United States in the United Arab Emirates

Information Packet for U.S. Citizen Prisoners
In Abu Dhabi

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Introduction

Who can help?
The U.S. Department of State is represented overseas by its Embassies and Consulates. Both employ consular officers, and one of their duties is to provide help and advice to any U.S. citizen who gets into difficulty in a foreign country.

About the Embassy
We are impartial; we are not here to judge you. We aim to make sure that you are treated properly and fairly in accordance with local regulations, and that you are treated no less favourably than other prisoners.

We can answer questions about your welfare and about prison regulations but you must ask your lawyer or the court about legal matters. The attached list of lawyers is provided by the U.S. Embassy for your convenience, but neither the U.S. government, nor any official of the Consulate, take any responsibility for the competence of any firm/advocate on the list or for the consequences of any legal action initiated or advice given.

We cannot get you out of prison, pay fines, or stand bail or interfere with local judicial procedures to get you out of prison nor secure you are an earlier trial date; we cannot investigate a crime.

We have tried to make sure that the information in this booklet is accurate and up to date, but the U.S. Embassy cannot accept legal responsibility for any errors or omissions in the information. If in doubt contact a lawyer.

How do I contact the U.S. Embassy Consular team?
American Citizen Services
American Embassy
P.O. Box 4009
Abu Dhabi, U.A.E.

Tel: +971-2 414 2200
Email: AbuDhabiACS@state.gov
http://abudhabi.usembassy.gov

The American Citizen Services at the U.S. Embassy in Abu Dhabi operates between 0800 and 1700 hours Sunday to Thursday. Outside of these times calls are diverted to the Duty Officer. In an emergency please contact the U.S. Embassy switchboard on +971-2 414 2200.
First Steps

Who will know I have been detained?
As soon as a U.S. citizen is arrested and detained in Abu Dhabi, the Abu Dhabi authorities should let the detainee contact the U.S. Embassy within 24-48 hours. However, this may not happen automatically but it is your right to do so. We are often informed of the arrest/detainment by friends or family after 48 hours has passed. As soon as we are informed, we will do all we can to contact you and, subject to getting any required permissions, will try to visit you within 48 hours if you would like us to do so. However, if you are transferred from a police station to the Central Jail before we are informed of your arrest we will only be able to visit you on the following Wednesday, which is our allocated visiting day.

What will my family be told?
For reasons of confidentiality we are not permitted to tell anyone including family members that you have been detained or on what charges without your permission. If you do not request that we inform your next of kin, we will do so. We will only contact your family with your written permission, and we will ask you what information you want to share. If you want us to, we can tell your family or friends that you have been arrested. If you are thinking about not telling your family, please consider the distress it may cause them if they are not told where you are. It can also be a disadvantage to you if you need money for anything in prison or fall ill. Once we have told your family and friends, we will keep them updated on your well-being.

Taking into account the time difference between UAE and the U.S. and to save costs, your families can also get in touch with the country desk officer at the U.S. Department of State in Washington, DC directly:

U.S. Department of State
Overseas Citizen Services
1-888-407-4747
http://travel.state.gov

What will the Consulate do?
The U.S. Embassy Abu Dhabi has consular responsibility for the Emirates of Abu Dhabi and Al Ain. As soon as we have been notified of the arrest we will ask the authorities for permission to visit you, either at the police station or at the prison, and we will try to visit you if you request this with 48 hours of receiving permission. If you are not sentenced we must obtain an official permission from the Public Prosecutor first before visiting you.
We are impartial and we are not here to judge you. We aim to make sure that you are treated properly and fairly, in accordance with local regulations, and that you are treated no less favorably than other detainees are. You should stay in touch with our staff and ask their help, as they experience in dealing with many of the problems you may face.

We will aim to contact you as soon as possible after being told about your arrest or detention so that we can help you but how soon this is may depend on local procedures. We will then aim to provide assistance according to your individual circumstances and local conditions.

If the prison has no postal service, we can deliver letters from your family and friends to the prison, but we cannot deliver letters directly to you or pass letters from you to them unless the prison permits it.

Although we cannot give legal advice, start legal proceedings or investigate a crime, we can offer basic information about the local legal system. We can give you a list of local interpreters and local lawyers if you want, although we cannot pay for either. It is important to consider carefully whether you want to have legal representation and to discuss all the costs beforehand with the legal representative. In no circumstances can we pay your legal costs.

We can offer you information about the local prison or remand system, including visiting arrangements, mail, and censorship, privileges, work possibilities, and social and welfare services. We can also explain where there are different regulations for remand prisoners and sentenced prisoners. For example, in some countries, prisoners are allowed to send more mail when they are on remand and have not been convicted of a criminal offense.

With your permission, we can consider taking up a complaint about ill treatment, personal safety, or discrimination with the police or prison authorities. Again, with your permission, we can make sure that any medical or dental problems you might have are brought to the attention of any police or prison doctor.

Within certain limits, we can send you money from your family. There will be a charge for this service. Your family can go to below site for more information on how to send money. [https://travel.state.gov/content/passports/en/abroad/legal-matters/benefits/sending-money.html](https://travel.state.gov/content/passports/en/abroad/legal-matters/benefits/sending-money.html)
Visits

How do my family and friends arrange a visit?
Prison regulations state that only family members can visit inmates in the prison. However, the public prosecutor may issue a visit order to a non-family member; this permission can be obtained from the public prosecutor’s office in Abu Dhabi Courts. This permission is a must for both family members and non-family members if you are not sentenced.

Visiting times, frequency permitted and days vary between each place of detention and time of year. During Ramadan for example, visiting times may be restricted. You should ask the prison for details of the visiting times, but you should also remember that as the UAE is an Islamic country, there are separate days/times for male and female visitors (and in some detention centers there are separate days for male and female detainees).

If, once you are sentenced, a member of your family wishes to visit you from the outside the UAE, we can help to arrange a visit for you (during working days), with the agreement of the prison officials. The visit could be behind a glass barrier. For those on remand, visitors may need to get permission from the public prosecutor for the visit.

How many visits am I allowed?
Visiting times are quite specific to each prison and you or your family will need to find this information out from the prison.

Consular Visits
A member of the Consular team will aim to visit you once every six weeks unless there are reasons to visit more frequently, depending on prison conditions and your personal circumstances. We will offer to contact your next-of-kin or other close family or friends to pass on any messages you may have. We can give them advice on local prison procedures and regulations, and tell them how you are doing.

What can visitors bring?
There are strict rules on what can/cannot be brought into the prison. Some items such as books may be allowed but permission should be sought to deposit the items at the prison storage.
Prison conditions/services

Arrival at police station
On arrival at the police station your personal items including your mobile phone will be taken and deposited in a safe place. You will be detained in the holding cells (men and women have separate areas) before appearing in front of the Public Prosecutor. There are visiting times during which family and friends can request to see you and some police stations will allow items such as clothing, toiletries, or books to be brought for your use, usually only on specific days.

If somebody driving a car is involved in a road accident in which another person has been killed or injured, the Traffic Police will keep the driver in custody and the driver will have to give blood and urine sample. The driver may be kept in custody until it has been determined that the person who has been injured is out of danger. Sometimes, the public prosecutor might also detain the driver if there was damage to property.

You or your lawyer may make a request to the Public Prosecutor to be released on bail. It is up to the prosecutor to accept or refuse the bail. If bail is granted, the prosecutor may impose bail conditions, including asking for your passport only or together with another person's passport to be submitted to the court/public prosecution.

If you suffer from a medical condition, you should inform the consular officers and also inform the police officers, and ask to see the nurse available at holding area. We understand that there is a nurse available every day and the doctor visits the police stations at least once a week.

For further details on the UAE legal process please see below.

Arrival at prison
The main prison in Abu Dhabi is Central Jail, also known as Al Wathba. There is also a prison in the northern emirate Al Ain. If you are detained in custody while the public prosecutor makes further investigations into your case or are given a jail sentence it is highly likely you will serve time in Al Wathba.

If you are transported anywhere (e.g. to the courts/public prosecution/hospital/etc) you will be handcuffed and probably leg chained (or shackled). This method is also used when, if sentenced to deportation, you are taken to the airport to leave the country.

Upon arrival at Al Wathba you will be subjected to an intimate body search and your head will be shaved (females do not have their head shaved). A blood sample will be taken to test for HIV/AIDS (there is a separate wing for prisoners who are HIV+). All of your possessions will be taken away and stored securely. However, if you wish you can arrange for someone to collect them on your
behalf at a later date. You will be issued a uniform. All other items of clothing, such as flip flops, T-shirts etc will need to be purchased from the weekly canteen (see below).

You will be allocated a cell in one of the blocks. Most cells contain 8 beds but sometimes have to accommodate up to 16 prisoners. The cells are not locked during the day and inmates are able to wander around the block. There are no bathrooms in individual cells and each block shares the toilet area/shower room. Each block has a television, which is tuned to a channel chosen by the prison authority. Each block has air conditioning. Previous prisoners have told us that the blocks can become cold in the winter months.

**How can I receive money?**
If you have friends/family in country they may deposit funds for you at the reception area of the prison.


Families can contact the Consular Desk Officers in Washington, DC for further information.

We will arrange for the money to be brought to you as soon as practically possible. This can take up to two weeks. It can then take up to a week for it to reach your prison account. You will need to budge accordingly.

**Can I receive medical and dental treatment?**
This prison has a small clinic area and prisoners can request access to the doctor and dentist. If you need medical or dental treatment you should make an appointment to see the prison or police Doctor or request a hospital or dentist visit. Some prisons have resident Doctors. Most police stations to do and you may have to be escorted to a local hospital. Prison Doctors are often the equivalent to local nurse practitioners in the U.S., so unusual or complex medical problems may have to be referred to a specialist outside the prison.

If you have a long-standing medical problem and have received treatment for it previously, it may be useful to obtain a medical report for the local Doctor.

Please note that not all medicines prescribed in the United States are allowed in the United Arab Emirates, and a substitute may be prescribed instead.

Should you not be seen by a doctor following a request, you should contact the Embassy.
**Food/diet**
Three meals per day are provided and detainees can also buy food and other personal items such as chocolate, soft drinks, water, from a daily shop as well as newspapers. A special diet can only be approved after the prison/police Doctor has given his authority on medical grounds. It is up to you to ask to see the Doctor and ask him for a special diet. Sometimes the places of detention will provide a special diet e.g. vegetarian/vegan diet on request but this is not an automatic right.

**Canteen/shop**
An account is opened for all prisoners upon arrival at the prison. Any money the prisoner was holding on arrival will be placed in this account. Money can also be sent directly to the prison or through OCS. This money can be used to buy items from the weekly shop/canteen. The prison only provides the basic uniform. All other needs, such as jumpers in winter, flip flops, deodorant, soap, towels, etc will have to be purchased from here. Stamps and phone cards are also available.

**Mail/Parcels**
Letters may be sent to you directly at:

Corrections Establishment  
Al Wathba  
Abu Dhabi Police  
P.O. Box 76444  
Abu Dhabi  
UAE  
(name of prisoner and ward or block no.)

There are no restrictions on the numbers of letters but there are rules about what you can and can't receive. All letters are censored. Magazines, books and newspapers are permitted, though they will be looked at and may be censored. This procedure means that it may be a couple of weeks before they are actually given to you. Pornographic or pictures showing nudity pictures are strictly forbidden. If you wish to send letters home stamps can be purchased at the prison shop. With regard to parcels there may be rules about what you can and cannot receive.

**Can I make telephone calls**
It is possible to make telephone calls, with limits on when, where to and for how long. Usually calls times have to be cleared with the prison authorities.

It is best to give family and friends a range of dates and times when you will try to ring. Detainees will want to make phone calls at the same time so be prepared for a long wait and the likelihood of disappointment. Phones operate on phone cards, which can be purchased from the shop.
Leisure and entertainment
The library is open every day and has a good selection of books in English. The supply is regularly updated by ex-prisoners and members of the Embassy. No entertainment or gym facilities are available.

Drug
Drug trafficking, smuggling and possession are strictly forbidden and the sentences are severe.

How can I make a complaint about mistreatment?
We suggest that you speak with your lawyer about this matter and also inform the Consular Officer immediately. We take mistreatment allegations very seriously. If you would like the mistreatment allegations to be investigated and taken further, you should report it to the public prosecutor and ask him or the police officers to be referred to the hospital, in case of any bruises or physical signs of mistreatment.

The Embassy can also raise the mistreatment allegations on your behalf, we will note down all the details of the incident form you and sent a letter to the Ministry of Foreign Affairs and ask for an impartial investigation to take place.

The Judicial System in the United Arab Emirates
Is the system as the same as the US?
The local judicial system in the UAE is not the same as the United States as it is based on Sharia Law.

There are 3 courts:
- Court of First Instance which hears all claims ranging from criminal and commercial matters, debt recovery to maritime disputes.
- Courts of Appeal where parties have the right to appeal on factual or legal grounds within thirty days from the judgment date.
- Court of Cassation which is the highest court and all judgments are final and not subject to appeal. The Court of Cassation will only hear disputes on matters of the law and can act as an appellate court with respect to decisions made from lower courts.

There are two types of offenses: Major and Minor Offenses. In the majority of cases, both are heard and dealt with in the Court of First Instance with the exception of cases that effect national security, which are heard in the Federal Court in Abu Dhabi.

The UAE judicial system is not jury based. Judges are responsible for carrying out a wide-range of inquiries, including considering police reports, public prosecutor's presentations, forensic reports and defense lawyer’s statements. The trial is the final act of the investigation and the Judge will ask
most of the questions. However, the Judge may not want to question you, and you may find that you are not asked any questions at all. The rules of evidence are also different.

The official language of the court is Arabic although some officials may speak English. Official translators are provided by the court and are used when the Judge wishes to speak directly to the defendant. They are not responsible for translating all for the court proceedings. We have also received information that they require Americans to sign documents that are in Arabic. A transcript of the court proceedings is available after the hearing (a lawyer with a power of attorney can represent it on your behalf).

**What should happen when I am arrested?**
While you are detained, a Public Prosecutor will investigate the alleged offense. He may interview you and any witness. He also collects any relevant evidence. You should be aware that this might take some time. For example statements from financial institutions can take months to be prepared, and forensic analysis of blood or urine sample can take a number of weeks.

When there is enough evidence to open a prosecution, the investigation stage is formally closed and the trial state is opened. The Public Prosecutor must produce an indictment, which details the accused, the crime of which they are accused and when and where it took place, the legal definition of the crime and the criminal laws applicable to the case. When the Judge receives the indictment, a date for the first hearing will be set. Subsequent hearing dates will be set thereafter, if necessary.

**For how long can I be detained in custody?**
The initial police detainment period is 48 hours, during which the accused must be seen by a Public Prosecutor. There can be exceptions to this, for example, if the accused is still under the influence of alcohol or narcotics, is medically unfit or there is a public holiday. The Public Prosecution Office (PPO) usually has 21 days in which to investigate your case and present it to the Court of First Instance. However, the Public Prosecutor may extend your detainment period if a crucial piece of evidence has not been produced e.g. forensic report, or further detail is required.

The PPO is under no obligation to explain to you or the Embassy why he has asked for an extension. The Public Prosecutor only needs to satisfy the Court that an extension is necessary. It is not unusual for even simple cases to take up to three months. More complicated cases usually take longer.

**What happens when I am charged?**
When initially arrested and taken to the police station, the detainee will be given a preliminary charge(s). The public prosecutor has the right to either keep the same charge, increase the charges or reduce them. We understand that the charges decided by the public prosecutor will be the ones heard at the court.
There is no time limit as to how long an investigation could take. There is a possibility that in cases where people are out on bail, progress can be slower if they do not regularly follow up with the public prosecutor.

**What provision is there for bail?**
For minor offenses, such as consumption of alcohol, bail can be granted by the Police but only before the case is referred to the Public Prosecutor. Once the case has been referred to the Public Prosecutor only he can grant bail. However, this could still vary between police stations/prosecution.

For serious offenses bail can only be granted by a Public Prosecutor or when referred to trial, by a Judge in the Court of First Instance. You, or your lawyer, should ask for bail when you meet the Public Prosecutor or Judge. Failing that, written representations for bail from you or your lawyer can be submitted to the Public Prosecution at any stage.

The court may decide that you can be released from custody but with the condition that you will appear in court at a later date. During this time your passport will be retained by the court until such time as your case is heard. Please ensure that you request a copy of your passport.

The local authorities dictate bail conditions. We cannot influence them. Conditions include:
- Surrendering your passport to the police.
- Surrendering your passport of your bail guarantor*
- Paying an amount to the Courts
- Surrendering a passport and a financial bond
- Surrendering more than one passport

*Your bail guarantor usually has to be male with a valid UAE Residency. They can be of any nationality, but if you should fail to report to the local authorities, your guarantor will be liable for any fine you may be given or a period of detention.

**What kind of legal assistance is available?**
There is no legal aid in the United Arab Emirates. If you cannot afford a lawyer, you will have to represent yourself. We understand that the local authorities will only consider appointing a lawyer if the charges you are facing attract the death penalty or life imprisonment, or if the case is referred to the Federal Court in Abu Dhabi (e.g. serious national security matters).

In most cases it is advisable to have legal representation. Lawyers usually require an advance payment before accepting a case. In cases involving money the lawyer may ask for a percentage of the final settlement if the case is successful. Lawyers will usually submit a written defense statement for the judge to consider. Lawyers can discuss cases with the Public Prosecutor before they reach court.
Consular staff cannot give legal advice, but they can provide you with a list of lawyers who speak English.

**What happens at the trial?**
The majority of cases will be heard at the Court of First Instance. The case will be heard by a judge, not a jury. The judge may hear evidence from witnesses, the defense and the accused, and this could be at separate hearings. The judge can refer the case file back to the public prosecutor if he wants more investigation/evidence gathered, or adjourn the case to call additional witnesses.

**When can I get a copy of the case file?**
You or your lawyer can apply to get a copy of the case file when the prosecutor is done with the investigation and the case is referred to court.

**How can appeals be made?**
All parties including the prosecution have the right of appeal against a sentence. If you have not appointed a lawyer you may wish to consider appointing one at the appeal stage.

Within 15 days of sentencing you must submit your appeal to the Appeal Court. This can be submitted by you, through the prison authorities or by your lawyer. If the appeal is unsuccessful you may appeal, on a point of law only, within 30 days of the appeal court judgment, to the Court of Cassation.

**What provision is there for reduction of sentence (remission) e.g. for good behavior?**
The local authorities may, at their discretion, reduce a sentence for good behavior so that one month of a prison sentence will be counted as 23 days. Neither the Embassy nor the lawyer have any influence on this.

**What provision is there for early release e.g. on parole?**
In some financial cases, if the detainee reaches a settlement with the complainant and the complainant gives the court a release letter, the detainee could be released before serving the rest of the sentence. You should speak to your lawyer for more details.

**What provision is there for clemency or pardon?**
Clemency can be granted by the President of the United Arab Emirates or the Ruler of the Emirate in which you case has been heard. The Embassy can forward applications for clemency from you or from someone requesting clemency for you. If someone is applying on your behalf they need your full consent. You can apply for clemency at any time after you have been sentenced.
you are requesting clemency from the Emirate’s Ruler, you should submit a letter to the Director of the Ruler’s Court in whichever Emirate your case was heard. It can be addressed to a specific Sheikh depending on the nature of the conviction. It should be no longer than 1 page of letter sized paper and should be translated into Arabic. The letter should give reasons why clemency should be granted. You should speak to your lawyer about the content of the letter.

Amnesty

There are periodic declarations of Amnesties (official pardons). The usual requirements for consideration are that you have completed half of your sentence, and have been a “model” Prisoner, i.e. you do not have any disciplinary reports on your internal prison file. Recent Amnesties have also included prisoners who have been sentenced for possession of small amounts of drugs even where they have not completed half of their sentence but there is no guarantee this will always be the case.

The Prison authorities nominate those for consideration, which then have to pass a selection committee and to finally be approved by the Rulers Court. The U.S. Embassy cannot nominate anyone for inclusion on the list, and we are not informed which, or how many U.S. citizens are on the list until after it has been officially published. If you have been nominated, it is likely that you will be the first to know.

What about any financial penalties?

If a fine was given by the court as punishment, this should be paid, otherwise, the detainee will have to serve extra days (100 dirhams for each day) until the fine amount is paid, even if the original sentence has been served. In case of the amnesty, the fine may be waived.

If it is a debt that belongs to a third party, this should be paid before release, otherwise, no release will be granted. You should speak with your lawyer for more details on this matter.

What are the procedures for release and deportation?

If a sentence of imprisonment followed by deportation is passed the prisoner will be deported back to their home country once the prison sentence has been served. This is known as judicial deportation. A prisoner must finance his own deportation and is kept in prison until someone pays for an air ticket. If nobody can pay for the air ticket, the prisoner will remain in prison while the UAE Government arranges the deportation at its own expense. This may take a very long time. Even if the court did not order deportation, the UAE authorities can still decide to “administratively” deport someone and you will be responsible for paying the cost of the air fare. If you are to be deported you should arrange for an air ticket to be given to the prison authorities at least a couple of working days before your release. On the day of your flight (provided that is the day of your release date) you will be collected from your cell and given your valuables and passport. You will then be taken to the airport police, the police will finish the immigration
procedures and according to our understanding, the police will set you free at the airport after the immigration point.

If you do not have a valid passport (e.g. if it has expired), please tell your Consular Officer.

**Glossary of Terms**

**Useful legal terms**

**Key phrases—English into Arabic**

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Plaintiff  Al Moudaii
Police  Shurta
Power of attorney  Wakala
Prison Director  Mudir Al Sejin
Prison rules  Kanoun Al Sejin
Problem  Mushkila
Prosecutor  Niyaba
Release  Efraj
Security  Amn
Sentence  Oukouba
Sentence  Al Hokom
Sharia’a Court  Al Mahkama Al Shariaa
Sick  Mareed
Soap  Saboon
Telephone call  Moukalamat telephone
The Accused  Al Mutaham
To buy  Ashtary
Tomorrow  Boukra
Visit  Zeiyara
Ward number  Rakam Al Anbar
Water  Maa
Witness  Shahed

Disclaimer
This booklet was compiled by the U.S. Embassy in Abu Dhabi as an information guide for U.S. Prisoners detained in Abu Dhabi.

The U.S. Embassy in Abu Dhabi cannot provide legal advice and is not responsible for the accuracy of the information provided in this booklet. If any of this information contained in this booklet is incorrect, please draw inaccuracies to our attention so that we can made amendments.

Local proceedings are subject to change at any time. You should consult a local lawyer for advice on matters of local law.

Thank you.

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