

COURTS ECHO

Quarterly, Legal, Judicial

From court hallways
Crime-Driven Child Ambition

Tax disputes

between the Federal Tax
Authority and the courts

Knowledge Management
and courts in a
changing world

Preparation of Considerable
Evidence in Personal Status Cases



Edition File

DABUS raised legal
arguments about outcomes
of artificial intelligence

Insurance disputes..
Rules and Procedures

Dubai Courts.. Uninterrupted Services

**Businesses Continuity
During the Virus Outbreak**

COVID-19



محاكم دبي
DUBAI COURTS



THANK YOU
FIRST LINE OF DEFENCE

Justice is the Basis of Ruling



H.E. Taresh Eid Al Mansouri
General Director, Dubai Courts

Justice is the basis of governance. The more justice prevails, the more a state is respected. Dubai Courts have always maintained justice, and this has enhanced the international standing of UAE.

Dubai Courts seek to elevate and improve justice system in the UAE, under its wise leadership's guidance and aspirations.

This goal is achievable under the perceptive foresight of HH Sheikh Mohammed Ibn-Rashid Al-Maktoum, UAE Vice President, Prime Minister and Ruler of Dubai, along with the directives of HH Sheikh Maktoum Ibn-Mohammed Ibn-Rashid Al-Maktoum, Deputy Ruler of Dubai and the Chairman of the Judicial Council. We endeavor to make justice in Dubai a distinct feature that makes it appreciated by all nations.

To achieve Dubai Courts' objective of effectuating justice, legal awareness should be promoted using modern means. To this end, "Courts Echo Magazine" has been developed to be the echo of courts.

This magazine will be available in hard and soft forms. In its digital form, the magazine will keep pace with the transformation process; the ultimate objective of HH Sheikh Mohammed Ibn-Rashid Al-Maktoum, who urged us to enter into this competition towards smart online entrepreneurship. This Magazine seeks to support the vision of Dubai Courts (world-leading & distinct courts).

To achieve this, the Magazine is supported by fully experienced figures that have the upper hand in various scientific, legal, administrative and technical fields. It is fed with legal and administrative articles written by professional scribes, with enlightened minds and highly knowledgeable and deeply experienced, to bring out the issue which is both modern technically and elegant in nature.

This Magazine will satisfy legal and knowledge passion of all types of readers. The Magazine will not be produced in a high-level language so that its contents can be understood by all members of society, other than the jurists, judges, researchers and specialists. This Magazine is intended to be a legal, cultural and social platform for all people, and echo of society to the Courts, and vice versa. When it is published, we hope that the Magazine will achieve a greater social communication among the UAE Society's different segments, and consequently will be another means to support the principles of transparency, co-operation and work, with the aim of achieving justice and stabilizing the values of truth, justice and equality.

We also hope that the release of this Magazine will gradually promote the cultural, legal and social awareness in the society by attracting the experienced writers, technicians, journalists, judges, lawyers and all partners of Dubai's Courts. This will help us to provide readers with science abstracts and high level legal, administrative and technical knowledge in a simple but professional language.

Finally, we would like to extend our wishes to our readers and to ourselves for the issuance of this Magazine, hoping you will find it to your satisfaction.

To Begin with



Issue 1 - September - 2020

A quarterly journal specialising in the publication of the courts management-related judicial, legal and administrative topics, with the objective of enhancing the exchange of knowledge in the judicial and court administration domain, and issued for the purposes of:



Vision:

We seek to be the first choice of the elite.

Objectives:

- Enhancing the dissemination of knowledge in the judicial and court administration field;
- Attracting specialists in judicial, legal and administrative matters that are related to the management and services of the courts;
- Following up and commenting on the trends and judicial rulings, both locally and internationally;
- Cementing the relationship between theory and jurisprudence and the practical reality and judicial application.

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Mohammed bin Rashid issues a decree to regulate the sale of residential real estate in Dubai by inheritors



His Highness Sheikh Mohammed bin Rashid Al-Maktoum, Vice President and Prime Minister, May Allah protect him, in his capacity as Ruler of the Emirate of Dubai, has issued Decree No. (23) of 2020 regarding the sale of residential real estate by inheritors in the Emirate of Dubai. The provisions of this decree apply to the residential real estate that any of the inheritors might decide to sell, provided that the

estate is not part of the housings granted by Mohammed bin Rashid Housing Establishment, which are governed by the provisions of Law No. (4) of 2011 and its implementing regulation. The provision has also stipulated the conditions and procedures governing the sale of estates, and provided alternative housing solutions to the inheritors in the event that they do not own any other estates besides the residential property to be sold.

Furthermore, the decree has dealt with the procedures of amicable settlement between inheritors, which shall be handled by the Land and Property Department, in the event that one of them refuses to sell the residential property, and specified certain methods to appeal the decisions of the department. Finally, the decree introduced a Special Judicial Committee tasked with looking into and deciding on requests, allegations, disputes, and appeals submitted regarding the sale of residential real estate, the sale of real estate through the committee, and other related issues.

His Excellency Tarish Eid Al Mansoori, Director General of Dubai Courts, has stated that the decree provides a solid legal basis for protecting the interests of inheritors, supporting community and family cohesion, and helping families avoid conflicts between members.

Participation in the Flag of the Hamdan bin Mohammed Program for Smart Government 2019 through the "Visual Communication Initiative."

Dubai Courts participated in the Flag of the Hamdan bin Mohammed Program for Smart Government 2019 through the "Visual Communication Initiative" to advance efforts aimed at developing government action tools to ensure successful solutions to current challenges and rapid changes and keep pace with the future developments. This reflects the vision of His Highness Sheikh Mohammed bin Rashid Al Maktoum, the Vice President, the Prime Minister and Ruler of the Dubai, may God bless him, and the directives of His Highness Sheikh Hamdan bin Mohammed bin Rashid Al Maktoum, in order to increase customer satisfaction and promote the welfare of members of society. His Highness Sheikh Hamdan bin Mohammed bin Rashid Al Maktoum, Crown Prince of Dubai and Chairman of the Executive Council, praised the proactive and innovative government initiatives that reflect the leading level reached by Dubai government in achieving customer satisfaction and enhancing the welfare of society as a top priority in the UAE, stressing that the development process is continuing to enhance government action capabilities so that outstanding services that exceed client expectations are provided.



It should be mentioned that the "Visual Communication Initiative" by Dubai Courts provides live broadcast to enhance visual and verbal communication between the parties to the proceedings without the need to come personally to the court. The initiative succeeded in reducing the service delivery time and improving productivity with a score of 97% of the customer satisfaction index in Hatta branch at the end of 2018. It is expected that the total savings from the initiative will reach AED 1.38 million.



HH Maktoum bin Mohammed issues the implementing regulation of the Law on Regulation of Granting the Judicial Police Powers in Dubai Government

His Highness Sheikh Maktoum bin Mohammed bin Rashid Al Maktoum, Deputy Ruler of Dubai and Chairman of the Supreme Legislation Committee in the Emirate of Dubai, issued Resolution No. (1) of 2020 for issuance of the implementing regulation of Law No. (8) of 2016 on Regulation of Granting the Judicial Police Powers in Dubai Government.

The said Resolution defines functions and powers of the Supreme Legislation Committee, especially granting and revoking the judicial police powers. Under the Resolution, such powers are granted to an officer upon an administrative decision issued in this regard by the Director General of the government agency in prior coordination with the Supreme Legislation Committee.

Under the Resolution, the government agencies are required to organise a specialised training course on judicial police for an officer to be granted the judicial police powers. They are also permitted to implement on their own a specialised training course on judicial police to the officer to be granted such powers.

In accordance with the Resolution, granting the judicial police powers to an officer is subject to a legislative provision that authorises the Director General of the government agency to grant the judicial police powers to officers and subject to any applicable legislation in the Emirate that defines the prohibited actions and the penalties determined for them. Further, the Resolution defines cases for revoking that powers, provided that the Secretary-General of the Supreme Legislation Committee in the Emirate of Dubai issues the necessary decisions for implementing the provisions of such Resolution.

An integrated system with video communication technology to serve the litigants

As part of the efforts made and measures taken by the Emirate of Dubai to curb the spread of Covid-19; Dubai Courts has provided its clients with a set of smart and electronic services to avoid unnecessary visits to service centres.

HE Tareh Eid Al Mansouri, Director General of Dubai Courts, highlighted the smart and electronic services provided by Dubai Courts, especially the Visual Communication Initiative that was launched after the issuance of amendments to the Civil Procedures Law pursuant to Federal Decree-Law No.

10 of 2017 on Regulation of Remote Litigation. The said Initiative is a smart service that facilitates immediate and direct communication with the parties to the proceedings, verbally and visually, without the need for the clients to come to courts in person.

His Excellency explained that the Visual Communication Initiative is available in several forms and services in Dubai Courts, including: remote marriage services, personal status certification services, remote execution sessions for detainees, telepresence in labour hearings, remote criminal trial, case preparation service provided by the case preparation team to lawyers, the electronic notary service and the authentication of testimonies via a smart device, amicable dispute settlement sessions, and remote registration of cases in Dubai court. He also mentioned the Digital Justice Platform, which is the first of its kind in the Middle East, and is deemed to be an innovative project that shortens distances and saves clients' time, effort and money.



UAE Insolvency Law

New in settlement of financial obligations and procedures

As a complement to the legislation system in the United Arab Emirates, His Highness Sheikh Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates, issued Decree Law No. 19 of 2019 on Insolvency. This Law regulates the procedures for examining financial obligations settlement applications and opening insolvency proceedings. A summary of these proceedings will be explained in this report.



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The general rules of the jurisdiction of the civil court, including its minor and major circuits, apply to the competent court that hears the two applications as defined in Article 1 of the Decree by making reference to the Civil Procedure Law, specifically Article 30/1 which makes reference to the regulation as to the determination of the value jurisdiction, depending on the amount of debt required to be settled or opening insolvency proceedings. Here, the difference between the Insolvency Law that applies to natural persons and the Bankruptcy Law that applies to merchants and companies should be taken into account. The legislator provides a regulatory text regarding the jurisdiction of the high court regardless of value of the debt. The above-mentioned applications can be detailed as follows:

First: settlement of financial obligations

Phase 1:

It is an application submitted only by a debtor regardless of value of debt- without any disagreement among creditors- for settlement of financial applications accompanied with:

1. A memorandum containing description of the financial position:
The income- job- profession or craft- and liquidity projections and sources thereof within a period of twelve (12) months following the submission of the application.
2. A statement of the names and addresses of creditors- amount of debt- date of maturity- the securities provided to the creditors, if any.
3. A detailed statement of a debtor's movable and immovable property inside and outside the state and the approximate value of each.
4. A statement of any legal or judicial proceedings or actions taken against a debtor.
5. A statement by a debtor that he is facing current or anticipated financial difficulties and that he is unable or is expected not to be able to pay all of his debts, whether due at the time of submission of the application or in the future.
6. A statement of the funds necessary to support a debtor, his family and any dependents thereof.
7. A debtor's proposals to settle his financial obligations.

8. A debtor's nomination of an Expert to undertake the settlement proceedings.
9. A statement of the disclosure of financial transfers outside the State that took place during the last twelve (12) months before submission of the application.
10. Any other documents supporting the application or requested by the court.

Phase 2:

A debtor is required to pay the application fees and such fees should be recorded at the competent court according to the value of debt (total or partial) and the court ensures:

- That the documents mentioned in Phase 1 are completed, and the court grants a debtor a necessary time-limit to complete them or requests him to explain why the required document was not submitted.
- That a debtor submits a bank guarantee or pays a cash amount to be deposited with the court's treasury to cover the expertise fees and the expenditures & expenses expected to be incurred for completion of settlement. The court may postpone such fees and expenses if a debtor does not have money, provided that such expenses and fees are paid in are paid before payment of any other debts.

Phase 3:

A court takes the decision regarding the application for obligations settlement:

- The Court decides on the application within five days from the date of submitting the application that fulfills its conditions.
- If the court accepts to open the settlement proceedings, execution against a debtor's funds shall be suspended until the settlement proceedings are completed.
- The court appoints an expert or more to assist a debtor in settling his obligations, and the expert will be informed of the decision within a day of its issuance.
- In all cases, the court rejects completion of the settlement proceedings and rejects the settlement application if:
 1. The debtor intentionally hides part of his



The general rules of the jurisdiction of the civil court, including its minor and major circuits apply to the competent court that hears the two applications depending on the amount of debt required to be settled or opening insolvency proceedings and the difference between the Insolvency Law and the Bankruptcy Law t should be taken into account.



The application for financial obligation settlement is submitted only by a debtor regardless of value of debt- without any disagreement among creditors- for settlement of financial obligations.



funds or refrains from performing any action with the aim of hiding or destroying part of his funds.

2. The debtor submits false statements about his debts, rights or funds.
3. The debtor fails to pay his debts when due for 50 consecutive working days due to his inability to pay his debts.

Phase 4:

The court verifies debts:

The expert prepares a report on the debtor's funds and debts within 45 days of the date of appointment and the court may grant him an additional period at his request. The court decides whether to complete the settlement proceedings and assign an expert to prepare the plan, or rejects completion of the settlement proceedings and rejects the settlement application in any of the above-mentioned cases.

Phase 5:

Completion of settlement proceedings:

If the expert prepares the settlement plan upon the court's decision for completion of proceedings, the court verifies the creditor's rights and issues one of the following two decisions:

1. Approving the plan and starting implementation of such plan within no more than 3 years.
2. Rejecting approval of the plan due to lack of conditions under Articles from 15 through 19

of the Decree and deciding to start insolvency proceedings and liquidate the debtor's funds.

Phase 6:

The court's decision regarding the plan:

Following approval of the plan by the court and starting implementation under supervision of the expert within the period set out therein, at request of the expert, the debtor or the creditor, the court issues one of the following three decisions:

1. The plan is completely implemented if the obligations are fulfilled within the period of the plan.
2. The procedures of the plan are suspended, the insolvency proceedings are initiated and the debtor's funds are liquidated if:
 - 1- It is impossible to reach settlement of the debtors' obligations.
 - 2- It is impossible to implement the plan due to non-payment of debts when due by the debtor for more than 50 consecutive working days as a result of inability to pay.
 - 3- The debtor requests the court to suspend implementation of the plan before completion of settlement of financial obligations with the creditors.
 - 4- The period determined for implementation of the plan expires without completing the settlement.
 - 5- The debtor fails to implement the plan.

3. The plan is invalid and insolvency proceedings and liquidation of the debtor's funds are initiated if: The debtor avoids or tries to avoid fulfillment of obligations, conceals or destroys part of his funds, submits false information about his debts, rights or funds or his actions thereon, or a case of invalidity is filed by an interested party within six months of discovery of the fact.

Second: Opening insolvency and liquidation proceedings

Phase 1:

It starts with an application submitted by the debtor, the creditor, or heirs or creditors of the deceased debtor regarding his legacy- without any disagreement among creditors- for opening insolvency proceedings and liquidation of the debtor's funds, or according to the court decision contained in financial obligations settlement file accompanied with:

1. If the application is submitted by the debtor: The following data are required:

A memorandum containing description of the financial position:

The income- job- profession or craft- and liquidity projections and sources thereof within a period of twelve (12) months following the submission of the application.

A statement of the names and addresses of creditors- amount of debt- date of maturity- the securities provided to the creditors, if any.

A detailed statement of a debtor's movable and immovable property inside and outside the state and the approximate value of each.

A statement of any legal or judicial proceedings or actions taken against a debtor.

A statement by a debtor that he is facing current or anticipated financial difficulties and that he is unable or is expected not to be able to pay all of his debts, whether due at the time of submission of the application or in the future.

A statement of the funds necessary to support a debtor, his family and any dependents thereof. A debtor's proposals to settle his financial obligations.

A debtor's nomination of an expert to undertake the settlement proceedings.

A statement of the disclosure of financial transfers outside the State that took place during the last twelve (12) months before submission of the application.

Any other documents supporting the application or requested by the court.

The value of debt contained in the decision to be issued by the Cabinet should be considered.

2. If the application is submitted by the creditor/s:

The debt amount is not less than 200 thousand Dirham.

The debt instrument containing the debt amount, date of maturity, securities (if any) is submitted.

A 50-day notice is sent to the debtor.

A trustee is nominated to undertake the proceedings.

3. If the application is submitted by the debtor's heirs or creditors:

The above conditions should be met

If it is submitted by the creditors, the request for the opening of the insolvency declaration procedure is announced in the last domicile of the deceased creditor without the need to determine the heirs.

4. Referral from the court in the settlement file if:

- The plan is disapproved for lack of conditions.
- Procedures of the plan are ended.
- The plan is invalid.

The question arises here is if the court decides to start insolvency proceedings in the financial obligations settlement file due to disapproval of the plan for lack of conditions, ending procedures of the plan or invalidity of the plan, should value of debt (as to debtor) be considered in accordance with Article 28 of the Decree to decide to open the insolvency proceedings?

- We argue that the court should adhere to the value of debt within its limits the debtor can submit an application for opening insolvency proceedings, taking into account that decision in this respect will be issued by the Cabinet.



The expert prepares a report on the debtor's funds and debts within 45 days of the date of appointment and the court may grant him an additional period at his request.



The application for opening insolvency and liquidation proceedings is submitted by the debtor, the creditor, or heirs or creditors of the deceased debtor regarding his legacy- without any disagreement among creditors- or according to the court decision contained in financial obligations settlement file.



If it is decided to open the settlement proceedings, execution against a debtor's funds shall be suspended until the settlement proceedings are completed.



the court's treasury to cover the trustee's fees and the expenditures & expenses expected to be incurred for completion of insolvency proceedings. The court may postpone such fees and expenses if an applicant does not have money, provided that such expenses and fees are paid before payment of any other debts.

- If the court decides to commence the insolvency proceedings while examining settlement of obligations, it will decide to deposit an additional amount as trustee's fees and expenses.

Phase 3:

The court appoints a trustee:

- When opening insolvency proceedings, the court decides to appoint a trustee, or to keep the former expert who was appointed in the settlement to serve as a trustee to determine the debt and declare the debtors.
- The trustee prepares the report and submits it to the court after 35 days of publication of the court decision in accordance with Articles 32-34 of the Decree.

Phase 4:

The trustee submits his report to the court:

- After review of the report by the court, the court determines the approved debts. The court decides on the insolvency and liquidation application submitted by the debtor within 15 days of receipt of the report.
- Before liquidation, if the trustee or the debtor requests a time-limit to make settlement with the creditors, the court may accept such request, and such decision may be challenged before the Court of Appeal.

Phase 5:

Deciding on the application for opening insolvency proceedings:

- If the court decides to open insolvency and liquidation proceedings after approving the debts, all debts will be payable without prejudice to any consequences set out in Articles 50-53 of the Decree.
- The trustee will liquidate all debtor's funds with the exception of the funds set out in Article 39 of

the Decree, namely pension, social benefit, or the debtor's funds prescribed by the Court to meet the necessary needs of the Debtor and his dependents.

- All applications filed by the parties or the interested parties regarding opening insolvency and liquidation proceedings should be submitted to the court for decision, including the funds that may be kept by the debtor.

Phase 6:

The court decision after opening insolvency and liquidation proceedings:

- After insolvency and liquidation proceedings are opened and at the request of the trustee, the debtor or the creditor, the court may:

First:

Decide to close all liquidation proceedings if the final distribution of the debtor's funds to creditors is completed, and the court will request the trustee to publish the decision in two newspapers.

Second:

Decide to terminate insolvency and liquidation proceedings whether for absence of grounds for which the insolvency proceedings were opened or if the debtor's funds are sufficient to pay debts to creditors.

Third:

Decide to declare insolvency of the debtor and terminate insolvency and liquidation proceedings

- If the debtor's funds are insufficient to pay debts- and the insolvency declaration decision results in:
- The effects set out in Article 54 of the Decree, including Preventing the debtor from obtaining a new loan or financing for 3 years from the date of the judgment, preventing the debtor from entering into obligations, with or without compensation, except as may be necessary to satisfy his essential needs or those of his dependents for 3 years from the date of judgment unless the court otherwise decides, and recording the name of the debtor against whom a court decision declaring their Insolvency and liquidation of funds has been issued in the special register.

Phase 7:

Rehabilitation of insolvent debtor:



- Rehabilitation request is submitted to the court that issued insolvency and liquidation declaration decision and the creditors whose debts are accepted therein are notified of such request.
- The insolvent debtor is rehabilitated and the rights of which he has been deprived are recovered in the following cases:
- By force of law:
 1. The lapse of the periods set out in Article 58 subject to Article 58 concerning the deceased debtor.
 2. If he has paid all debts approved by the court.

- At the court's discretion:

1. If he and creditors have reached a settlement and he has complied with its terms.
2. If the debtor proves that he is discharged from all debts after insolvency declaration decision issued by the court.
 - The creditor, whose debts are approved by the court but not paid, may object to the application for rehabilitation within 15 days of notification.
 - The application is examined in a session of which parties are notified, and the court decides on the application for rehabilitation and such decision is appealable within the legal period.
 - If the court rejects the application for liquidation, such application may only be resubmitted after 6 months of date of rejection.

“ Before liquidation, if the trustee or the debtor requests a time-limit to make settlement with the creditors, the court may accept such request, and such decision may be challenged before the Court of Appeal.

Phase 2:

An applicant is required to pay the fees and such fees should be recorded at the competent court according to the value of debt (total or partial) and the court ensures:

- That the application fulfills its terms and the documents mentioned in Phase 1 are provided.
- That an applicant submits a bank guarantee or pays a cash amount to be deposited with the

“ If the court decides to open insolvency and liquidation proceedings after approving the debts, all debts will be payable without prejudice to any consequences set out in Articles 50-53 of the Decree.

Crime-Driven Child Ambition

The clock indicates the stroke of midnight at 12: 00 A.M for the weekend; which is the time for myself and my friend Jamal to reap the fruits of our work, through the proceeds of our illegal underground nightly projects that fall under the human trafficking crimes category.



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A Different Night

That night was different from all of the nights that passed me after a friendship that lasted nine years with Jamal, where I discovered the end of all of the suspicions of doubt that haunted me all this time, as I began to search for their source by the recalling of all of the looks, conversations and meetings that led to me to meet up with him and in the presence of my family; which is something that never was out of the brotherhood that he claimed all along, but it was out of false feelings that led up to the night that I discovered the betrayals of my wife with him, and how I was all along those years the only deceived fool in all of this.

The clock ticked 1:00 A.M, and Jamal has decided to leave, and I escorted him to the door, and reminded him again of the time of our meet up tomorrow with the new partner Abdel Jabbar, who will only be required to bring the customers to our nightly project.

And in that night and just before my bedtime, I wanted to make sure that all of the procedures and plans were going as intended to catch Jamal in the trap.. of Abdul Jabbar.

Facebook Coincidental Encounter

I happened to meet Abdul Jabbar by coincidence a few months ago on social media, specifically on Facebook, where I was perusing pictures of users, when out of the blue I came across a photo of Jamal with a tagged line caption that said: “[i] ask everyone who knows the owner of the pictures to provide me with any information regarding his place of residence in return for a sum-of-money reward”.

I didn’t hesitate right then and there to contact the account holder, Abdul Jabbar, and introduced myself and mentioned that I know the photo owner, and how I had a close relationship with him, and I explained how very curious I was to know the reason behind the advertisement, when he all of the sudden started automatically narrating the whole story and without any hesitation as if he at long last found his long sought-after target.

Abdul Jabbar was at the age of seven when Jamal killed his elder brother as a result of a dispute

that arose during the voting process for elections in his country, where a quarrel ensued, the consequence of which was Jamal firing several gunshots towards his brother and rendering him killed, and then he fled to Dubai for fear of retaliation.

Several years later, Abdul Jabbar reached the age of 20, and he tried to make several attempts to bring his brother’s murderer back to his homeland to stand trial for his crime but all was to no avail; which is something that led to Abdul Jabbar to be consumed with revenge and aggression and he became pre-occupied with exacting revenge and was determined to avenge his brother’s killing against Jamal, in collusion with his cousin, who witnessed the killing with his own eyes, but was unable at that time to defend or protect his murdered cousin, and he made the promise to himself then that he will ingrain and keep alive in Abdul Jabbar, the kid at the time, the diabolical and persistent urge to take revenge.

When I knew the story, I realized that I wasn’t the only victim of the crimes and malfeasance of this traitor, and someone was actually trailing him for years while he was living his life normally and without any care in the world for his victims, and this agitated the desire of revenge in me for my dignity and pride because of his illicit relationship with my wife, and I then went fully along with the agreement without any hesitation, and I expressed my explicit support for Abdul Jabbar to end the life of this traitor after he became our unified target..

Professional Killer (Gun for Hire)

At the beginning of the plan, I collated all the data relating to the target “Jamal”, especially his place of residence, data of his vehicle, his movements and the places that he frequently pays visit to, and I made sure that he received Jamal’s recent personal photo, and after the lapse of a month since my first encounter with Abdul Jabbar, I received a phone call from him informing me of his arrival to Dubai, with two people, his cousin and a professional killer (Gun for hire) and all of them checked in in a hotel in close proximity with Jamal’s residence.

The first week came and went very quietly with us only monitoring his movements and the



I met Abdul Jabbar by accident a few months earlier on social media platforms, specifically Facebook.



I was also caught up in the desire to avenge my dignity and my pride because of Jamal’s illicit relationship with my wife..



The killer slit his throat and slaughtered him just like a sheep, and at this very moment we all felt the ecstasy of victory, but unbeknownst to us all, much remained that we were oblivious to..

schedule of his comings and goings, all as a prelude to setting the date of the killing, and we all agreed that the operation will be executed the moment he leaves his house the very next day to attend a meeting with the new partner, and this actually was the date that was specified by me to Jamal, when I emphasized to him the importance of attending such meet up before he left my house.

Zero Hour

The next morning that we were eagerly waiting for had come by, Abdul Jabbar rented a vehicle from a vehicle rental office in his name, while buying the needed tools to be used to take Jamal's life, including a hammer and a knife. Abdul Jabbar, his cousin and the professional killer all went to the back of the building in which Jamal's residence is located and willfully waited on his appearance. The moments of waiting felt like long hours that were fraught with tension, anxiety and sense of focus, and the departure time of Jamal from his house got nearer and nearer, and at this very moment, I was on my phone with him making sure that he will be alone and no one will be accompanying him, and I immediately informed the others of the timing of his departure; which will be in a few seconds, and the exact moment will be after

crossing the barrier of the vehicles parking lot of his residence.

They all took him by surprise, as Abdul Jabbar's cousin began to assault him with several hammer blows across his body, while the Killer violently stabbed him several times with a knife; one of which accidentally hit the right hand of the cousin, all while Jamal showing resistance to stay alive, but the attackers overwhelmed him, and to make sure that he is dead, the killer slaughtered him just like he would slaughter a sheep, and at this very moment, we all felt the ecstasy of victory, but unbeknownst to us, much more remained that we were clueless and oblivious to..

In the meantime, I made sure to stay on the phone line to monitor their movements after the fact, as they felt the coming of a person on a bicycle towards the place, and they took off running after they threw everything that they were carrying, including the crime knife, and then they hurriedly got in their vehicle; which was driven by Abdul Jabbar, and went to one of the stores to buy new clothes, and they got rid of the clothes of the cousin and the killer; which were stained with blood by throwing them in one of the trash bins.

Blood on the Airport Floor

The wound that was accidentally received by the cousin in his right hand was still bleeding and they were unable to control it, and Abdul Jabbar tried to stop it by using medical bandage that he bought from one of the pharmacies on the way, before the three of them headed speedily, in keeping with their plan, to the last stop; which was Dubai International Airport.

Four hours had elapsed from the moment of the crime until their arrival to the airport, and I have stayed in contact with them via the chat application WhatsApp.

Once they crossed the airport gate, they got a grip of themselves pretending to be calm as if nothing had transpired, and they followed the normal checking-in procedures as the rest of the passengers, and when they approached the tickets counter -And after several attempts of trying- it turned out that only one vacant seat existed on the plane that is bound for their home, and they

agreed to allocate it to Abdul Jabbar, where the rest had to wait for the next flight back home, with the need for them to remain calm until the next time of departure as agreed, while meanwhile, the hand of the cousin was still bleeding profusely so much so it led to the staining of the floor of the airport in a way that was noticeable while the two of them were sitting on their seats, and it just so happened that an airport staff member was passing by and him noticing the scene; which cannot be ignored, and he at once alerted the police cautiously of what he observed and once the alert has been received, the two of them were placed under the monitoring of the surveillance cameras, and after half an hour of general checking of the current situation in the Emirate, it turned out that a murder crime had been reported; which had taken place only a few hours ago, according to the testimony of the rider of the bike, who described in turn the individuals who fled the scene of the crime.

The Moment of Truth

As soon as they were surrounded at the airport and consequently arrested, and to our misfortune, myself and Abdul Jabbar, they confessed so easily during the interrogation, when it was obvious to them that denying the crime was not of any benefit, especially when the evidence was all clear, and the surveillance cameras had already spotted everything. So, they confessed to everything that had occurred in details, including my assistance to them by providing them with the needed information and data and how I was actually tagging along with them every step of the way.

It was only a few hours before I was arrested and in my house, whereas Abdul. Jabbar, and in accordance with the agreements and the followed security procedures in the state; it has been coordinated with the authorities back home, and it was agreed upon between the two concerned parties to return him on board the same plane that departed hours earlier on with him feeling all elated that he finally avenged his brother's death, not knowing what had transpired after his departure, and how all of his accomplices in the crime were arrested, and how they were all heading to



their inevitable comeuppance in prison.

As for myself; I am now serving the years that the court sentenced me with, as a result of my participation in the murder, not to mention being also convicted of the crime of trafficking in human beings; which itself spawned other similar several charges against me by the victims.

Edition File

Decision of The European Patent Office on Robotics “DABUS...” raised legal arguments about outcomes of artificial intelligence

Part 1



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After three years of the report of the European Union – 1 Committee on Legal Affairs, which paved the way for issuing the European Bulletin on the rules of civil law about the Robotics on 16 February 2017, the European union patent office Committee for request approval decided to reject the request for the registration of a patent for what was produced of artificial intelligence by the robot DABUS (AL-Insalah 3 {The combination Arabic word for the words Human & Machine/Humanoid Robot/AI-Based Machine 4}) due to it not enjoying any legal personality, which would entitles it to obtain the intellectual property rights to itself and enjoy the prescribed protection by law. And while pending such decision to be finalized, the decision brought forward in principle two different legal problems related to robots and specifically the artificial intelligence as per follows:

- (1) Does a robot have the juridical personality to acquire and defend rights? and,
- (2) To whom do the ownership rights of artificial intelligence that result from the robot's work belong?

In fact, the response of the Commission on the aforesaid two queries was contrasting in nature: while its response, Regardless of its legal merit - was conclusive for the first question - And I will take up this issue in the first part of this article – however, we find that it has ignored the second question and did not address it directly and this problem will be dealt with in the second part of the article.

Robot's Legal Personality

The facts indicate that the applicant, Mr. Thaler, based his application request, as an owner and lessor of the robot, authorized as an owner of the ownership rights that are due to the robot, and he has the legal right to defend its rights, and to judicially represent it and its rights. Since the robot has come up with the invention and therefore it has the right to enjoy the legal fruits of its invention.

Procedurally speaking, the owner of a robot is always its legitimate successor in the exercise of all of its rights, specifically in proceeding and litigation on its behalf. It is interesting here that deciding into the procedural part of the matter, has its own important implications in relation to the subject at hand. Accepting a law suit indicates to the acknowledgement of legal personality to the Robot in principle, or at least its right to litigate even in a limited and relative capacity.

In fact, the first paragraph of the decision mentions that the request was in accordance with the requirements of Article No. (75, 1, B) of the European Convention for the Protection of Patent (EPC/CBE) of (2007), and that the applicant did not complete the part related to the name of the inventor, in spite of notification about this mandatory Prerequisite, pursuant to the provisions of Article No. (81) and Rule No. (19/1) of the convention within the applicable time limits, otherwise, his application would be rejected pursuant to the Article No. (90/5) of the same convention. Accordingly, the applicant stated that the machine DABUS was an artificial intelligence machine, whose patent rights had been conferred on him as its owner.

Subsequently, the applicant made an amendment stating that the devolution of patent rights will be to him, in his capacity as the legal successor to the machine (Successor in Title) (Paragraph No. {4}) and he explained that: The «[Robot has produced] a new knowledge by its self-propelling action; which did not exist before, and was not known by a normal human (Natural Person), and that the robot as an inventor has the right to enjoy the patent rights and to enjoy the prescribed legal protection, Consequently, the person who submitted the application shall be considered to award all intellectual property rights resulting from the robot invention.

Apart from that, the status recognition of the robot as an inventor would protect the moral rights of normal inventors (Natural Persons) in parallel with the protection of the rights of the inventor (s) of the robots», in view of the above, conferring the inventor patentability status on a robot will inevitably, according to the opinion of the applicant, ensure the protection of its financial and moral rights and its usage. The applicant pointed to the fact that Article No. (19/1) of the convention does not stipulate that the inventor ought to be a natural person, but it contented with mentioning inventor only, and this mentioning does not make obligatory that the inventor must have a personal and family name, because the legislation recognizes the surnames of the inventors (Paragraph No. {11}), not to mention that assigning another person's name instead of the name of the robot, will be a breach of the provisions of Section No. (7)/3 of the law of the United Kingdom Patents Act of (1977) of section No. (7/3) of the UK Patents Act of (1977), besides being considered infringement under certain judicial systems; and even – hypothetically speaking- not enjoying the artificial intelligence systems of any intellectual property rights, would not deprive them of an inventor status, based on the requirement that mandated determination of an inventor capacity before determining the rights to be enjoyed. And given that the National Law of (UK Law) entitles the inventors themselves, and their legal successors, to the right in patents, hence, the owner-



Some scholars have called for the robot to be bestowed with a legal personality, especially with respect to the electronic agent.

ship of the patent devolves legally to the applicant Mr. Thaler, as the rightful owner of the robot DABUS. And being the robot unable to express their will to specify and modify the name of the inventor, does not make any difference because it does not prevent the application of the provisions of Article No. (21) of the convention, over all artificial intelligence systems as inventors equally to the natural persons, who are granted the right to legally represent those who are considered minors under the law (Paragraphs 12 - 13).

In the same context, the applicant stated that the convention's preparation work does not exclude the inventions of machines that enjoy the artificial intelligence from the right to obtain the Patent and that the conditions for obtaining a patent derived exclusively from articles Nos. (52 - 57) of the convention, in the light of Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Strasbourg.

Finally, the applicant emphasized that a pure procedural rule cannot exclude the objective right to obtain a patent of invention resulting from artificial intelligence systems. The physical existence of an invention is considered presumptive of an inventor according to the Patent Law (Paragraphs Nos. (12) and (18)).

The request can be summed up in two basic ideas:

First: The physical existence of an invention assumes the existence of an inventor naturally irrespective of availability of registration requirements in the «Person « the real inventor (the Robot); or not and,

Second: The eligibility to obtain a patent is not affected by it being the outcome of the work of a robot, as long as it can be ascribed to a person, to whom the rights of the robot are transferred; therefore, it is the right of this person, the legal successor, whether an owner or a lessor, to enjoy the legal protection of the invention provided he replaces the original owner in possession of invention, the owner with the original right to own the invention. (Legitimate Replacement).

In fact, some scholars have already called for robots to be conferred with a legal personality, especially with regard to the electronic agent 5, so much so that the European Parliament 6 hinted at it at one point 7, and straightforwardly mentioned it at another 8, of the possibility of granting the Robot the moral electronic personality, due to its tremendous capacity – by self-learning, accumulation of past experiences and interactions with the immediate surroundings - and this was in response to the suggestion that was submitted to it; which expressly called for bestowing the legal personality on robots especially for the purposes of reparations of damages caused to third parties

(Paragraph No. 31-F) 9.

Nevertheless, the application registration approval Committee in its former decision, denied to robots the legal personality and justified its decisions as follows: «[t]he systems of artificial intelligence and machinery currently do not enjoy rights because they did not acquire legal personality just like natural or legal persons. The legal personality is acquired by natural persons as a result of their physical existence and is granted to the legal persons upon consideration or authorization by the law (When incorporated in accordance with law). Where natural persons are not involved, legal personality is granted only on the basis of the consideration and legal authorization established by the legislator or by the established judiciary. In case of an invention resulting from artificial intelligence, there is no legislation or an established judiciary that recognizes such a legal sanction. Thus, systems of artificial intelligence or machines do not enjoy the rights granted to the inventors similar to the right to register as inventors, or the right to designate them as inventors in a patent application». (Paragraph No. {28}, Page No. (6) of the said decision, see also Paragraphs Nos. {23} & {29} & Pages Nos. {5} & {7} respectively of the same resolution). The Committee's reasoning also stated that there is no parallel between the names of objects and those of natural persons (Paragraph No. {23}). The Committee went on to add in the reasoning its decision that the Convention's preparation work shows that the concerned "Persons" in accordance with Article No. (58) are the natural and legal person with corporations and bodies of similar status ruling out objects, therefore, with respect to inventions, the concerned persons exclusively are the natural persons and not others; which means that the intention of the legislator is crystal clear in the consideration that the inventor is a natural person, and the same was approved at Munich Forum and the preparation works which had denied the legal persons the status of an inventor, after the notion of granting them such status was included in the first draft. This confirms, in the opinion of the Committee, the intention of the convention's signatories on conferring of the inventor patentability status on natural persons. Moreover, all of the European national legislation have a consensus over allocation of inventor status to the natural persons only without others. (Paragraphs Nos. {24}, {25} and {26} of the aforementioned resolution).

Legitimate Queries

The stance of the Approval Committee in agreement with

the decisions of the European Patent Protection Commission appeals committee, limiting the right of the patent exclusively to the natural persons 10 previously, raises some legitimate questions:

First: The idea of limiting the patentability status of the inventor to natural persons, on its merit 11, may not solve the issue of the special nature of the artificial intelligence emerged due to robots; which necessitates revision of our basic concepts deeply with priority to the concept of the inventor and invention. Given the fact that the artificial intelligence is characterized by constant adaptation and self-learning; which results in the increased accumulative knowledge by virtue of stored experiences. moreover, such cumulative knowledge varies from one robot to another relatively and thus could be unique and unpredictable 12. Consequently, and as far as the invention itself is concerned and from an objective stand point, it can be said that it does exist when it encapsulates in it the characteristics of Originality and (Novelty), (Inventive Step) and Industrial Applicability. From this perspective at least, it can be said that existing innovative solutions could be the subject of protection resulting from artificial intelligence. In other words, the subject of protection as a result of the action (s) made by robots, and this is irrespective of specifying the owner of the right to enjoy this protection or not, because the innovation can fulfill the requirements of Article No. (52) of the convention (The pre-requisites of novelty and industrial applicability).

The objection represents in the fact that it is difficult, in the current legislation to attribute these inventions to robots, not because the innovations do not exist, but because the robot does not enjoy – Apparently - the legal personality. Of course, this does not abolish the novelty aspect from the invention 13, but it is still our right to question about the fate of these inventions; which cannot be attributed to robots and do not have – In principle - an owner. In our case, the owner of the robot realized this issue and tried to distinguish between the invention and the inventor and requested at an early stage report of the existence of an invention, so that he could be able at a later phase to claim for the attribution of the invention to himself. The approval Committee rejected at the outset the idea that a robot could have anyone who can legally represent it, on the pretext of being considered an object that does not have the right to represent itself in person, hence did not decide in the subject in the issue of the existence of the invention or not.

The registration applicant raised this important issue arguing in defense that a procedural -formal- rule could not confiscate an objective right; in the sense that the issue of invention existence or otherwise should not be examined under the pretext that the robot does not have a legal personality and could not be legally represented. The problem here can be put down to the fact that the Committee really knew about that but it decided to prevaricate - For want of a better word - and took on the issue of lack of legal personality to the robot because it knew very well that the acknowledgement of the existence of an invention – Which may be the reality from an objective point of view 14 - could weaken its position in one of two ways: Either it will rule in about the existence of the invention without an owner or without a specific owner; which is something that would flatly contradict many of the provisions of the convention along the lines of Article No. (52) and the following articles; or on the other hand it will accept the application and decide, even if it is in a partial manner, about the existence of the invention and ascribe it to a robot and its eventual transferal to the applicant.

The committee opted to play on the safe side by rejecting the application for registration. In other words, it ultimately preferred the easiest of solutions simply by responding only at the procedural level.

The committee thus deferred only the solution to the problem, since the issue would be put before the Appeals Committee later on, on the occasion of the registration of similar suits as a consequence of the diversity of the robots themselves from the industrial, home to the service-oriented, with diversity of sources of artificial intelligence themselves, which robots represent one of the most prominent of its manifestation but not limited to it.

Second: It is not established in the law that a robot must enjoy the legal personality to enjoy its rights; it means that as a matter of fact the enjoyment of rights does not obligate the person enjoy a full legal personality to undertake legal duties. The child, the insane and the new born do have rights but they are not bound by the legal duties; and the differentiation between the Legal Standing and legal agency is but a necessary consequence necessitated by the lack of balance of rights to obligations, in reference to the enjoyment of a legal personality.

A legal personality may be limited and it would still be enough for its holder to enjoy some rights such as the Right to Inheritance and all donation work, for example a boy who has not reached the age of maturity; and it could just



European national legislation and laws unanimously agree on limiting the Inventor Patentability Status to natural persons only;



The idea of limiting the Inventor Patentability Status to natural persons only (on its merit), may not solve the issue of the special nature of the robots-generated artificial intelligence;

so happen that the legislator would recognize some of the rights for objects, as it is the case with the French Legislator who granted animals a raft of rights, since he considers these animals as sentient creatures 16 and bestowed upon them the criminal protection and even a well-regarded civil protection. The contention here is that there is no correlation between the legal personality and the enjoyment of rights; and the last example on the protection of animals is the best evidence to this effect, ergo; we don't see the veracity in the Commission's position in which it linked between the enjoyment of set of rights, such as the right to bear a name, and the enjoyment of the legal personality. In our view, this linking is due to a wrong analogy between the moral and legal personalities. the later is more comprehensive than the former, and the later cannot be analogized to the former, and the linking of the name to the legal personality is only because the name is one of the moral personality's consequences; which is true, but only for the moral person, since it is a legal expression that cannot be the subject of an analogy. The protection of the name is not necessarily linked in all cases to the legal personality, just as the case with the trade name of a store; which is protected by the law, however, the store itself does not enjoy a legal personality; and it is the same for the individual institutions, whose names enjoy a legal protection. Therefore, to say that things do not enjoy names bears some exaggeration and it is in need of – In our view - a real review. In the end; the robots, like all other movables, do not enjoy a moral personality under the current legislation, but that does not mean that they do not enjoy certain rights. Third and last: It is established that in some European national systems acknowledgement of a legal personality was affirmed by the judiciary for the benefit of entities that would not otherwise have had the chance to enjoy it without legal recognition by a judge, as it was the case with the French law that recognized the moral personality of the entities that aim at protecting legitimate interests. Therefore, the absence of a legislation does not stand in the way of granting robots with the needed legal personality. However, with the shortcomings marred the said decision, we do not actually see the benefit of granting the robot with a legal personality, if it was possible to answer all of the asked practical questions without the need to go back to this concept. The legal personality is granted to the natural person by virtue of his/her physical existence; which is the prevailing principle and everything else is the exception to the rule. As a result, the moral personality

is established by the law by way of the provisions that govern it 17, as it has been the practice of the modern legislation, according to Article No. (92/g) of the said Civil Transactions Act of the United Arab Emirates. And the creation of moral personalities must be at its narrowest extent possible and in a very exceptional manner because they are a kind of a legal analogy, and in order to prevent the exception taking over the rule, and based on this point , we cannot but endorse the decision of the Approval Committee, but in terms of principle only. In fact, using analogy and even borrowing the rules of legal personality, to award a robot a legal personality, cannot and should not be done, even if such personality was electronic. It is certainly clear that behind a legal personality a natural person, who supervises and facilitates its work and represents it and shoulders some of its obligations, if need be, while the purpose behind the recognition of the robot with the legal personality is to set it free from any relationship to and by human person (s), and therefore, the human self will not have any tutelage on the robot; which becomes an entity that enjoys its separate existence from humans, and it is radically different with its metaphor of moral personality. This represents a highly consequential development with incalculable ramifications, since we are for the first time will be bringing into being a legal personality out of nothing and without any reference or relation to humanity. Based on the aforementioned, we are of the view that solving this quandary ought to be away from the idea of legal personality, because in doing so, rights may arise for those who are not supposed to be enjoying them, as was indicated earlier . Therefore, we can just simply consider a robot as a incapable boy who did not get age of maturity, which is permitted by the texts of some of the national legislation, provided that the re-reading and re-interpretation of such texts is done in a flexible and renewing manner 18. Also it can be referred back to the concept of ownership itself and the consideration that the creation of a robot belongs to its owner and it is nothing but a kind of a bumper crop that is the property of a certain owner, the Accessory Follows the Principle, even if we later on have to determine the personhood of the owner, whether it was the owner of the machine or the owner of the software and systems that led to the invention - Compare with the second part of this article - and all of these propositions can be studied and looked into in depth, and it may assist in shedding some light on the adaptation of robots and ascribing them to a clear and well-known legal concept.

It is not legally established that a robot must be enjoying a legal personality for it to enjoy certain rights;

The robot, as a result of being granted its own financial disclosure capacity, will be accorded a sum of funds against bearing obligations;

The Solution is in the Personal Financial Disclosure Designation (Unity of Patrimony of the Owner)

We are of the opinion that an invention can be attributed to the robot, not as a legal personality, but as a designated personal capacity to disclose a financial commitment or status, and there is nothing that can prevent the recognition of the robot as an owner of sort of a financial capability within the framework of the Principle of Unity of Patrimony of the Owner. For instance, the owner of a ship, current account (Balance of Payment) or store (Commercial Shop or Assets of Business) has their own single financial obligation or capacity, part of which is allocated to his/her own store, maritime property or banking activity. The trade name, the right to have customers, the renewal of the lease contract, the right to own a patent specified for a certain shop -As a specified separate financial capacity – are things that can be all transferred to the owner, in principle at least. So, by the same token, and just like the shop or the ship or bank account, a robot can be allocated by its owner a designated financial capacity specified for a certain commercial or service activity, and such capacity can initially be to pay down debts resulting from the activity that is set for the robot to undertake, and in turn, such capacity will get to enjoy the financial gain of the activity that would come to enrich its owner, and thereby the owner of the robot or its manufacturer or its designer or its user, according to the case; can have the right to make benefit of its services and profiting from them , and therefore, conversely, will incur the damage that could befall objects and people; based on the Theory of Risk and the No-Reward-Without-Risk Principle. The robot, as a separate financial capacity, will be awarded a raft of funds (Rights), to undertake a set of obligations, and the positive side of the robot's financial capacity might include a whole host of inventions and services produced by the robot in the industrial and service works, to the benefit of the owner or the user, in addition to the monetary redress that may be obtained in the case of the robot being exposed to any damage. Of course, this legal aspect grants the robot's creditors the Right of proceeding and Priority on its funds, within the contours of the Principle of Unity of Patrimony, while the owner of the robot or its designer or its manufacturer, each according to their legal status, will incur all that which exceeded the robot's personal financial capacity of debts and obligations.

As for the negative side of the Unity of Patrimony Principle relevant to robots, it can be represented on the basis of obligations assumed by the robot, similar to the debts resulting from the damages caused by the robots to the surrounding objects and individuals and even to its user (s), and all of the due premiums in an insurance contract (Policy Insurance) and all its set fees. The acknowledgment of a separate financial capacity to the robot - From our vantage point - incorporates the answers to a surfeit of suggested practical problems, without prejudice to other legal concepts along the lines of the legal personality and the legal capacity.

Objectifying Humans and Humanizing the Machine!

It seems that the impressive development of technology may be abruptly halted when humans become objectified and the machines become humanized and species are commixed, individuality is lost and patternization is imposed; which consequently would place humanity in the crucible of a bifurcated choice of either preserving humanity (Without giving up on all of the technological acquirements) or by diluting such humanity by way of discounting its sanctity and equating it with the machine. We are still at the beginning of our journey of the human machine simulation, there is an ultimate fear here that humanity, at a certain future point in time down the line, could come to be forced to lose all that which endow it with its sentient nature and makes him a human being an individual in his/her own right through rendering the zenith of their aspirations and expectations to only imitating, copying the machine and adopt it as a reference. All possibilities are in the offing and all scenarios are possible... and when it comes to predicting what will transpire in the future, well, only time will tell.



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(1) Committee on Legal Affairs, Report (A8-0005/2017), European Parliament (2014-2019), (27/1/2017), (RR/1115573) (EN.docx, PE582.443v.00).

(2) Résolution du Parlement Européen du (16 février 2017), (P8-TA 2017/0051) contenant les recommandations à la Commission concernant des règles de droit civil sur la robotique (2015/2013) INL ; Parlement Européen (2014-2019).

(3) On the legal concept of "AL-Insalah"/"Humanoid": Please refer to the important research of Dr. Mohammad Irfan AL-Khatib, Guarantees of the Right in the Digital Age: "Min Tabaddul AL-Mafhoom ... litabaddul AL-Himayah", A reading of the European and French legislative position and a comparison with the Kuwaiti legislative position, Journal of the Kuwait International Law Faculty, special annex, No. (3), Part I, May 2018, Page No. (292).

(4) Refer to resolutions issued by the Committee on Applications Acceptance (Receiving Section/ Section de dépôt) For the European Court Commission for the Protection of Patents (OEB /EPO); which was submitted by the machine DABUS, in the suits numbers (Aff. 18275163.6) and (Aff. 18275174.3), dated (27/1/2020), on the link: <https://ieeexplore.ieee.org/document/1385507?denied>.

(5) See: Tom Allen & Robin Widdisom, can computers make contracts, Harvard Journal Law & Technology, Vol. 9, N. 1, Winter 1996, Page No. (25), and Page No. (35), from Page No. (38) to Page No. (40) and Page No. (52): «[a]s human traders give computers greater autonomy, there will be a point at which it would be legally appropriate to give autonomous, computers the status of legal persons, because that will be the role that traders will have given them". Compare with Prof. Sherif Mohammad Ghannam Mohammad, AL-Nitham AL-Qanooni Lil-Wakeel AL-Ilectroni, a comparative study in the light of international and National businesses, the Dubai Judicial Institute, Dubai, 2012, Pages (64-69).

(6) Bulletin / European Parliament Mintioned Resolution of 16 February 2007; which was confirmed in Paragraph No. (24) by stating: "[t]he civil liability for robots is a pivotal issue, and it must be answered at the level of the European Union - as a whole-".

(7) Look up paragraph AI of the recommendations that pointed out that: "[a] degree of an expected behavior on the part of the robots; which could be put down to it being able to derive and draw independently lessens from their past experiences; which are different from one robot to the other, which would render the robots able to interact with their surroundings in a unique and unexpected manner". "[u]ne certaine part d'imprévisibilité dans leur comportement étant donné que ces robots tireraient, de manière autonome ; des enseignements de leurs expériences, variables de l'un à l'autre, et interagiraient avec leur environnement de manière unique et imprévisible ».

(8) See Paragraph No. (59/F): "[t]he recognition in the foreseeable future of a legal personality specified for robots, at least for the autonomous robots and the most sophisticated; which must be regarded as electronic personalities that are committed to compensating all damages caused by them to others". "[l]a création, à terme, d'une personnalité juridique spécifique aux robots, pour qu'au moins les robots autonomes les plus sophistiqués puissent être considérés comme des personnes électroniques responsables ; tenues de réparer tout dommage causé au tiers".

(9) Refer to the report of the mentioned Legal Affairs Committee, Paragraphe No. (31/F): "[l]a création, à terme, d'une personnalité juridique spécifique aux robots, pour qu'au moins les robots autonomes les plus sophistiqués puissent être considérés comme des personnes électroniques dotées des droits et de devoirs bien précis ; y compris celui de réparer tout dommage causé à un tiers ; serait considéré comme une personne électronique tout robot qui prend des décisions autonomes de manière intelligente ou de manière indépendante avec des tiers".

(10) See Paragraph No. (29) of the decision referred to; which relied on the decisions of the Appeals Committee No. (J 7/990) of point

No. (2) of the reasons: "[t]he inventor as the natural person who has performed the creative act of invention" and it is the same position taken by the Appeals Committee in its decision No. (J 8/82) points Nos. (9) and (13) of the reasons. The same position was adopted by the French Court of Cassation.

(11) The idea is based on the notion that a natural person has the capacity to innovate and to invent unlike the moral person because its metaphoric presence metaphor stands in the way of it being granted with such a propriety, and therefore, the moral person can get to enjoy the intellectual property rights (Usufruct, Industrial Exploitation, etc..) without having the status or capacity of an inventor.

(12) Compare about the nature of this knowledge with the mentioned report submitted to the European Parliament on (27/1/2017), point No. (AI), Page No. (8); which pointed out to the permanent adaptation propriety or capacity and the continuous self-learning for robots; which allows them to possess a unique and unexpected interaction due to their ability to accumulate their previous knowledge and past experiences.

(13) And this is what has been recognized by the United States Judiciary in many of its rulings concerning the placing of the legal protection on patents for writings ; which their authors claimed that they have originated from sacred sources (Divine), where the writer (Intermediary) ascribe them to a divine source; in what is known as (Psychographic Works). Look up for example: Penguin Books, USA, Inc v. New Christian Church of Full Endeavor Ltd,(N 96 Civ. 4126, 2000, US Dist. Lexis 10394 (S.D.N.Y, July 21, 2000), at 36 : " ... {a} s a matter of Law dictation from a non-human source should not be a bear to copyright"; *Urantia Foundation v. Maaherra*, 114 F. 3d 955, 963-64 (9 th. Cir. 1997): " ... {n}otwithstanding the *Urantia Book's* claimed non-human origin, the Papers in the form in which they were originally organized and compiled by the members of the Contact commission were at least partially the product of human activity ... copyright Law ... do not expressly require "human" authorship ... a work is copyrightable if copyrightability is claimed by the first human beings who compiled, selected, coordinated, and arranged (*it)". See on this issue specifically: Annemarie Bridly, Coding Creativity: copyright and the Artificially Intelligent Author, *Stanford Technology Law Review*, 2012, 5, at 48-49, Page No. (20).

The judicial decisions referred to in this foot note area are stated in the section above.

(14) The procedural problem have in fact prevented the questions of the novelty of the invention from being entertained and the industrial applicability from being considered.

(15) Compare, for example, with article No. (92/g) of the Civil Transactions Act No. (5) of 1985, which stipulated that : "{l}egal persons are (G) Any group of persons or funds to which legal personality is established by law".

(16) Look up articles Nos. (515-14) of the French Civil Code; which defined an animal as a living being with a sentience capacity: "[u]n être vivant doué de sensibilité", article Nos. (515-15) C. civ".

(17) On the need for the Legislature to intervene to grant the legal personality, see Prof. Sherif Mohammad Ghannam Mohammad, AL-Nitham AL-Ilectroni (The electronic system), a comparative study in light of the international and national businesses, the Dubai Judicial Institute, Dubai, 2012, Page No. (70).

(18) Look up, for example, article No. (303) of the United Arab Emirates Civil Transactions Act of 1985, which stated that: "{i}f a child, whether under or reached the age of maturity, or any other child that has the same legal status, damaged the property of others, they shall be held legally responsible to compensate the damage from their own money" (The changing of the font was done by the author of this article). .

Paper & a Pin



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Humanitarian aspects In the amendments to the penalty of "deportation"

"Humanity" is one of the established and confirmed concepts in our Islamic religion. At large, humanity means showing sympathy for all people and dealing with them kindly. The importance of this concept is well-known in Islam. Indeed, the United Arab Emirates has known this concept from the beginning of its foundation, since its society is religious in nature. The Emirati rulers emphasize this concept. They show their love towards their brothers away from any ethnic, religious, or sexual classification, so they see the other as an independent and free entity that deserves full appreciation and respect. These lofty meanings of humanity, kindness, and tolerance have spread in the intellectual and cultural fabric of modern Emirati society, and we have seen such meanings clearly in the laws and foundations of the UAE.

This is evidenced in Article (121) of the Federal Penal Code No. 3 of 1987, as amended, which deals with deportation of foreigners after the implementation of the punishment as a type of precautionary measures, and which has been amended several times in consideration of humanitarian conditions.

At the outset, the said Article provides that "If a foreigner has been sentenced to a custodial penalty in a felony or misdemeanor, the court may call in its judgment for the deportation of the convicted foreigner from the state. Deportation orders shall also apply to felonies perpetrated on the honor".

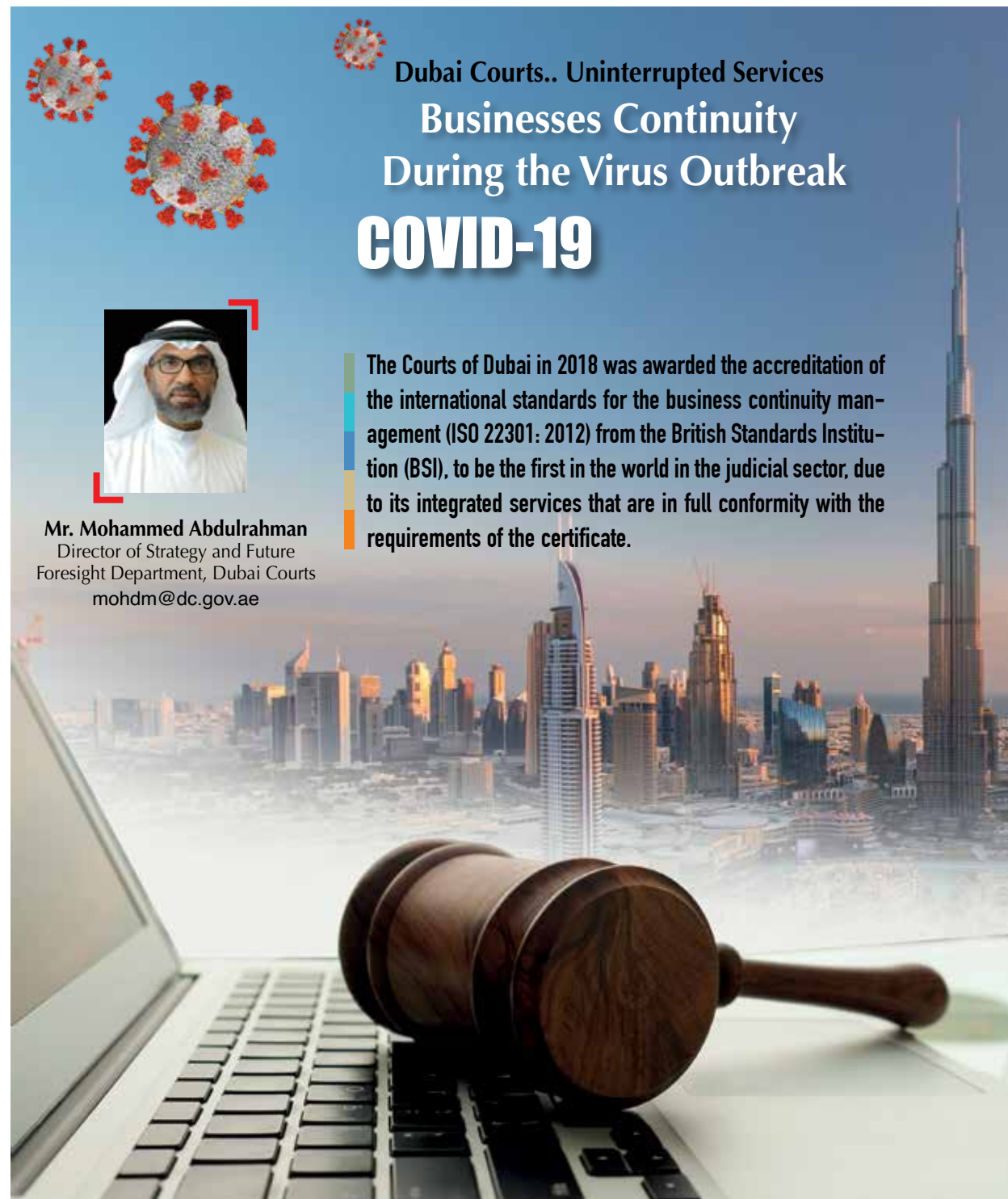
Then, it was amended to become "If a foreigner has been sentenced to a custodial penalty in a felony or misdemeanor, the court may call in its judgment for the deportation of the convicted foreigner from the state. Deportation orders shall also apply to felonies perpetrated on the honor. In misdemeanor, the court may decide deportation

instead of the custodial penalty prescribed for misdemeanor".

It was also amended to become " If a foreigner has been sentenced to a custodial penalty in a felony or the crimes perpetrated on the honor, the court shall call in its judgment for the deportation of the convicted foreigner from the state.. In other misdemeanors, the court may decide deportation instead of the custodial penalty".

Since the UAE pays great attention family cohesion, and since the Emirati legislator takes into account the importance of this and makes the cohesion of families a basis in enacting laws; there were more amendments, the most recent of which was the amendments to some provisions of the Penal Law that were introduced to Federal Decree-Law No. 4 of 2019, which protects non-citizens married to citizens, or who have first-degree kinship relationship with citizens in the event that they are convicted of crimes for which deportation is compulsory. Article 2 of the Decree provides for the addition of a third paragraph to Article 121 of the Penal Law promulgated by Federal Law No. 3 of 1987, where it provides that "A foreigner cannot be sentenced to deportation, if he is a spouse or a relative of first-degree to a citizen, unless the ruling is issued for a crime affecting the security of the state". In the event that the spouses are separated, this amendment allows the son to protect one of his "non-Emirati" parents from deportation in the event of conviction.

The amendment protects the person subject to deportation from implementing the deportation measure if they are convicted of crimes that do not affect the security of the state. We all know the painful effects of deportation, which affect the deportees and their families.



Dubai Courts.. Uninterrupted Services Businesses Continuity During the Virus Outbreak COVID-19



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The Courts of Dubai in 2018 was awarded the accreditation of the international standards for the business continuity management (ISO 22301: 2012) from the British Standards Institution (BSI), to be the first in the world in the judicial sector, due to its integrated services that are in full conformity with the requirements of the certificate.

And this accreditation comes as an added value to the achievements-filled record of the Courts of Dubai, within the framework of their efforts to realize the perceptive vision of Sheikh Mohammed Ibn-Rashid Al-Maktoum, UAE Vice President and Prime Minister of the UAE and Ruler of Dubai, to elevate the governmental work and take it to advanced levels, and to achieve excellence in the provision of governmental services, and being awarded the international standards for the business continuity management came as a result of the instant and effective response to incidents of business disruption and maintaining the continuity of their core and necessary activities, where they followed the methodology of analysis and understanding, and set up the required strategy and established plans and testings, and their continued implementation and follow up; which enabled the Courts of Dubai to apply the Standards of the National Emergency Crisis & Disasters Management Authority (NCEMA7000:2015) and to obtain the accredited certificate from the International Organization of Standards (ISO22301:2012), so that the scope of the business continuity project and the services it provides will include both the Judicial Sector (Represented by the three levels of Courts of First Instance and Appeal and Cassation) and the Administrative Sector; which includes the departments that support the judicial work, such as the Customers Happiness Centers, Case Services Management, Case Management, Personal Affairs Cases Management, Case Execution Management and others.

Policy, Indicators and Framework

In accordance with the requirements of this accreditation; the Courts of Dubai have created the accredited policy for business continuity and formed committees and teams; chief among which the Supreme Committee of the Business Continuity and the Crisis and Emergency Team, as well as issuing a handbook for risk procedures, and putting forth their annual plans and implementing a number of training programs, and laying plans for evacuation drills, data retrieval experiment and services provision in locations other than places of essential service, to ensure their quality in case of an emergency, and it also adopted a number of operational indicators to monitor and evaluate the application of the international specifications, and among those indicators are the following:

- 1-The time needed for the backup systems work;
- 2-The time needed for data retrieval;
- 3-The time required for the application of the evacuation plan;
- 4-The success rate of the services delivery in other locations;
- 5-The quality of the provided services in times of emergency;
- 6-The response rate for training programs;
- 7-The efficacy of the technical blocking barrier;
- 8-The availability rate of the technical systems in all canter;
- 9-Complaints and notes of discontinuation, whether from clients or staff members; and,
- 10-The rapid response and problems-solving and other indicators.

Also the business continuity framework was placed to include:

- 1)Definition and classification of risks;
- 2)Control and monitor tools;
- 3)Measurement indicators;
- 4)Functions, responsibilities and follow-up;
- 5)Initiatives and improvement activities; and,
- 6)Evaluation and review, where the Strategy Department takes on the responsibility of elevating such evaluation and review periodical reports to the High Committee.

Alternative Scenarios

The ramifications of the spread of the novel Coronavirus (Covid - 19) in several states caused the declaration of a global emergency and prompted the Ministry of Health and Community Prevention, at the local level, to urge all of the governmental and private bodies to adopt a series of meticulous and studied preventive measures to ensure the safety of individuals, and quickly such bodies responded, particularly the governmental agencies, through putting into action lots of precautionary measures and procedures, in keeping with the global health standards and to support the health sector in the state during these difficult circumstances.

Consequently, the Courts of Dubai, activated the set forth alternative scenarios, relative to its most important operations and based on the plans and procedures of business continuity, which is something that led their response to be fast at the time of the announcement to start taking precautionary measures, based on the analysis of the degree of vitality and importance of



Dubai Courts were awarded the accreditation of the international standard for business continuity as a result of their prompt and efficacious response to incidents of business disruption and maintaining the continuity of their core and necessary activities.



The scope of the project of businesses continuity and the services that are provided by Dubai Courts extended to include both the judicial and administrative sectors.



The Courts of Dubai activated the developed alternative scenarios apropos their most important operations based on the plans and procedures of business continuity; which led to rendering their response efficiently fast at the time of the announcement to start taking precautionary measures.

businesses, and the classification of operations and services and determining the cadre that is required for the remote continuity of business, and the specification of the tools, regulations, and enablers that are necessary to ensure the delivery of service with same high quality, and the Courts also sought to provide the most important requirements to commence the process of “Working Remotely” by Increasing the network capacity and providing a user name and password for the systems of the Courts of Dubai and to all employees, each according to their functions and specialties, to enable them to work remotely, in addition to providing hand-held devices and mobile phones for staff members, and making readily available the most important and smart of electronic applications for the purposes of remote litigation, without incurring any monetary cost or any hardship for the clients during their usage and making benefit of their features, since all that is required to do just that is to have available an Internet Connection... And the most important operations that had the remote operating system applied to are as per the following:

1. The settlement of disputes for both the civil and personal status sections, where clients can register through the outsourcing service offices, or electronically by obtaining a user name and a password, and the registration of cases can be done either individually or through law firms, and the settlements sessions are looked into by the arbitrator without the need to attend in person to the court, through either the use of systems of visual communication with clients or over the phone, and the outcomes of the settlement sessions are documented remotely in the court systems;
2. The cases registration remote system is done through

the outsourcing service offices and law firms and the ease of access for the client of the user name and password to individually register cases is done electronically;

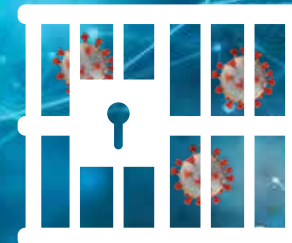
3. Looking into cases and issuing the required judgment, where cases are classified according to their importance, and some of the on-going cases were deferred, and the cases that were reserved for a final decision are looked into electronically, and the clients can gain access to the issued judgement through the system, in addition to looking into execution cases through the smart applications of Dubai’s Courts and visual communication systems;

4. The documentation of the Notary Public, where such service is provided remotely through the visual communication between the client and the notary public, with respect to the transaction at hand, and payments can be made electronically before the delivery of the transaction’s papers through the outsourcing services offices;

5. Some governmental agencies have been given the power to consider a client’s declaration of personal status as a testimony, which would facilitate the transaction of a client without having to visit the Dubai Courts Building to obtain the service certificate;

6. The continued submission of documentation of personal status by authorized officers to conduct marriage contracts by the Dubai Courts without the need for the client to pay a visit to the courts; and,

7. Additionally; the Dubai Courts took all the precautionary and preventive measures, such as granting exceptional off days for a category of employees who are over the age of (60) years, as well as those



with underlying and pre-existing chronic medical and respiratory conditions, and pregnant female employees and employees with special situations, and then the rate of employees working remotely was gradually increased from (20%) to (100%) over the period of a week, while cutting down on the number of staff in maintenance, hospitality and cleanliness, and closing all side entrances and making the main entrance as the only entrance to a building, taking the precautionary measures with the traveling employee, and following up on the team of the business continuity and the team of emergency and crisis, in collaboration with the sectors’ managers, with respect to the most important taken measures, by meeting remotely twice a week. In line with the requirements of the Government of Dubai on the full (100%) computerization by 2021; the Courts of Dubai have made great strides in the transformation of all of its services to electronic and smart ones, where they will be remotely fulfilled without the need to attend to the HQ of the Court or obtain a copy of the transaction, and the precautionary measures that were taken to prevent the spread of the Coronavirus have currently enhanced the computerization process by (100%) and without the need to wait until (2021), where many of the taken measures contributed to reaching the set goal, through working remotely and delivering services through systems of visual communication, and smart and electronic applications, such as the remote accreditation of the civil documentation (Notary Public) without the need for the competent employee to meet with the concerned parties, making payments electronically, and the attaining of the client of a copy of the transaction without the need to pay a

visit to the courts building, as well as the considering of the execution cases through the systems and smart applications of visual communication.

Activating the Media Plan

Due to the importance of informing and raising the awareness of the clients of Dubai Courts and those who are affected by its services through the parties to the law suits, lawyers, and service partners and to ensure their familiarity with the latest developments and the continuous communication with them; the Courts of Dubai activated the Media Plan that is designed to connect and get connected, based on the business continuity systems, through several channels, legible and audible, including the emergence of the spokesperson on the official radio channels, the publication in the social media platforms, and the website of Dubai Courts and the daily official gazettes, the activation of the system of remote work for all judicial sessions for the courts of Cassation, Appeal and First Instance, ceasing making testimonies and personal status documentations in the court building and providing them through partners and assisting authorized officers as of 22 March 2020, continuing to consider looking into the scheduled, urgent, smart requests, law suits and appealed sentences that include those who are detained and those who are remanded in police custody, as well as informing them of the availability of a whole host of smart and electronic services and supporting such services with the necessary infrastructure facilitations to ease remote working and guarantee business continuity cases services, at times of crises and emergencies and without any interruption.



The precautionary measures that have been taken to prevent the spread of the Coronavirus enhanced recently the computerization process (100%) and without the need to wait for the advent of the set target year of (2021).



He started his professional career in early (1992) as a public prosecutor in the prosecution office

J/Essa Mohamad Shareaf A Three-Decade Journey

The spectacular development march that was witnessed by the Emirate of Dubai was not only economic in nature, but also extended –As it is well known– to all aspects of life, including and without any shadow of a doubt the judicial side; which itself was a propeller of the engines of development and a significant factor of the Emirate’s distinguishing components, and the Dubai Courts had the most prominent role in that regard, depending in realizing such excellence and such achievements on the elite of the country’s sons, who appreciated the greatness of the task at hand, and shouldered this responsibility with utmost sincerity and dedication, and among those is the honorable Judge Isa Mohammed Sharif, Head of the Court of Appeal in Dubai Courts, and whose professional career spanned nearly three decades, the first half of which was spent at the public prosecutor’s office, and the second half of which was spent in the judicial corps; which is something that provided him with the quality experience that is worthy of being included in the first issue of the “Courts Echo” Magazine.

Due to the emergency conditions that were imposed due to the spread of the Coronavirus; which coincided with the work that was being done to issue the first edition of this magazine, the following dialogue was conducted via the remote communication media, where we were granted by His Honor, the Judge, a period of his own personal time, where he talked to us about a lot of the interesting aspects of his professional and personal lives, and the following are the details..

You might want to start us with a summary of your personal profile about growing up, education and academic achievement.

I am a native of the Emirate of Dubai, I was born in 1969, I enrolled into AL-Sha’ib and Gamal Abdel Nasser primary schools, as for the middle (Preparatory) school, I joined the school of AL-Sa’eidiyya and for high school, I joined the Imam Malik school, and following the stages of the school, I joined in 1987, the UAE University, Faculty of Sharia and Law and graduated with a very good grade average, however, it was not possible for me to follow my post graduate studies further, as I soon started my professional work; which occupied my time completely, due to the small number of judges in the judiciary corps in Dubai in comparison with the workload, not to mention I -along with a group of distinguished colleagues- was one of the founders of the Dubai’s Prosecution Office, which has taken up all of our time, and it required us to exert a great deal of time and concerted efforts at the time, and that left us with no room at all to continue our higher studies.

Talk to us about the beginnings of your professional career..

I started my professional career at the beginning of 1992 as a Public Prosecutor in the public prosecution office; which was presided over by Lieutenant General Dhahi Khalfan, and then onto the Attorney-General Office; under the chairmanship of His Excellency Chancellor Ibrahim Bomilhe, to whom I owe much credit for the impact that he had on my career in the judiciary corps, where he had his leading role in laying down our founding blocks, as well as our Professor Attorney Chancellor Hassan Khamis, whom I studied under his leadership at the beginning of my tenure at the public prosecution office, in addition to Chancellor Hasan AL-Ibiari.

When did you join Dubai Courts? And how did your professional career evolve?



That was in 2005, when I was transferred from the prosecution office to the courts service department, in the position of the first level prosecution president then to a first degree appeal judge, where I worked in the Court of Appeal under the leadership of Chancellor Sayyed Abdul Baqi, until I was entrusted to take on the responsibility of the presidency of the Court of Appeal by virtue of a decision by the Courts’ Head Chancellor Abdul Latif Al-Jasmi, and then I was appointed as a President of the Court of Appeal when Dr. Ahmed Ibn-Hazeem assumed the administration of the Courts, then I was promoted in 19 January 2009 to a Cassation degree judge, and then I was promoted to a first degree Cassation judge in early October of 2014, when His Excellency Taresh Al-Mansouri took on the role of running the Courts Administration.

The Coronavirus pandemic posed major challenges that affected various businesses, particularly the governmental sector and the courts. What are the prominent of these daunting challenges and what do you think are the means through which such challenges can be overcome?

The Courts of Dubai succeeded in achieving business continuity through taking all of the necessary precautionary measures, especially when the Courts had already obtained beforehand the international standard accreditation for business continuity (ISO22301:2012) in 2018; which meant its instant capacity to respond effectively to incidents of business disruption and to maintain the continuity of its core and necessary activities, and it also managed to apply the standards of the National Authority for Emergency and Crisis Authority (NCEMA7000:2015), and the scope of the business continuity project and the services

The Most Notable Achievements and Honors

Of the most notable achievements was the Court of Appeal receiving the Distinguished Court Award in (2011), where we were honored at that time by His Highness Sheikh Maktoum Ibn-Mohammed Ibn-Rashid Al-Maktoum, Deputy Ruler of Dubai and Chairman of Dubai Judicial Council. It was also my honor that I represented the Dubai Courts in the International Criminal Court in New York and the International Court of Justice in The Hague, where I participated in several conferences there.



it provides includes both the judicial and administrative sectors, and accordingly, the Court of Appeal continued carrying out its work since the start of the proceedings that were taken in consequence of the repercussions of the outbreak of the novel Coronavirus (Covid-19) Through adopting remote litigation techniques and ensuring the application of all of the precautionary measures. Furthermore, the Appeal Court has managed between the 22nd of March and the 4th of May and on its own to issue (908) final decisions and (187) preliminary rulings, while the number of hearings that came to session, according to the recorded sessions log reached (2823) sessions; which goes to show the continuation of the Court of Appeal in performing its functions and how its activities were not affect-

ed by the restraints that were brought on by (Covid - 19). It must be noted here that we had sometimes to postpone some cases due to the lack of some of their parties to the appropriate technicality to participate in the session, and therefore the postponement was done until the possibility of the personal presence is insured following the lifting of the conditions of the curfew that resulted by the outbreak of (Covid - 19).

Have the present circumstances revealed to you any shortcomings that must be avoided in the future?

There is no doubt that perfection is only reserved to the AL-Mighty God, and of course we have been faced with some difficulties at the beginning of the crisis, but they

were not in a shape that would bring to a halt the continuity of our work, and some of these challenges were the lack of familiarity of some of the personnel and clients of the services available remotely, and the Management of the Dubai Courts, under the guidance of its Director, His Excellency Tareh Al-Mansouri, worked unrelentingly to curb all of the obstacles that stood in the way of the continuity of work, in particular, providing the judges with the needed equipment and the necessary knowledge in full to fulfill the requirements of the remote work, in terms of communication programs and the programs that deal with electronic documents and others.

The Court of Appeal received (10780) law suits in 2019. How would you describe the evolution of the performance in comparison with the previous years in accordance with the performance indicators that were achieved?

The exerted unwavering efforts by the judges of the Court of Appeal have contributed to the improvement of the time speed of judgment:

- 1-The Appeals Court has achieved an improvement in the sentencing time average from the date of registration by (156) days in (2019), compared with (176) days in (2018); and,
- 2-The Appeals Court has achieved an improvement in the sentencing time average from the date of the first session by (118) days in (2019), compared with (145) days in (2018).

The Court of Appeal launched a number of quality initiatives in (2019). Would you like to provide us with an overview of those initiatives? And what are the most important results that were arrived at at the level of each initiative?

The most notable initiatives that were adopted by the Appeals Court in its operational plan in co-operation with the judicial and administrative units are as per the following:

- 1- Contributing to the plan of Dubai of Computerization towards the achievement of (100%) transformation in (2020) in collaboration with Dubai Smart Government, and this objective was included in the courts' strategy, and a lot of cases now (Particularly the civil cases) are looked into without the existence of a hard copy paper file, but rather by relying on the electronic file only;
- 2- Activating the requests for the smart memoranda that allow the concerned parties to submit their regulations and their requests remotely, and they can also see the decisions

Suspended sentence..

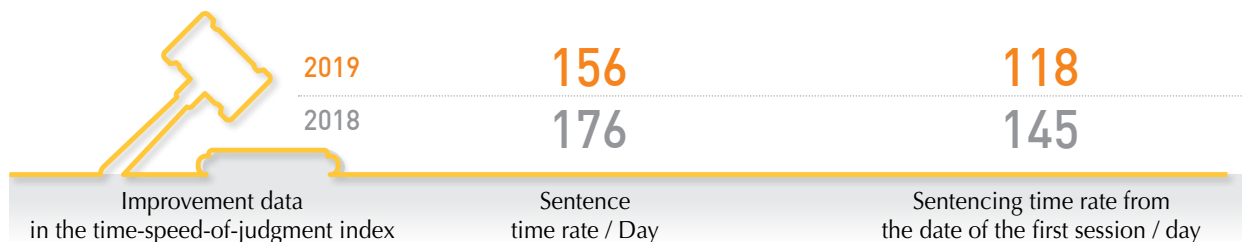
Of the strangest cases that I was faced with was of an Arab resident charged with complicity in the falsification of official documents and paying a bribe to a governmental employee, for the purpose of getting into and leaving the country illegally, where it turned out that this person was barred from travel because of his involvement in checks cases, except he was paying a bribe to an employee at the Dubai Airport so that this staff member would change the existing data on the system and this would allow the accused to travel and return while the same employee was in his work position, but the investigations revealed that the defendant was forced to travel occasionally to follow up on the situation of his son who had cancer, and who was receiving his treatment in his home country (Before being brought to the state where he later passed away). The court took into consideration in its ruling the defendant's personal circumstances and considered the mitigating humanitarian grounds and ruled by suspending the execution of its sentence.

- of the judges on their requests through the smartphone application;
- 3- Activating remote litigation through videoconferencing;
 - 4-Launching a guiding handbook for advertising procedures; and,
 - 5-Implementing several workshops on the update and revision of the Code of Civil Procedures.

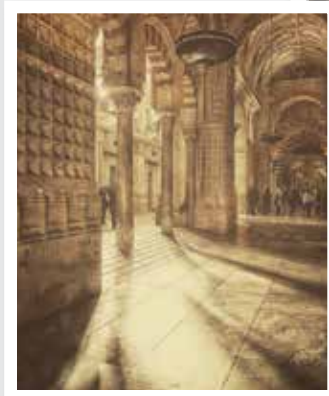
What are your most important plans for the Court of Appeal in 2020?

Our ambition is big and our plans are plenty in the short and the long term, and perhaps the most important current plans are expanding the integrated system to manage the remote running of sessions through the smart electronic file, so that it would be more easy in usage and more interconnected in terms of elevating and reviewing documents and their studying and achieving interconnection with other supporting systems, so that they would contribute more effectively in speeding up the obtaining of the sessions' proceedings, and facilitating communication with the governmental departments and thereby expediting the disposition of cases.

Is there any legal research activity that you are currently engaged in? And what are the most notable of the submitted researches?



I was fond of Photography since my early childhood



Yes; I continuously publish legal articles in the Dubai Legal Magazine that is issued by the Public Prosecution Office in Dubai, not to mention holding workshops on newly issued laws, and I also participated in the preparation of the Judicial Authority Law and the Law of Court Fees, as well as participating in amending laws by commenting on their drafts, and I used to post short articles in the AL-A'alam (World) Newspapers; which was issued by Dubai Customs.

What are the most significant honors received by the Court of Appeal in general?

The Appeal Courts have always made a clear contribution to the efforts of the Dubai Courts to win awards and achieve success, particularly in governmental programs, including:

1. Nominating the Courts of Dubai among the best 3 future ideas within the program of the Dubai (x10), where the competition was between all governmental stakeholders in the Emirate, and the Court of Appeal was part of the work team of this initiative; which brought about a paradigm shift in the litigation system related to Court (c3), and this initiative called for the integration of the three litigation degrees in one court whose departments are formed of three judges, one judge from each degree of litigation (Primary {First Instance} – Appeal – Cassation), and it issues final awards that are not subject to any appeal, where the running of all of the court's proceedings will be through the use of modern techniques including the electronic file and the feature of remote communication;
2. The Court of Appeal also contributed to the Dubai Courts winning the best 10 Courts in the world, as part of the International Organization for the Management of Courts Programs Awards; and,
3. The Court of Appeal contributed to the achievement of a paradigm shift in the index of contract enforcement within the index of global competitiveness, according to the World Bank report, from the rank of (121) to the rank of (9) in (2013) globally, and this indicator is measured through the speed of disposition of the commercial litigation in the Courts of First Instance and Appeal since its registration until its implementation, and the efforts of the Court of Appeal with the team of the competitiveness work were supportive of facilitating the speeding up of the disposition of this type of law suits.

The Court of Appeal represents the second degree of

litigation. What is the specificity of work in the Court of Appeal, and how it differs from the first degree of litigation?

The function of the Court of Appeal is not limited to monitoring the appealed decision, in terms of the validity of the legal application, but also the elevation of any appeal results in the transfer of the subject of the dispute, within the limits of the requests of the appellant, to the court of second degree, and put it forward before it with all that it included of evidence, defenses and new claims, and what was presented before the Court of First Instance, so that the Court of Second Degree will say its final word in a justified decision by which the court addresses the elements of the dispute, actual and legal alike, and follows the Court of Appeal, in terms of degree, the Court of Cassation, and that is why the judicial branch made certain, through its three litigation levels, to provide the full opportunity to the parties of the law suit to argue their allegations, in order to ensure the quality and accuracy of the rendered decisions, to the maximum extent possible.

Are there any special characteristics (Personal or professional) that ought to be available in the Judge of the Court of Appeal?

The Appeal Court Judge must be equipped with sufficient experience, since he/she reviews the judgments issued by the Court of First Instance, and he/he either supports those judgements in the case of their accuracy in all aspects and he/she may correct errors in the case of their existence, and perhaps he/she would re-create the judgement in full in the case of existing of any inaccuracy in it, and that is why Judges of the Court of Appeal must be more experienced than the Judges of Court of First Instance.

Last but certainly not least, how would you describe the working environment in Dubai Courts?

Dubai Courts concertedlly work to provide a stimulating work environment that contributes to the increase of productivity and to raising the level of happiness and the internal and external satisfaction, and perhaps the selection of the Courts of Dubai as the happiest working environment for the year of (2016), within "The Fourth Generation System for Government Excellence", as well as to achieving the highest of scores in the questionnaire of the Happiness of the Human Resources; which was conducted by the Dubai Program for the Governmental Distinguishable Performance, perhaps all of that is one of the leading pre-

My Card is the Airplane and to "Victory" I belong



cursors on the keenness of the Courts in this area, where they continued to achieve positive results in the standards of "Work Happiness Index", "Work Satisfaction Index", "Work Harmony Index", and the "Work Loyalty Index", in addition to the "Human Capital Results"; which included the efficiency of the training programs and the effectiveness of the suggestions systems, in terms of the number of participants and the ratio of the implemented proposals, as well as the rates of productivity and services costs reduction, and the program to honor the employees with outstanding performance, etc., and the courts have adopted a lot of tools and programs to enhance and improve the work environment; which is something that has reflected directly on the improvement of the services provided to the clients and on raising their satisfaction and strengthening the competitiveness of the Courts of Dubai, both locally and globally.

Insurance disputes..

Rules and Procedures



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The legislator issued the Resolution No. 3 of 2019 on Regulations of Committees for the Settlement and Resolution of Insurance Disputes as amended by the Resolution No. 9 of 2020 on amending some provisions of the recent resolution of the Board of Directors of the Insurance Authority. Insurance disputes mean the disputes arising from complaints lodged by the insured, beneficiaries or affected stakeholders against the company.



Each insurance dispute must be initially submitted to the Committee for the Settlement and Resolution of Insurance Disputes ("the Committee") before resorting to the court. Otherwise, the case is inadmissible for filing it in a manner other than the manner regulated by law. Under its working system, the Committee is administratively responsible to the Authority, and it has jurisdiction over all insurance disputes by applying legal provisions, instructions, insurance decisions and principles related to the subject of the dispute. It also expands its powers as an exception and out of the general rules by taking what it deems appropriate without adhering to the Civil Procedure Law and the Law on Regulation of the Legal Profession and even without observing the official working hours. Accordingly, the Authority formed two committees, one in Abu Dhabi and the other in Dubai, and the Authority has the right to form other committees in the cities or emirates of the state, if required. To this end, the legislator authorizes the Committee to settle and resolve the insurance disputes lodged by the insured or the beneficiary, such as the cases of consensual or legal solutions, or the

affected stakeholder like others, against the defendant, namely the insurance company exclusively. Further, the legislator determined the procedures for submitting the insurance dispute pursuant to Articles 7/1, 2, 8 / 1 and 6/3 of the Resolution that the complainant initially submits his complaint to the defendant to resolve it. If the complainant is not satisfied, then he has the right to submit to the Authority (the Organizational Unit) a written complaint accompanied with his documents mentioning his name and address explaining the nature of complaint and his requests supported by evidence. Then, the organizational unit refers the issue to the Committee. At this procedural stage, the Committee has the exclusive right to settle the dispute amicably, appoint an expert in order to settle and resolve such dispute positively or negatively or declare lack of jurisdiction.

Under the Resolution, the Committee does not have jurisdiction over some insurance disputes, including claims for summary relief or attachment orders, insurance disputes filed before the entry into force of the Resolution at any level of litigation, insurance disputes that are subject to an arbitration clause, claims among insurers, and settlement of financial balances and claims between insurance-related professions and insurance companies.

Further, the Resolution provides that an insurance dispute referred to the Committee is rejected if: a complaint that was previously submitted to one of the committees and was decided upon, the fees of the experts who were hired by the complainant were not paid, the Committee does not have jurisdiction over the complaint, or the requirements for submission of the complaint are not fulfilled.

The Resolution also provides for rejecting the dispute if a party to dispute has submitted a request or a defense while having no capacity or existing or potential interest in the insurance dispute to submit the complaint in legal sense.

After its issuance, the decision can be challenged before the competent court of first instance within 30 days of the day following notification of the decision. Otherwise, the decision is deemed to be

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The Insurance Authority formed two committees, one in Abu Dhabi and the other in Dubai, and the Authority has the right to form other committees in the cities or emirates of the state, if required.

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The complainant submits the complaint to the Insurance Authority via the electronic system along with all relevant supporting documents.



The Committee will settle the dispute through conciliation within fifteen working days of the date of submission of application



The committee may oblige the party who unreasonably denies authenticity of copies of documents submitted to pay all expenses incurred due to delaying work of the committee or the additional expenses incurred for the party who submits the documents.

final and enforceable.

First: General Rules of the Committee

1. The Committee holds its sessions in presence of the Chairperson and the majority of members to examine the disputes and its decisions are issued by majority of votes.
2. The language used by the Committee is Arabic.
3. Members of committees should comply with the all controls and obligations with which judges comply.
4. The applicable law is the Federal Law No. 6 of 2007 on Establishment of the Insurance Authority & Organization of its Operations, as amended, and its implementing regulation. The Committee can take any action it deems appropriate without adhering to the Civil Procedure Law and the Law on Regulation of the Legal Profession and even without observing the official working hours, subject to the legal provisions in connection with the subject matter of dispute, and the generally accepted insurance instructions, decisions and principles.
5. The Committee members should examine insurance disputes impartially and objectively and hear the parties and their defenses, witnesses and experts, and they have the right to review papers, documents, records and evidence.
6. No request or defense is accepted if a litigant has no capacity or existing or potential interest in the insurance dispute to submit the complaint in legal sense.

Terms of Reference of the Committee

1. Settling and resolving insurance disputes arising from the insurance policy (insurance contract, policy) between the insurer and the insured, which contains terms of the contract between the two parties and their obligations and rights, or the rights of the beneficiary of the insurance and any supplement therewith, for all types and branches of insurance arising from complaints among:
 - The insured.
 - The beneficiaries.
 - The affected persons who have interest in the insurance dispute against the company only, which is the insurance company es-

tablished in the state and the foreign insurance company licensed to operate in the state either through a branch or through an insurance agent, including co-insurance companies.

This applies to all values of disputes whether estimated or not.

The Committee does not have jurisdiction over:

1. Claims for summary relief or attachment orders.
2. Insurance disputes filed before courts before the entry into force of the Resolution at any level of litigation.
3. Insurance disputes that are subject to an arbitration clause.
4. Subrogation of the insurer- the company- as to the security for damage to the rights of the insured or the beneficiary toward the one who causes the damage that results in the insured's liability or towards the insurer who causes the damage under a legal transfer.
5. The claims between insurers and settlement of financial balances.
6. Claims between insurance-related professionals and insurance companies.

Insurance dispute is rejected if:

1. A complaint that was previously submitted to one of the committees and was decided upon.
2. The fees of the experts who were hired by the complainant were not paid.
3. The Committee does not have jurisdiction over the complaint, or
4. The requirements for submission of the complaint are not fulfilled.

Second: Procedures for submission of dispute:

This process consists of three phases:

Phase 1: resolving the dispute

The complainant (a natural or legal person who lodges a complaint in person or through his legal representative, agent or delegate) must submit his complaint to the defendant (the insurer) for resolution in accordance with the provisions of the application laws and insurance policies. If the complainant does not accept such resolution, we move the next phase.

Phase 2: Submitting the complaint to the Authority

The complainant submits the complaint to the Insurance Authority via the electronic system along with all relevant supporting documentation, for example:

- Name, address, mailbox and telephone number of the complainant.
- Addresses of electronic notification of the complainant or his legal representative or agent.
- The subject matter of the complaint and the requested contained therein.
- Supporting documents.
- Any other complaint-related documents.

Phase 3: Organizational Unit

This Unit:

1. Requests the defendant, via the electronic system, to provide explanations within five working days.
2. Explains the complainant's objection to the explanations provided by the defendant.
3. Receives the complainant's request for referring the complaint to the Committee.
4. Records the complaint in a register once it is received.
5. Requests parties to complete the documents such as a medical or consulting report.
6. Refers the complaint file to the competent committee within three working days after documents are completed.
7. Provides the complainant with evidence for referral of the complaint to the committee containing its number, date of referral and the competent committee.

Phase 4: Referring the complaint to the Committee for the Settlement and Resolution of Insurance Disputes:

- Conciliation proposal

A proposal is offered to amicably settle the dispute, which is the complaint submitted in accordance with the provisions of law and regulations, through conciliation. To this end, the Committee may use the remote communication technique, by means of visual and audio communication, between two or more parties for telepresence pur-



pose, and exchange of documents and statements, including filing the complaint, notification procedures, examining the complaint, holding sessions, the deliberation and the issuance and notification of the decision.

The Committee will settle the dispute through conciliation within fifteen working days of the date of submission of application. The Committee may extend the conciliation period for additional fifteen working days upon agreement of parties to dispute or upon a decision by the chairperson of the committee.

We have here two cases:

1. If the dispute is settled amicably through conciliation:
 - Settlement is made before the committee and this is recorded in the conciliation deed by all means, and such deed is approved by the chairperson and members of the committee.
 - The complaint procedures are recorded on records.
 - The complaint procedures are recorded on paper documents.
 - The complaint procedures are electronically recorded if approved.
 - The parties to dispute are informed that the committee has commenced the settlement procedures.



- Parties to dispute are informed of the settlement procedures by the registered mail, an office licensed by the competent bodies, e-mail, or remote communication technique.
2. If the dispute is not settled through conciliation:
 - The committee shall initiate the procedures for settling the dispute and settling it by a decision issued by it
 - . A session will be held in the presence of the litigants or their representatives, and the dispute will be considered in the presence of the dispute parties or in their absence providing the submission of sufficient documents and data , so that the committee can issue its decision to resolve the dispute on the basis of those documents, and the following should be taken into account
 1. Parties to dispute to be informed of the date by the registered mail, an office licensed by the competent bodies, e-mail, or remote communication technique.
 2. If the complainant is absent from the session, he must provide an excuse to the committee. If he fails to provide an excuse, the dispute to be determined (if applicable) or to be dismissed and the parties to be informed of the same. If the dispute is dismissed, the complainant has the right to request for re-registration it during a period no more than thirty days to complete consideration.
 3. If the defendant is absent and he provides an excuse unacceptable to the committee, then the committee may, at its own discretion or at the complainant's request, settle the dispute if it is valid.
 4. Entering the complainant to the dispute as an opponent, provided that such litigant is permitted to enter the dispute when it is filed.
 5. Entering the defendant can bring a litigant to enter the dispute, provided that such litigant claims that he has recourse against the company, the company is not a party to the dispute, and a written application to be submitted to the committee, provided that the defendant states nature and grounds of the claim in the application and requests entering the company as party to the dispute.
 6. Intervention by others in the dispute is only accepted upon request.
- Procedures for issuance of the decision by the committee:**
1. Study of the insurance disputes and the documents & data provided are examined.
 2. The committee issues its decision within twenty working days of the date on which it completes its work and receives all documents, data and information necessary for decision.
 3. The period of twenty days can be extended for similar period if necessary.
 4. While examining the dispute, no new docu-

ments can be submitted. However, documents can be submitted on exceptional basis if:

- a. Submission of a document is permitted by the committee.
 - b. The document is submitted by parties to dispute.
 - c. The document is new.
 - d. The document is not attached to the complaint.
 - e. An excuse is provided to the committee for non-attachment to the complaint.
 - f. The document is necessary for deciding on the dispute.
5. Deciding on the application of either party for paying expenses of the dispute totally or partially as the case may be.
 6. The committee may seek the assistance of experienced consultants.
 7. The committee may make seek the assistance of experts:
 - Those who are registered with the committee in respect of estimation of damages and who are initially nominated.
 - Experts registered with other competent bodies can be nominated concerning certain matters determined by the committee.
 - Experts will be requested to submit written reports on the facts.
 - The committee has the right to invite any experts to appear before it to discuss contents of his report and such invitation made by the remote communication technique.
 - Determining the Expert's fees.
 - Determining the one who is obliged to pay the expert's fees.
 - Expert's fees are paid in advance.
 - Dispute resolution decision obliges the losing party to pay the expert's fees.
 8. The committee may hear witnesses of the parties to dispute either in person or through the remote communication technique.
 9. Authenticity of electronic signature and documents:

The electronic signature and documents or the official and customary paper documents set out in this Regulation are authentic if they

meet the terms and provisions set forth in the Federal Law on Electronic Transactions and E-Commerce.

10. Authenticity of electronic signature and documents
 - a. Photocopies of the documents in proceedings conducted through the remote communication technique are permitted. However, the original copies may be requested by the committee if necessary to deliver the decision.
 - b. A party's denial of the documents submitted by other party is not considered merely because they are copies unless the denying party argues that such documents are untrue or are not issued by the alleged party.
 - c. In case of denial of the documents submitted or claiming that such documents are untrue unreasonably, the provisions set out herein and the applicable laws will apply. If such denial results in delaying work of the committee or unreasonable additional Expenses is incurred to the party who submits the documents, then the committee may oblige the party who denies such documents or claims that they are untrue to pay all expenses.



The electronic signature and documents are authentic if they meet the terms and provisions set stipulated in the Federal Law on Electronic Transactions and E-Commerce

3rd: Challenging the decision of the Committee

- 1: stakeholder may challenge the committee's decisions before the competent court of first instance.
- 2: the deadline for challenging the committee's decisions within 30 days.
3. Date of challenge is calculated from the day following the day on which parties are notified of the decision. Parties are notified:
 - By the registered mail.
 - Through remote communication technique.
4. Failure to challenge the decision or lapse of the specified date renders the decision final and enforceable and such decision is deemed to be an executive deed.

Preparation of Considerable Evidence in Personal Status Cases



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Judicial work is based on evidence. Rights are proven and attained if evidence exists and vice versa.

In practice, different evidence is provided in disputes and claims. However, some evidence is rejected, or the courts are forced at later stages to enable the parties to have the right to a new defense, what causes this?

From my humble point of view, some rules must be considered when undertaking one of the evidentiary procedures. The written evidence and the oral evidence will be explained below.

First: Written evidence; official and customary documents

Written evidence and its provisions are mentioned in the preamble of the Evidence Law No. 10 of 92. This indicates its importance in proving rights (1). It is known that the clear documents are admissible. The problem lies in the document whose content is ambiguous or which ceases to be a ground for the matter to be proved.

In the first stop, the following example is given to explain how to deal with the written evidence to become considerable in providing or rejecting the defense.

In a certain case, the guardian argued that the maintenance suit was determined since a judicial ruling had been issued by his country. Upon verification of the Procedural Law on which he relied, it was found that it is only a temporary injunction to prove the matters the guardian pledged to the minors, and not a substantive decision in which parties are given equal opportunities and the requirements of a fair litigation are fulfilled, as the guardian tried to do.

For this reason, foreign documents are inadmissible in most of the legislation in the world, including Emirati legislation, in accordance with Article 85 of the Regulation of the Civil Procedure Law, except under the conditions stipulated in the law or treaties to avoid fraud.

In another example, we find that the guardian sought to



prove his insolvency based on his salary slip. At the same time, the file included a bank statement or other documents that prove that the guardian's financial position is better, and therefore such salary slip should not be relied upon for its contradiction with other considerable written evidence.

The second stop deals with conciliation agreements. Though such agreements settle the dispute amicably, they constitute written evidence that determines rights and obligations in the future.

The courts frequently address disputes related to agreements, whether because of their violation of the law, or the absence of free will at the time of their conclusion or the ambiguity of some of its provisions. Hence, prudence and adherence to the legal rules are important matters when



Though the conciliation agreements settle the dispute amicably, they constitute written evidence that determines rights and obligations in the future.



It is important to properly adapt content of the written evidence, in order to deliver a sound judgment free from error or deficiency.

writing such agreements, so that the evidence in the future is not used as a ground for a new dispute (2).

In a certain suit, the dispute arose if the agreement provides that what is required is only informing the guardian when the custodian travels with the minor, or his permission needed as required by law in Article 149 of the Personal Status Law. The term (informing the guardian) contained in the agreement is the ground of the dispute - some say it is a material error and some say it is the agreement.

The third stop deals with the written evidence that contains certain data, yet such evidence has not be prepared to prove all data mentioned therein.

For example - the nationality mentioned in the school certificate may not necessarily be valid, given that the document itself has not been prepared to prove nationality. Some authorities and departments often do not pay great attention to recording of data or they only focus on some of them. Accordingly, these data are dealt with as a presumption if they are challenged by other

party. In this context, judicial principles were issued to affirm this trend (3).

In sum, it is important to properly adapt content of the written evidence, in order to deliver a sound judgment free from error or deficiency.

Second: Witness Testimony

The oral evidence and its provisions are mentioned in in Articles 35-47 of the Evidence Law. Many provisions of the Personal Status Law refer to the oral evidence, since this branch of the judiciary relies heavily on it, for example Articles: 27, 48, 106, 122.

The preparation of considerable evidence requires thorough knowledge of the subject of the dispute on the one hand and its legal and procedural provisions on the other hand.

It goes without saying that jurists divide this evidence according to different criteria, in terms of the quorum of the testimony, the gender of the witness, or the subject of the testimony, etc. (4)

Requirements of Oral Evidence

In order for the oral evidence to be considerable, the following requirements must be met:

- 1- Before hearing the witnesses, he must be psychologically prepared to provide testimony credibly. The witness is altered in a hurry that he is legally held accountable if a false testimony is proven. He should be also reassured that he is only requested to say what he knows, so his fear decreases. If the witness is not prepared, he may easily provide a false testimony.
- 2- When testifying, testimony must be verified that it fulfills the legal rules, in terms of number, belief, and type of testimony, whether it is direct, unwritten, acoustic, for discovery, for memorization, etc.

Further, descendants cannot testify in favor of ascendants, and vice versa. The statements of the minors in the custody cases are not permitted in accordance with the rules of Emirati legislation, and the statements of the parties are written so that the reader understands that they are unwritten or acoustic according to their terms considered in jurisprudence (5). The testimony of two women must be written in a manner that reveals that that they have provided the testimony together, and if there is a difference in the testimony, such difference is proven. If there is an enmity between the witness and either party, the testimony is totally ignored.

After statements, it is often found that there is an enmity between the witness and a party, which renders the testimony invalid.

- 3- The content of the testimony must include the subject for which the witnesses are brought. Otherwise, such testimony is incomplete.

For example, in the cases of separation for damage, questions must be asked about the alleged damage, its type and frequency, the last damage to a woman, if conciliation reached after the damage, the possibility of

continuation of the marital life, etc. Care should be taken to avoid hearing general statements with which the features, type or degree of damage are lost.

Another example is in a maintenance suit; a man may claim that he provides maintenance, and the witness affirms this. Here, it is advisable to verify its fields and amount in order for the statement to be complete, and to avoid any other evidentiary procedure.

- 4- Ultimately, we stress the importance of proving any abnormal hesitation or influence of the witness that undermines the sincerity of his testimony such as unjustified contradiction or tension, as it will have an impact when weighing the evidence.

Finally, the evidence is often established and prepared by the jurists. Evidence must be prepared according to the established rules, and the result must be valid and considerable evidence that achieves justice by approval or disapproval.



It is often found that there is an enmity between the witness and a party, which loses the testimony's importance.



Margins:

1. Jurisprudence, Suit and Evidence, a comparative Study between Jurisprudence schools and the UAE Laws, Dr. Muhammad Al-Zuhaili, 2nd edition 2008, University of Sharjah, p. 207.
2. Appeal No. 442,440, property appeal.
3. 2017/211, personal status appeal, cassation, Dubai.
4. For more information, see the Islamic Jurisprudence and its Evidence by Dr. Muhammad Bashir Al-Shaqfa, Chapter Two, Testimony, Part 6, Dar Al-Qalam Damascus, 2nd edition, 2011.
5. The agreed and disputed 'ethods of governance in Islamic law, Dr. Said bin Darwish Al-Zahrani, Al-Sahaba Library, Jeddah, 2nd edition - 1994, pp. 115-119.

An ambitious national agenda and a vision based on leadership

COMPETE!

The UAE Vision 2021 was launched by His Highness Sheikh Mohammed bin Rashid Al Maktoum, Vice President, Prime Minister and Ruler of Dubai, at a cabinet meeting in 2010, and the Vision aims to place the UAE among the best countries in the world by the golden jubilee of the Union.



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In order to translate the Vision into reality, its elements have been divided into six national pillars, which represent the key focus sectors of government action in the coming years. These pillars include: Innovation-based competitive knowledge economy, safe society and fair judiciary, close-knit society that preserves its identity, a high-level educational system, sustainable environment and an integrated infrastructure and world-class healthcare system. Thus, the endeavors and goals of the national agenda for the UAE Vision 2021 are ambitious and complementary. It is certainly keen to enhance the justice and continue to guarantee the rights of individuals and institutions through an effective judicial system, placing the state among the best countries in the world in terms of the efficiency of the judicial system.

Dubai Courts and Competitiveness

Courts are the exclusive representative of the United Arab Emirates in the Doing Business report on the enforcing contracts indicator. It is a composite indicator that measures the effectiveness of contract enforcement within the Doing Business report, through a survey carried out by the World Bank on three themes:

1. The time required to resolve a commercial claim from the date on which the claim is filed until the full payment.
2. The cost as a percentage of the claimed value.
3. The Judicial process quality, which is an indicator consisting of several sub-indicators that include the structure and procedures of courts, case management, the automation of litigation procedures and the availability of alternative litigation systems.

Enforcing contracts methodology in the World Bank Report

WB Doing Business report measures the time and cost for resolving a commercial dispute through a commercial court and the quality of judicial processes index, evaluating whether each economy has adopted a series of good practices that promote quality and efficiency in



the court system. The data are collected through study of the codes of civil procedure and other court regulations as well as questionnaires completed by local litigation lawyers and judges. The ranking of economies on the ease of enforcing contracts is determined by sorting their scores for enforcing contracts.

Assumptions of the Case:

The value of the claim is equal to 200% of the average national income per capita in the Emirate of Dubai or 5,000 USD, whichever is greater. The dispute relates to a legal commercial process between the companies of seller and buyer and the two companies are located in the Emirate of Dubai. According to the contract, the seller sells the buyer some furniture, and the buyer refuses to pay the value of the contract claiming that the goods are not of good quality, and since it was made specifically for the buyer, the seller is unable to sell them to another person. The buyer (the defendant) is sued by the seller (the plaintiff) to recover the amount due under the sale contract, where the dispute is brought before the commercial court. At the beginning of the dispute, the seller decides to seize the buyer's movable property (for example, office equipment and vehicles), fearing that the buyer would hide his property or declare bankruptcy. Then, the buyer claims that the goods are not of good quality, in which case the court cannot rule on the case. Then, an expert's opinion is sought on the quality of the goods, and based on the experts' opinion, the judge decides that



WB Doing Business report measures the time and cost for resolving a commercial dispute through a commercial court and the quality of judicial processes index.

the goods that was delivered by the seller was of good quality, and the buyer must pay the value of the contract. Therefore, the judge rules in favor of the seller (the plaintiff), and the judgment is not appealed, and the seller decides to enforce the judgment at the end of the appeal period. Seller takes all required steps for prompt enforcement of the judgment. The money is successfully collected through a public sale of buyer's movable property (for example, office equipment and vehicles). It is assumed that the buyer does not have any money in his bank account, making it impossible for the judgment to be enforced through a seizure of the buyer's accounts.

Time Index:

Time is recorded in calendar days, counted from the moment the seller decides to file the lawsuit in court until payment. This includes both the days when actions take place and the waiting periods in between. The average duration of the following three different stages of dispute resolution is recorded: (i) filing and service; (ii) trial and judgment; and (iii) enforcement. Time is recorded considering the case study assumptions detailed above and only as applicable to the commercial court. Time is recorded in practice,

regardless of time limits set by law if such time limits are not respected in the majority of cases.

Cost Index

Cost is recorded as a percentage of the claim value. Three types of costs are recorded: court costs, enforcement costs and average attorney fees.

Average attorney fees are the fees that the seller (plaintiff) must pay in advance to a local attorney to represent the seller in the particular case study, regardless of final reimbursement. Court costs include all costs that the seller (plaintiff) must pay in advance to the court for enforcement of the judgment, regardless of the final cost borne by the seller. Court costs include the fees that the parties must pay to obtain an expert opinion, regardless of whether they are paid to the court or to the expert directly. Enforcement costs are all costs that the seller (plaintiff) must pay in advance to enforce the judgment through a public sale of the buyer's movable assets, regardless of the final cost borne by the seller.

Quality of Judicial Processes Index

The quality of judicial processes index measures whether each country has adopted a series of good practices in its court system in four

areas: court structure and proceedings, case management, court automation and alternatives disputes resolution.

Reforms Index

The enforcing contracts indicator set tracks changes related to the efficiency and quality of

commercial dispute resolution systems every year. Depending on the impact on the data, certain changes are classified as reforms and listed in the summaries of Doing Business reforms. Reforms are divided into two types: those that make it easier to do business and those changes that make it more difficult to do business.

Cost is recorded as a percentage of the claim value. Three types of costs are recorded: court costs, enforcement costs and average attorney fees.

Conclusion of Competition in Dubai Courts

We are very pleased with the progress made by the United Arab Emirates in the World Bank Report 2020. We feel particularly proud and honored to have ranked ninth in the world for the second year in a row, and first in the Arab world for the fifth year in a row in the Enforcing Contracts Indicator and the Quality of Judicial Processes Index. This could not have been achieved without the wise guidance of our good government, which created the stimulating environment for all our departments backed by the best national competencies. We pay tribute as well to the efforts of the taskforce for supporting the competitiveness of the Emirates, which resulted in the record jump that Dubai Courts achieved in the Enforcing Contracts Indicator. This is deemed to be a strong indication that Dubai Courts are heading to achieve more successes, and it confers on us the responsibility for ensuring leadership in the world of business, taking advanced steps towards realizing the goals of our strategic document by making customers satisfied and upholding the values of justice, independence and transparency.



Knowledge Management and courts in a changing world



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There is no doubt that the today's world is full of mystery and accelerating changes, which have become one of its fundamental characteristics. This has put a great pressure on managers of both private and governmental institutions, which means that the change is a must. Failure to keep pace with this change is a sort of disaster. This will necessarily lead to annihilation and exit from the labor market, which will have very complex implications on the economy and society.

Courts were established to settle disputes among people and to promote justice, where justice is the basis of governance. To this end, the government is making every effort to preserve the fairness and independence of this edifice. Undoubtedly, these disputes have been also changed and many new issues have emerged, such as issues related to intellectual property, cybercrimes, e-commerce, electronic fraud, electronic drugs ... etc.

The change is a must

In such a case, courts administration also has to make the change to keep pace with these changes, by enacting new laws to address these issues. The knowledge Management plays a significant role in this regard. Knowledge management means the accumulated experiences, gained through senses, continuous work, and taking advantage of errors in development. Knowledge increases when experiences increase.

Indeed, the accumulated experiences have been handed over from a generation to another and used to develop their lives! Knowledge management - as a modern management concept - has worked to restore the human condition and enhance his position and presence as an essential factor in the life system, where this role has been decreased due to massive developments in information technology systems and the internet.

Knowledge Management in the courts

Knowledge management in the courts can play a major role in enhancing the main tasks they perform. Knowledge that judges, advisors, administrators, attorneys, and experts possess is the cornerstone of the technical office in charge of carrying out all operations related to managing the knowledge possessed by these figures. For example, the technical office can manage a judge forum that works to exchange knowledge. It is known that the holistic and comprehensive concept of knowledge Management is mainly based on a set of processes that are learned and trained on to identify existing experiences and convert them into knowledge, and then transfer and develop them continuously to become new knowledge. According to this concept, change in systems and processes within the court administration will transform them to Learning Organization, i.e. becoming an institution in continuous learning, continuous change and

continuous innovation. The learning institutions are distinguished by the ability to solve problems in a systematic way, i.e. a deliberate method that follows a certain set of steps in solving any problem that can be used by everyone. Further, the prevailing misconceptions such as fear of risk, fear of doing experiments and also fear of making mistakes should be changed. Also, a scientific system should be designed in order to benefit from previous experiences, by transferring and disseminating knowledge, and focusing on and encouraging innovation, especially as it has become one of the most important tools that enable institutions to gain competitive advantages. Change is inevitably coming, are we ready for that?

Margins *

1. David A. Garvin, Building a Learning Organization, Harvard Business Review, 1993.
2. Cindy Hubert, et al. The New Edge in Knowledge: How Knowledge Management is Changing the Way We Do Business. APQC, 2011.
3. Monique Ceruti, Angel Williams, et al. Translating Knowledge Management Visions into Strategies (Working Methods for Knowledge Management) Emerald Publishing 2019.



Tax disputes between the Federal Tax Authority and the courts



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Taxes are considered one of the most important modern financial resources of the state. Fees were previously the most important and most widespread financial resource among countries. The term fee is defined as an amount of money paid by the beneficiary to the state in exchange for a specific public service that the state provides to him. Article (1) of Cabinet Resolution No. (36) of 2017 on the Implementing Regulations of Federal Law No. (7) of 2017 regarding Tax Procedures defines tax as “Any federal tax administered, collected and enforced by the Authority”, where the Authority here is the Federal Tax Authority.



Laws on tax in the United Arab Emirates had been enacted after the issuance of Federal Decree No. (31) of 2017 on Ratifying the unified VAT Agreement of the Gulf Cooperation Council countries.

Accordingly, the Federal Tax Authority was established under the provisions of Federal Decree No. (13) of 2016 regarding the Establishment of the Federal Tax Authority. The Authority is responsible for managing, collecting and implementing federal taxes and related fines and distributing their revenues, and applying the tax procedures applicable in the state.

In conjunction with imposition of the tax, the several tax laws, decisions, and regulations were issued in order to ensure the progress of work and the application of the law without obstacles or challenges that prevent its application, and to determine the types of taxes, and nature of taxable goods, whether the value added tax on goods and services or selective goods and their rates.

First: Selective tax

The United Arab Emirates applied the selective tax in the last quarter of 2017. It is an indirect tax that is imposed on certain goods that are harmful to human health or the environment. The Federal Tax Authority has determined nature of the selective goods by taking into account the following concepts. These concepts are considered the standard that determines if certain goods are considered selective goods against which the tax is imposed, namely: soft drinks, energy drinks, tobacco and its products.

However, applying the tax was not confined to goods; rather it expanded to include new goods as of December 2019, in implementation of Cabinet Resolution No. (52) of 2019 regarding Selective Goods and Tax Rates Imposed on thereon and how to Calculate the Selective Rate. Under the Resolution, the selective tax was imposed on electronic smoking devices and appliances and their liquids by 100%, and on sweetened beverages by 50%.

Second: Value-added Tax (VAT)

The value-added tax is another type of taxes. Under the UAE law, VAT is “A tax imposed on the import and supply of Goods and Services at each stage of production and distribution, including the Deemed Supply”. It is a tax on the consumption of goods and the performance of services and deals with the value paid by the consumer in order to obtain goods and services, as it is imposed on each taxable supply and a deemed supply performed by the taxable person, as it is imposed on the import of certain goods, except for what is specified in the implementing regulations of the decree- law.

The value-added tax is the most widely known and circulated among society segments at the local and international levels, as it has been applied in 180 countries around the world. This is since it makes abundant imports characterized by stability and ability to adapt to various economic developments, and the periodicity of this tax provides the public treasury with cash on an ongoing basis.

The legislator has set a basic percentage of value-added tax (5%) on the value of any supply or import, and has determined the obligations on every taxable person and the mechanism of work of the Federal Tax Authority regarding the administration, collection and implementation of taxes. He has also regulated the rights and the mutual obligations between the Authority and the taxpayer and any other person dealing with the Authority. Further, he clarified the tax registration mechanism as a tax group according to the conditions set out in the law.

The Authority may exempt the taxable person from the mandatory tax registration upon his request, if his supplies are subject to the zero rate, according to the terms and provisions set forth in the law. The legislator also specified the goods and services whose supply is subject to zero rate, as well as tax-exempt supplies.

Tax Disputes

Article (25) of the Federal Tax Procedures Law



The Federal Tax Authority was established under the provisions of Federal Decree No. (13) of 2016 regarding the Establishment of the Federal Tax Authority.



The selective tax is an indirect tax that is imposed on certain goods that are harmful to human health or the environment. The United Arab Emirates applied the selective tax in the last quarter of 2017.



The value-added tax is a tax imposed on the import and supply of Goods and Services at each stage of production and distribution, including the Deemed Supply

mentions the administrative violations that may be committed by the taxable person and the fines that may be imposed on him. Article (26) defines nature of the tax evasion and the penalties that apply to violators.

Hence, if a person violates the provisions of the law, fines are imposed on him, which he must pay after paying the tax. It should be noted that the imposition of any administrative fine under the provisions of tax legislation does not result in exempting any person from the responsibility to pay the tax due in accordance with the provisions of tax legislation.

Reduction of or exemption from administrative fines

Under the law, the Federal Tax Authority is authorized to reduce or exempt administrative fines, based on Cabinet Resolution No. (36) of 2017 regarding the implementing regulations of the Federal Tax Procedures Law. To this end, a tripartite committee has been formed by a decision of the Authority's director general. This committee examines the excuse and the evidence submitted by a violator regarding his violation, and then it issues a decision to accept or reject such excuse.

Hence, if a fine is imposed against a person for unintentional commission of an administrative violation, such person may submit a request for reducing or exempting from the fine. The competent committee examines the request. If he has an acceptable excuse, and he has submitted sufficient evidence to justify the excuse and the violation in respect thereof, and he has not been subject to any administrative fines in the two years preceding the submission of the request, provided that he submits to the Authority, represented by the Committee for Reduction of or Exemption from Administrative Fines, request within (10) working days of the absence of the acceptable excuse, and that he has corrected the violation, then the committee will study the request within a period of (20) working days from the date of receiving the request, provided that the person is informed of acceptance within (10) working days from the date of issuing the negative or positive decision.

Request for review

Every person can submit a request for review to the Federal Tax Authority to review any decision issued by it, whether to review the decision in whole or in part, provided that the request is reasoned, within (20) working days from the date of notification of the decision, according to The mechanism used by the Authority for receipt of requests.

The Authority will examine the request for review if it meets the conditions and will decide on it by a reasoned decision within (20) working days from the date of receiving the request. The Authority will inform the requester of its decision within (5) working days from the date of the decision.

The requester can object to this decision within (20) working days from the date of notification of the decision before the committees formed under the Cabinet Resolution No.

(23) of 2018.

As for the jurisdiction of the committee formed, for example, in the emirate of Dubai, it is required that the address of the objecting person shown in his tax registration file in the Authority is in the emirate of Dubai, and the objection request previously submitted to and decided on by a committee may not be submitted to any other committee.

Objection Submission Method

The law determines the objection submission method. The objection is initially submitted to the competent department of the Ministry of Justice. The Ministry has a certain objection form to be filled in. Such form should be accompanied with relevant supporting documents, such as the objected decision or the contested fine. Then, the objection request will be submitted via the email designated to receive the objection requests (tax.disputes@moj.gov.ae). After that, the competent department will record the objection in the records prepared for this purpose according to the dates of its receipt. Then, the objection is sent to the committee with spatial jurisdiction within a period not exceeding the two working days following its submission.

Examination of Objection

The competent committee will examine and decide on the objection within 20 working days of the receipt of the objection. At its own discretion or at the request of the objecting person, the committee may permit to hold sessions in presence of the objecting person, his legal representative or his tax agent. Further, the committee can decide on the request depending on the documents submitted to it by the competent department.

Under the law, the committee is authorized to extend the determination period for no more than 20 working days. It can also permit to the objecting person to submit any new documents if he provides an excuse acceptable to the com-

mittee, or if the committee deems that such documents are necessary for deciding on the objection.

For acceptance of the objection by the committee, it is required that the objected tax and administrative fines are paid before examination of the request, and that a request for review is submitted to the Authority before objection. Otherwise, the committee will reject the objection.

The committee's decision is final concerning the objection if the total tax due and the related administrative fines are no more than (100,000) dirhams and these decisions are considered an executive deed in accordance with the provisions of the Federal Tax Procedures Law. Moreover, the decisions that exceed (100,000) dirhams are considered an executive deed unless they are challenged before the competent court within a period of (20) working days from the date of rejection of the objection. These decisions are enforced by the enforcement judge at the competent court in accordance with the Civil Procedures Law and its implementing regulations.

Appeal before the courts

As a general rule, Tax disputes cases are inadmissible before the competent court if the objection was not initially submitted to the committee. The Federal Tax Authority or the objecting person have the right to appeal the decision of the competent committee within (20) working days from the date on which the objecting person is informed of the committee's decision before the Abu Dhabi Federal Court of First Instance, without prejudice the matters previously mentioned regarding the quorum. The committee's decision can be appealed in whole or in part. Further, the appeal can be submitted to the competent court in the event that a decision by the committee has not been issued regarding an objection submitted to it within the prescribed period, in accordance with the provisions of the Federal Tax Procedures Law.




Every person can submit a request for review to the Federal Tax Authority to review any decision issued by it against him.



The committee's decision is final concerning the objection if the total tax due and the related administrative fines are no more than (100,000) dirhams.





Pages from the History and Evolution of the Judiciary in the Emirate of Dubai.

Judiciary in the Past (Part1)

Not enough research can be done in identifying the judges who assumed their respective positions in the judiciary and consequently their responsibility of running its pertinent affairs in the Emirate of Dubai since the start of the ruling of the House of Al-Maktoum in (1833), and, a fortiori, prior to this date, and this extends to include the structure that was followed in organizing this branch or the scrutiny of some of the rulings that those judges rendered..

H.E. Counselor, Ibrahim Mohamed Boumelha
Adviser to His Highness Sheikh Mohammed bin Rashid Al Maktoum on Cultural and Humanitarian Affairs

Returning from AL-Ihsa'a

I could not find any one who could mention to me something about that, but all that I was able to find was that the first judge that was mentioned to me was Sheikh Khamees from Dubai, but without further information as to who he was and to what family he descended from, and all that was known of him is that his name was Sheikh Khamees, and that he moved to AL—Ihsa'a to study and he returned back from it, and that he received very good education in religious studies that qualified to assume a position in the judiciary during the reign of Sheikh Maktoum Ibn-Hashur Ibn-Maktoum Ibn-Bati, who assumed his ruling since 1894 to 1906.

And that doesn't mean that the judiciary in Dubai has started on this date, since there should be judges adjudicating people's disputed affairs, but the available information does not assist in providing a clearer picture before that time.

After Sheikh Khamees, it was Sheikh Hasan AK-Kharrazi, the Grandfather of Sheikh Mohammad Ibn-Ahmad AL-Kharrazi, the former Minister of the Endowment (Trust) and Islamic Affairs, who used to look into people's contested matters in his house in AL-Ra's area in Deera region, and he was a man of high level of science and piety.

Even the AL-Mihbash (A wooden Manual Coffee Grinder) I will split it in two between you both

After the passing away of Sheikh Hasan AL-Kharrazi, may he rests in

peace, it was Sheikh Mohammad Ibn-Abdul Salam AL-Moghrabi, who travelled from Morocco to Dubai and settled in it, got married and his offspring were well known notables, and he was a man of high degree of piety, devoutness and integrity, and was a well-versed scientist, and there were many incidents that were registered as examples of him serving justice and straightforwardness in defending and protecting the rights of people, including that a famous and generous man, who went by the name of Mohammad Ibn-Ahmad Ibn-Dalmook, with his well-known societal influence and power, had a dispute with his nephew Sa'eed Ibn-Hamdan, with respect to the amount of inheritance between them and how it ought to be distributed, a dispute that they referred to a judge named Mohammad Ibn-Abdul Al-Salam, who upon looking into the matter, ordered Mohammad Ibn-Dalmook to make amend and settle with his nephew, otherwise, he will order that the disputed inheritance will be divided equally between them, and to this effect, he was quoted as saying: "[e]ven the AL-Mihbash I will split it equally in two between you"; unquote (Part of AL-Mihbash is a tool to pick up pieces of coal), and without paying much attention to the imposing social pre-eminence that Sheikh Mohammad Ibn-Dalmook enjoyed among his peers in the society back then, and he adamantly sought that Mohammad Ibn-Dalmook will contently abide by his ruling (May the AL-Mighty God have mercy on them all).



AL-Ahmadeyyah (Judiciary Headquarter Building)

After AL-Moghrabi judge, it was Sheikh Abdul Rahman Ibn-Hafidh, who used to rule on people's disputes in AL-Ahmadeyya school, where he left it going to AL-Batinah school and went back again and assumed his position again as a judge, and he was knowledgeable and pious scientist, and he ruled alongside Sheikh Ahmad Ibn-Hasan AL-Khazraji and Sheikh Ali AL-Jinahi, and later on it was Sheikh AL-Sayyed Mohammad AL-Shanqeeti, and each one of those judges used to execute their judicial duties from their own respective homes, and it was mentioned that Sheikh Ahmad Ibn-Hasan spent a period of time in the Mosque of Ibn-Dalmook, aiding him as his assistant Sheikh Mohammad Ibn-Yousif AL-Sheebani, and Sheikh Mohammad Ibn-Ahmad AL-Khazraji narrated that during the time period education at AL-Ahmadeyya school ceased due to the financial difficulty that Mohammad Ibn-Dalmook was going through as a result of the decline of the Diving-Pearl-Searching Industry, judges used to spend a period of time at AL-Ahmadeyya school until education returned to it on the hands of Sheikh Mohammad Ibn-Noor Ibn-Saif (May God rests his soul in Peace), where as a result, judges returned to their homes to undertake their judicial duties from there. All of the aforesaid transpired in Deera, but with regard to AL-Shandagha, it was judges Sheikh Mubarak Ibn-Ali AL-Shamsi and Sheikh Ali AL-Junahi who adjudicated disputes from their homes, and the issued rulings were elevated to Sheikh Mubarak Ibn-Ali AL-Shamsi to review them and have his final say on them, so that they would be rendered validly executable, and him (Sheikh AL-Shamsi) settling judicial disputes from his home constituted a contemporaneous representation, on his part, of the nowadays Appeal Level of all of the rulings that were issued at the time, and it is worth mentioning that litigants back then used to pay a visit first to the rulers of their respective countries, putting their disputes before them, and if those rulers were not able to render any judgement after having listened to the concerned parties' allegations and claims, they would refer those parties to one of the setting judges, and this indicates that at first the judges were not looking into disputes until they were referred to them by the ruler. Afterwards, the AL-Ahmadeyya school specified a certain building to be its permanent judicial headquarter, where adjudicating disputes was done on the first floor, whereas the rest of the building was devoted for education.

Independent Judiciary Building

After AL-Waheela at the beginning of the year of (1939), Sheikh Sa'eed Ibn-Maktoum entrusted his brother Sheikh Hashur Ibn-Maktoum with "Complaints Listening" between people in Deera, (As in adjudicating between disputants), and to this effect, he used to set in certain corner in AL-Arsah Souq (AL-Arsah Market) in Deera, and people would pay him a visit for this specific reason, and thereby representing the first level of adjudication, through reconciliation and knocking heads together, and referring the litigants, in case of no agreement, to a certain judge, and Sheikh Hashur in this regard represented the role of a ruler, and Sheikh Hashur continued taking on this responsibility until Sheikh Mohammad

Ibn-Hashur was appointed to preside over the judiciary in 1956, with the title of "Nathir AL-Mahkamah" (Court Overseer), and the judiciary as a branch of its own was moved to an independent building behind the AL-Habbai building, in a residence whose ownership belongs to the people of Balqeezi, and in 1958, the judiciary court moved to Naif Building, with the appointment at the end of this year of the Sharia Religious Judge AL-Sayyed Moammad Ja'afur AL-Saqqaf, and also moved to it from the old building each of the Judiciary Head Sheikh Mohammad Ibn-Hashur, Sheikh Ahmad Ibn-Hasan, Mr. Mohammad AL-Shanqeeti and Mr. Mohammad Abdul Khaliq, and after a small period of time after the relocation (Two months or a little bit more) Mr. Mohammad Abdul Khaliq quit his position and returned back to AL-Bahrain, and Mr. Mr. AL-Shanqeeti did not stay long, as after Mr. AL-Saqqaf was appointed, Mr. AL-Shanqeeti resigned the judiciary at the end of the year of (1958), or after a small period into (1959), while Sheikh Ahmad Ibn-Hasan stayed alongside AL-Saqqaf as judges in Naif, then Sheikh Ahmad resigned his judicial position, and this was approximately in the first few years of (1963), although some said that AL-Shanqeeti left the judiciary at the time the court was located in the old building behind the AL-Habbai building, and this included its Head Mr. Mohammad Abdul AL-Khaliq at the time, and that they did not actually move to Naif, and AL-Niyar confirmed that Mr. Mohammad Abdul AL-Khaliq did not stay long in his running of the court and that he stepped down before the court was relocated to Naif.

Between the Local Judiciary and the British Accreditation Foundation

With the appointment of the AL-Saqqaf, the jurisdiction of the local judiciary had become exclusively confined to the adjudication among local citizens or when the defendant is a citizen, whereas if the dispute is between non-citizens or the defendant was non-citizen, then the jurisdiction will belong to the British Accreditation Foundation, and such cases will be looked into by a mixed body headed by Sheikh Mohammad Ibn-Hashur and the membership of Judge AL-Saqqaf and an English judge (By the name of Miler), and the British Accreditation Deputy used to attend the judicial sessions, and in case that the rendered ruling is appealed, an English judge from AL-Bahrain would fly in (Sometimes two English judges), to review the appealed case and render the final judgement. The researcher (s) of such cases will find that the followed judicial procedures were advanced in their nature, since the judiciary at the time was based on registration and on writing, and consequently there will be a case list and a file written on its back the required information, in addition to the availability of a clerk that records the session and a registration log of the details of the held session, and so on and so forth, until the final ruling is rendered.

Sharia Rules

It is worth mentioning that the judiciary in Dubai in previous stages was a Sharia Rules-Based Judiciary, where the provisions of Sharia were applied on all kinds of disputes, and judges at the time were well-established scientists in their own right, and in addition to adjudication, they used to take on the responsibility of issuing edicts, preaching and leading mosque prayers, among other sharia-based requirements that affected people's lives.

The Session
is Adjourned

First Steps.. In A Long March

We were all taken a back and we were all over whelmed with mixed feelings of sadness, anxiety and grief, as a result of the unprecedented circumstances that the whole world was and still going through, following the once-in-a-century crisis of the pandemic (Covid-19) that was brought on by the spread of the Coronavirus; which exhausted the world since the beginning of (2020), and caused it to suffer in all various fields, due to its deadly consequences on human beings, their health, their education and their economy. That being said, I really do feel proud and honored on the occasion of the issuance of the Courts of Dubai's first edition of the "Courts Echo" Magazine, in a judicial scene that used to lack the existence of such journals, and what has increased my happiness was the fact that the inception of this Magazine was during difficult circumstances and challenges, first among which was the decision to have it issued in the midst of the Coronavirus pandemic, and what that entailed of the need to carry out all one's activities remotely, not to mention that issuing a journal that specializes in the affairs of courts is not an easy feat to start with, since intellectuality and jurisprudence are combined through reality and application, and still I was the ever incorrigible optimist due to my belief that success invariably always goes through the difficulties of any beginning, and that working for the future and proving one's self recharges one's dedication and uplifts the morals and reinforces the confidence and pushes their owners to exert every possible concerted and unrelenting effort to realize one's ultimate goal, and therefore, and with the grace of God, and with the support and guidance of the leadership of Dubai Courts, and the determination of the family of the editorial board, and the contribution of my judge colleagues and the administrators at the Dubai Courts, and those who were interested from outside the courts, in addition to the professionalism of the company that took on the task of design, technical production and translation, and endeavored to incorporating state-of-the-art techniques into the electronic publication, especially the options of perusing pag-



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es, adding links and creating the pictorial sections, with all of that in mind, we were able to overcome all of the daunting challenges that we were faced with, challenges that were utilized as opportunities to improve and evolve, and to assist in the issuance of the first edition of this Magazine in a sublime outlook and slick and imposing printing that pleases the sight of the reader.

And here we are, with the first edition shining in your hands, with its plethora of diversified articles, put in black and white by a slew of well-versed judges, legal advisors and administrators, in a way that is truly an expression and reflection of the name of the magazine, by being the echo of the courts in both the judicial and administrative sectors, and in a manner that has increased the elegance of the Magazine by variegating its topics; which will allow the reader (s) the chance to alternate between the judiciary in the Emirate of Dubai in the past and the applied procedures before the local judiciary utilizing the latest of modern laws in the modern time, in addition to the role of Courts of Dubai in facing head-on the Coronavirus through the continuity of businesses to protect peoples' rights and interests, and to live up to the pioneering and competitive position that the magazine reached, regionally and globally, and to respond to the patriotic role its endowed with, and from there onto the lacuna of the most international expositions on the matters of artificial intelligence, and away from the abstract scientific construct, where those aficionados who are admirers of the exciting story narration style are in for an exciting treat.

Last but certainly not least, I would like to extend my grateful thank-yous and appreciation to the leadership of Dubia Courts for their trust and support. I also would like to extend my thank-yous and appreciation to the writers for their constructive co-operation and to the editorial board for their never-ending back up, assistance and understanding and to our readers I say 'Until we meet again' in a second echo act of the 'Courts Echo' Magaizne.

This Session is Hereby Adjourned