



جامعة الإمارات العربية المتحدة
United Arab Emirates University

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Master Thesis Defense

Entitled

The discretion of the Public Prosecution in the exercise of penal proceedings

By

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Date & Venue

7:00 PM

Wednesday, 11 April 2018

Room 0012, Grand floor, H2 Building

Abstract:

The Public Prosecution is a fair adversary representing the public interest and its interest is always the proper enforcement of law. Therefore, the Public Prosecution is supposed to present all the evidence in its possession. The UAE legislator provided that certain conditions are met in the criminal act attributed to the accused for the application of articles of impeachment. The elements of the crime must be available in full, whether material element, moral element or criminal intent. The public prosecution, in its capacity as a charging power, is responsible for proving the criminal intent to prove that it is available to the offender. In case of its failure to prove that, it shall, with its all discretionary power, not refer the accused to the court and dismiss the complaint. The power of the Public Prosecution extends to the judiciary as an adversary in the case, including appeal against the penal judgment of appeal, in all possible ways including objection, appeal, revocation and review. The Public Prosecution shall also carry out the enforcement of sentences imposed on the penalties restricting freedom. In some cases, the Public Prosecution may postpone the implementation of the penalty restricting freedom, and its decisions in these cases cannot be challenged before the judiciary or appeal to the President or the Prosecutor General.

Keywords: Federal Law of Criminal Procedure. Law of Criminal Order for Dubai Emirate.