

**Decision of the Ministry of Justice
no. 259 of 2019, published in the
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2019**

Concerning the procedures manual for organizing litigation using electronic means and remote communication in criminal procedures**Scope of application**

The provisions of this decision shall be applied to remote trials, at any stage of the criminal case and in any of the procedures stipulated in the law, to ensure attendance, publicity, and confidentiality of investigations. The trial procedures shall be conducted remotely, in the Emirate where the competent court is located. If these measures are intended to be taken from outside the jurisdiction of the competent Emirate, coordination must take place with the competent authority in the Emirate in which the action required shall be taken, and it may be a means to execute mandates and legal aid with foreign countries subject to the condition of reciprocity. Whenever the head of the competent authority deems appropriate, he/she may conduct the trial remotely, in whole or in part, at every stage of the criminal case, in a manner that facilitates evidentiary, investigation or litigation procedures. It is important to state that the president of the court has the right to accept or reject the remote request.

Remote investigation procedures

When conducting the investigation through remote communication, it should be in the hands of a Public Prosecution in which he/she should sign every page of the electronic investigation record. All electronic investigations shall be conducted in Arabic and resorting to the assistance of a translator is permissible. Here are the procedures that should be taken into consideration:

- The competent public prosecutor is the one who determines the date and time of the investigation and shall announce who will be electronically interrogated and at the specific date and time prior to the investigation.
- All information related to the person being questioned shall be verified and signed electronically on the investigation record. All procedures and controls shall be followed in the same manner.
- The proceedings of the session shall be recorded electronically.
- Investigation proceedings conducted via remote means of communication must be strictly confidential.

Rights and duties of the accused when interrogated via remote communication

The defendant may object to the interrogation as a remote communication in which the Public Prosecution member may decide whether this rejection is accepted or rejected. In the event where the defendant cannot virtually attend, he/she shall attend in person before the Public Prosecutor. The defendant has the right to have his lawyer at all times after the approval of the competent authority.

Additionally, the defendant as well as his/her representative are entitled to see the statements of the victim and the witnesses provided in the electronic records.

Electronic criminal provisions

Deliberations in remote trials between judges who have heard the pleadings collectively are confidential, through a special secure website provided by the court, and which others are not allowed to access or enter it. In remote trials, the criminal court will deposit its electronic draft including the facts of the case, its substance and its operative form, and the electronic draft judgment will be signed digitally by the president and the judges once the e-judgment has been received through the secure electronic information system. If the president deems necessary, he/she may sign the electronic copy of the judgement manually.

Conclusive remarks

The president of the Court has to be committed to his/her administrative and directive role and to provide all the necessary support to start the trial procedures remotely. Judges, heads of departments and members of the Public Prosecution in their application of the provisions of this decision are bound by the rules contained in the Model code of Judicial conduct and clerks and employees of the Public Prosecution are subject to the employee code of conduct. The provisions of this decision shall be applied in remote criminal trials in the federal court of appeals and the Federal Supreme Court, whether all or some of them have been done through remote communication.