.

Jaber advises on complex disputes and regulatory matters, including the enforcement of foreign judgments and arbitral awards in the UAE. He also serves as an external mediator for employment disputes involving Dubai South entities and leads ADG Legal's Employment Dispute Center and Dubai South teams, having overseen the successful resolution of more than

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Biography

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Prior to joining ADG Legal, Abdelmaguid worked with leading law firms in Alexandria, developing his experience in litigation, legal strategy and legal research. His areas of expertise include Litigation & Dispute Resolution in Egypt and the UAE, Insurance & Compensation Disputes, Legal Research & Academic Writing, and Legal Strategy. Fluent in Arabic and English, he brings strong analytical skills, sound legal judgement and a practical approach to complex matters.

Notes

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