



Series on Legal Awareness  
Community Legal Awareness Publications

*Bill of Rights  
for  
Prisoner*

Fourth Edition

Awareness  
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*Bill of Rights for*  
**Prisoner**

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A decorative background pattern consisting of a repeating geometric motif of interlocking lines forming various polygons, rendered in a light gray color.

**English Translation**  
**In Cooperation with the Cases Management**  
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In The Name of Allah, The Most Beneficent, The Most Merciful  
**(And they feed, for the love of Allah, the indigent, the orphan, and the captive)**

[Surah Al Insan: 8]

The Prophet (May Peace Be Upon Him) said:

**“A woman was tortured and was put in Hell because of a cat which she had kept locked till it died of hunger, She neither fed it nor watered when she locked it up, nor did she set it free to eat the insects of the earth”**

[Narrated by Muslim]



### Foreword

Given the belief of the United Arab Emirate in the human rights of the detainee and the prisoner as well as the International Declaration of Human Rights for not subjecting any person to torture or cruel, humiliating the dignity as well as equality of all in the application of provisions of the law including the offenders and those straying from criminal legislation and criminal procedure and criminal law.

As the authority and powers granted by law to the Public Prosecution, to supervise the penitentiary establishments (jail): and places of pre-trial detention and custody center, authority to access those facilities and look into the records , warrants of arrest and their detentions to ensure the implementation of sentences of prisoners within the legal framework and ensure the legality of imprisoning each criminals as per verdicts issued by the judicial system, the public prosecution has the authorities to execute the sentences issued in all criminal cases presented by the prosecution to the courts.

The Public Prosecution – Dubai, is pleased to offer (Bill of Rights for Prisoner) which has been derived from the .U.A.E. law by which the Public Prosecution defines the rights that is written down by the UAE legislature for the protection of the interests of general public and human rights of the prisoner and detainees.

General Prosecution

## Bill of Rights for **Prisoner**,

Its articles applied according to the following:

- **Prisoner:** The accused who has been sentenced by imprisonment for a period more than three years
- **In Custody:** The accused who has been sentenced by imprisonment for a period of three years and less.
- **Preventive Custody:** The accused person whose liberty has been taken away under the law in accordance with specific conditions and rules and for a period starting from questioning the accused till the issuance of the judgment.
- **Detainee:** The one whose liberty has been restricted by an order of judicial officer as a result of committing a crime for a period not exceeding 48 hours.
- **Legal Right:** Proving a particular material or moral value to a particular person by virtue of the law. So this person can practice certain powers assigned him by the law in order to achieve an interest worthy of care.

### Contents of the Bill

- The rights of prisoner.
- Definitions.
- Sources and References.

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1. No person shall be detained in the penitentiary establishments <sup>(1)</sup> (jail), except upon the written order of a competent authority as per the law and he shall not remain there after the end of the period specified in the order. Article (13) of the penitentiary establishments (jail). Article (2), (321) of legal procedures.
  2. The prisoner <sup>(2)</sup> is entitled to be put into any specified penitentiary establishments (jail), as per his gender and type of offence classified and according to the conditions of imprisonment legally. Article (1, 3, 16) of the penitentiary establishments (jail), Article (2), (290) of the legal procedures.
  3. Prisoner is entitled to be treated in such a way aimed at reforming him as well as social rehabilitation. Article (34), (35), (36) of the penitentiary establishments (jail).
  4. The prisoner has the right to enjoy humanitarian treatments that preserve his dignity and it is prohibited to subject him to torture. Article (26) , (27) of the Constitution and article (2) of the legal procedures.
  5. Woman prisoner is entitled to be taken care of in the jail in terms of security and services provided by women. Article (5) of the penitentiary establishments (jail).

6. Prisoner is entitled to know any judgment or paper addressed to him by the officer of the penitentiary <sup>(3)</sup> establishments (jail) and if he wants to send any paper to any entity, it has to be sent with the confirmation that it reaches on time. Article (8) of the penitentiary establishments (jail).
7. Prisoner is entitled to submit any petition or appeal by him and the penitentiary establishments (jail) officer must send it to the competent authority on the specified time. Article (8) of the penitentiary establishments (jail).
8. Prisoner has the right to submit a complaint to the Public Prosecution or Interior Minister or the Director of the competent department <sup>(4)</sup> or the penitentiary establishments (jail) officer, and he has the right to request a meeting with the prosecutor and the director of the competent department. Article (9-10-11) of the penitentiary establishments (jail), Article (321) of the legal procedures.
9. Prisoners and preventive detainees <sup>(5)</sup> are entitled to be separated in the penitentiary establishments (jail) according to legally prescribed categories. Article (16) of the penitentiary establishments (jail).
10. Prisoner is entitled that his money and valuable belongings are deposited in the closet of the penitentiary establishments (jail), and it shall be returned to him when released, unless he wants to deliver it to a particular person. Article (16) of the penitentiary establishments (jail).



11. Prisoner of category (a) has the following rights:

- a) Wearing his own dress when leaving the penitentiary establishments (jail) for any reason and he has the right to wear his clothes inside the jail, unless the competent authority decides against it.
- b) Seeking to bring food from outside the penitentiary establishments (jail) on his own account through the jail management.
- c) Meeting the visitors and corresponding with anyone unless a bar is mentioned in the arrest order and under the supervision of the jail management.
- d) Preventive detainees can request for solitary stay inside the penitentiary establishments (jail). It is required that he submits a written request to the jail management and the seeker shall enjoy good behavior and unless there is no security risk from staying alone and the availability of space in the jail.
- e) Preventive detainees have the right to meet his lawyer alone after obtaining a written permission from the competent Public Prosecution.
- f) Expatriate preventive detainees have the right to contact their consulates or entities that take care of their interests after obtaining written permission

from the competent Public Prosecution, and the meeting shall in front of a jail officer but the jail officer will not interfere in the talk between the parties. [Article (17, 18) of the penitentiary establishments (jail) and the Article (35) of the rules and regulations (jail)]

12. Muslim prisoner has the right to be enabled to practice his religious rites and a proper place should be allocated wherein prayer is held on its time and all the prisoners are allowed to pray there, unless the security warrants otherwise. Article (7), (32) of the Constitution and Article (34) of the penitentiary establishments (jail).
13. Prisoner has the right to be provided with social and psychological care and be treated in accordance with the result of the examination of his case by the competent committee in the establishment. Article (34) of the penitentiary establishments (jail), Article (74) of the executive regulations of the jail.
14. Female penitentiary establishment (jail) shall be supervised by female social worker and psychologist. Article (34) of penitentiary establishments and Article (74) of the executive regulations of the jail.
15. Prisoner has the right to continue his education or professional training and the establishment (jail) administration should provide all the necessary means in this regards and encourage him to read and learn and practice. Article (35, 36) of the penitentiary establishments (jail).

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16. The prisoner has the right to be educated in terms of religion , moral , social and etc. by providing a library in each penitentiary establishment (jail) and allow him to ask for bringing books, magazines and newspapers at his own expense. Article (35, 36) of the penitentiary establishment (jail).
  17. Prisoner has the right that his detention or the crime or the penalty shall not be mentioned in his educational or training certificates given to him. Article (80) of the executive regulations of the jail.
  18. Prisoner is entitled to be informed by the competent authorities about the main duties <sup>(6)</sup> that must be complied with by him in the penitentiary establishments (jail), as well as the major prohibitions that should be avoided before punishing him by disciplinary sanction. Article (37) of the penitentiary establishments (jail).
  19. Prisoner has the right, in case of violating the rules and regulation in force, that disciplinary sanction shall be enforced against him except after conducting a comprehensive and written investigation and executing his requests. Article (39) of the penitentiary establishments (jail).
  20. Prisoner has the right to be released on the time as mentioned legally and this shall not be stopped due to his non executing the disciplinary sanction. Article (40) of the penitentiary establishments (jail).

21. Prisoner of category (A) has the right to obtain the appropriate payment for his work because of his skill and talents in his work inside the penitentiary establishment.

Article (20) of the penitentiary establishments (jail).

22. The pregnant prisoner has the following rights:

- a. She must be treated as the treatments of prisoners of category (A) even if she is not in this category.
- b. She must be exempted from the work in the penitentiary establishments (jail).
- c. She must be granted special health care in terms of food and sleep.
- d. To postpone the implementation of disciplinary sanctions on her until she delivers the baby or until the end of the period of existence of baby with her according to situation.
- e. She shall be transferred to the hospital when approaching the delivery period and provide the necessary health care for her and her baby until the doctor decides her discharge from the hospital.
- f. Protect her baby until the age of two years, or hand over the baby to the person chosen by her who has the right of custody, if there is no one to take the



custody, then the baby should be sent to a child care center with the knowledge of the mother about it and facilitate for her to see the baby.

- g. Not mention anything that indicates the birth of baby in the penitentiary establishments (jail) or hospital or to the incident of imprisoning the mother in the child's birth certificate.
  - h. The implementation of the death sentence on pregnant women shall be postponed till she delivers the baby and the child shall be fed until the age of two years of Islamic calendar. Article (289) of the legal procedures, and article (110) of the executive regulations of the jail]
  - i. The implementation of custodial sentence on pregnant women may be postponed till she delivers the baby and she passes a period of three months from the birth. Article (295) of the legal procedures. [Article (21) of the penitentiary establishments (jail). Article (39-40-41) of the executive regulations of the (jail).]
23. The prisoner in category (B) has the right to be treated as the treatments of prisoners in category (A) after the approval from the Public Prosecution or from the officer of the penitentiary establishments (jail). Article (22) of the penitentiary establishments (jail).

24. Prisoner of category (C) has the following right in accordance with rule and regulations of the (jail).
  - a. Communicating with his relatives, friends and meet them.
  - b. Meeting his lawyer individually on the condition of getting a written approval from the Public prosecution.
  - c. Work for up to 8 hours per day in return for appropriate payment, taking into consideration the health condition of the prisoner.
  - d. Not making him work on weekends, public holidays except the important task needed in the prison such as cleaning and cooking, Article (24 of the penitentiary establishments (jail), and Article (43) of the rules and regulations of the (jail)]
25. The prisoner has the right to have the necessary health care. Article (29-30) of the penitentiary establishments (jail) and article (59) of the executive regulations of the (jail)]
26. The prisoner suffering from mental illness has the right to be transferred to a mental hospital on the basis of the decision of the competent medical committee with calculating the period spent in hospital shall be considered from the sentenced period. Article (31) of the penitentiary establishments (jail) and Article (297) of the legal procedure and Article (60) of the executive regulations of the (jail)]

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27. The prisoner has the right to be released in a good health based on the decision of the competent medical committee, In case of his medical illness threatens his life or the lives of others or totally disables him, he should be returned to the penitentiary establishments (jail) after his treatment is complete so as to serve the rest of his sentence, with considering the period spent outside from the sentenced period. Article (32) of the penitentiary establishments and Article (296) of the legal procedure and Article ( 60 – 60 repeat-1 ) of the executive regulations of the (jail).
  28. The prisoner suffering from a serious illness that threatens his life is entitled to notify his family to visit him without official appointment for visit, In case of his death, his family shall be notified to receive his dead body. If no one comes forward to receive his dead body, than it is allowed to be buried after performing his religious prayers. Article (33) of the penitentiary establishments and Article (60 repeat-2) , (60 repeat-3) of the executive regulations of the (jail).
  29. The prisoner has the right to be released on the next day at the end of his sentence. Article (41) of the penitentiary establishments (jail).
  30. At the time of his release, the prisoner has the right to obtain usable cloths when he is unable to pay the expense.(Article (41) of the penitentiary establishments (jail) and Article (88-89) of the executive regulations of the (jail).

31. The prisoner sentenced <sup>(7)</sup> to a custodial penalty for a month or more to be released if he has spent three quarters of his sentence and if his behavior during his staying in the penitentiary establishments (jail) shows that he will reform himself and there is no harm on the public upon releasing him. If the punishment is life time imprisonment, then the prisoner shall be released if he spent at least (20 years) in the penitentiary establishments (jail) and it will be based on the decision of the Interior Minister. (Article (44) of the penitentiary establishments (jail) and Article (89 repeat-3)of the executive regulations of the (jail).
32. The prisoner sentenced to life imprisonment who has spent fifteen years in execution of the penalty may submit an application to the facility officer to release him. Such application has to be referred to the Public Prosecution for investigation. Then the Public Prosecution will submit the documents together with its opinion to the court which had rendered the judgment of penalty. (Article (45) of the penitentiary establishments (jail) and Article (89 repeat-4)of the executive regulations of the (jail).
33. The sentenced prisoner has the right to count the time spent in the preventive custody from his sentence period. (Article (47) of the penitentiary establishments (jail) and Article (292) of the legal procedure and article (89 repeat-7)of the executive regulations of the jail.

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34. The prisoner sentenced with death penalty has the right to hand over his body to his relatives within 24 hours after the executive, otherwise, he will be buried after performing his religious prayers. Article (57) of the penitentiary establishments and Article (112) of the executive regulations of the (jail).
  35. The prisoner has the right to be alerted about the procedures of his handcuffing and using weapons against him and punishments in case of escape from the penitentiary establishment. Article (58, 59, 60) of the penitentiary establishments and Article (113-115-116) of the executive regulations of the (jail).
  36. The expatriate prisoner sentenced with deportation, is entitled to allocate a separate place in the penitentiary establishments (jail) and shall be treated in custody as the preventive detainees treatment till executing the deportation order against them. Article (62) of the penitentiary establishments and Article (117) of the legal procedure.
  37. The prisoner sentenced with death is entitled to be notified about the date of execution of the sentence before 24 hours, so that his relatives can meet him on the same day and follow religious prayer if applicable. Article (107, 108, 111) of the executive regulations of the (jail) and article (284) of the legal procedure.

38. Death sentence shall not be executed on the convict on public holidays or religious holidays. Article (288) of the legal procedure and the article (109) of the executive regulations of the (jail).
39. The prisoner sentenced with death penalty has the right of stopping the execution If the prisoner has applied for objection <sup>(8)</sup> in the execution of the judgment, till that objection is decided. Article (278, 279) of the legal procedure.
40. The Spouses awarded with freedom-restricting penalty are entitled to defer sentence execution on one of them until the other is released if they sponsor a minor who didn't complete 15 years of age and have a known domicile place in the state. Article 298 of Procedures.
41. The prisoner has the right not to be deprived of meals in the penitentiary establishments or decrease unless there are medical reasons. Article (62) of the penitentiary establishments.

## Definitions

- 1. Penitentiary Establishments (jail):** This is a place designed to keep the convicted persons so as to execute the judgment issued on them.
- 2. Categories of Prisoners:** Prisoners are of four categories:
  - **Category (A):** It includes those detained protectively as well as those detained in a civil debt or Shariah alimony or for paying the blood money or in situations of physical coercion as well as those sentenced in violations by a penalty of detention.
  - **Category (B):** It includes those prisoners who are awaiting the execution of punishments like capital punishment, Shariah penalty (Hudood and Qisas)
  - **Category (C):** It includes a person sentenced by temporary imprisonment or life time imprisonment.
  - **Category (D):** It includes the juveniles sentenced with imprisonment.
- 3. Officer of Penitentiary Establishments (jail):** He is the competent judicial officer in charge of the department of prisons and prisoners and detainees in the penitentiary establishments (jail).

- 4. Competent Department:** It is the department concerned with the affairs of the penitentiary establishments (jail) in the Ministry of the Interior.
- 5. Preventive Custody:** The accused person whose liberty has been taken away under the law in accordance with specific conditions and rules and for a period starting from questioning the accused till the issuance of the judgment
- 6. Duty:** It is all that is obligatory to do legally.
- 7. Convicted Person:** He is the one against whom a competent court has issued a verdict of punishment as a result of an act of guilt.
- 8. Objections in implementation:** These are the legal impediments that hinder the execution process is in dispute before the judiciary and it leads to either continuation in execution or stopping that execution.



## Sources & References

1. The Constitution of The United Arab Emirates, 1971 and its amended laws.
2. The Federal Penal criminal Code no. (3) Of 1987 and its amended laws.
3. The Federal Code of criminal procedure of The United Arab Emirates (35) of 1992, and its amended laws.
4. The Federal Code no. (43) Of 1992 Regarding the Organization of penitentiary establishments and the regulations.

### Feedback

#### What is your assessment of the initiative:

- Very Satisfied
- Satisfied
- Netural
- Not Satisfied
- Very Dissatisfied

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